

SPECIAL MEETING

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Adam Peck



VICE CHAIRPERSON:

Roland Soltesz

COMMISSIONERS: Lawrence Segrue, Adam Peck, Roland Soltesz, Vincent Salinas, Brett Taylor

THURSDAY JULY 10, 2014 AT 5:00 PM,

210 CAFÉ AUDITORIUM LOCATED AT 210 W. CENTER AVE., VISALIA, CA

1. THE PLEDGE OF ALLEGIANCE –
2. CITIZEN'S COMMENTS – This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. The Commission requests that a 5-minute time limit be observed for comments. Please begin your comments by stating and spelling your name and providing your street name and city. Please note that issues raised under Citizen's Comments are informational only and the Commission will not take action at this time.
3. CHANGES OR COMMENTS TO THE AGENDA–
4. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
 - No items on the Consent Calendar
5. PUBLIC HEARING – Josh McDonnell
City of Visalia General Plan Update: The City of Visalia is updating its General Plan, the policy document that guides future growth and development in the City. The State of California requires every city and county to have a comprehensive general plan, identifying current and future needs and establishing policy direction for the areas of land use, housing, transportation, open space, conservation, safety, and noise. Visalia's General Plan also covers issues of infrastructure, growth management, air quality and greenhouse gases, community facilities and utilities, and historic preservation. The purpose of this project is to update the existing General Plan to accommodate and guide growth and development through 2030. A Climate Action Plan has also been prepared to assist with enhancing and developing actions designed to reduce the City's greenhouse gas emissions. A Programmatic Environmental Impact Report and Statement of Overriding Considerations will be considered that addresses the environmental effects of the new General Plan and Climate Action Plan.

The Planning Commission will be requested to consider the following:

- a) A resolution recommending certification of the Final Environmental Impact Report for the new General Plan for the City of Visalia, adopting Findings of Fact, and adopting Statement of Overriding Considerations as required by the California Environmental Quality Act
- b) A resolution recommending adoption of the Visalia General Plan
- c) A resolution recommending adoption of the Visalia Climate Action Plan

6. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-

The Planning Commission meeting may end no later than 11:00 P.M. Any unfinished business may be continued to a future date and time to be determined by the Commission at this meeting. The Planning Commission routinely visits the project sites listed on the agenda.

For the hearing impaired, if signing is desired, please call (559) 713-4359 twenty-four (24) hours in advance of the scheduled meeting time to request these services. For the visually impaired, if enlarged print or Braille copy is desired, please call (559) 713-4359 for this assistance in advance of the meeting and such services will be provided as soon as possible following the meeting. Any written materials relating to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Office, 315 E. Acequia Visalia, CA 93291, during normal business hours.

THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, JULY 14, 2014

City of Visalia

Memo



To: Planning Commission
From: Brandon Smith, Senior Planner
Date: July 10, 2014
Re: General Plan Update Staff Report for Recommendation to Adopt

SUMMARY

The Draft General Plan is provided to the Planning Commission for review and consideration. Staff recommends that the Planning Commission receive a staff presentation and public testimony, and consider recommending that the City Council adopt the Draft General Plan.

RECOMMENDED MOTION

That the Planning Commission adopt Resolution No. 2014-36, recommending that the City Council adopt the Draft Visalia General Plan, incorporating the revisions to the Draft General Plan included in Appendix A of the Final Environmental Impact Report (EIR) to the General Plan Update.

BACKGROUND

The adoption of the Draft General Plan is the culmination of a process which began in 2009 with the City Council authorizing work on a comprehensive General Plan update. The plan was prepared under the leadership provided by the General Plan Update Review Committee (GPURC). The GPURC coordinated the Update effort, which embodied the community's full participation, including interviews, community workshops, town hall and focus group meetings, GPURC meetings, a newsletter and survey, and a project website.

The public outreach efforts culminated in the development of a Proposed Preferred Plan Concept document, which was introduced to the City Council in March 2012. On April 1, 2013, the City Council accepted the Preliminary Draft General Plan, which constituted the project description for the Program EIR. The Council's action of accepting the Preliminary Draft General Plan included accepting the Land Use Diagrams and designation and the draft General Plan elements with respective policies.

Although the Council accepted the Preliminary Draft General Plan after much public discussion through the GPURC and study sessions, staff anticipates that several issues, both parcel-specific and city-wide, will be discussed in the adoption hearings before final action is taken by the City Council. The following discussion provides an overview of the Draft General Plan and summarizes key items.

GENERAL PLAN OVERVIEW

The Visalia General Plan establishes a long-range vision for the City's future thru the year 2030, at which time the population is projected to increase to approximately 210,000.

The General Plan is organized into the following chapters and elements: Introduction (plan overview and buildout summary); Land Use; Historic Preservation; Circulation; Parks, Schools, Community Facilities, and Utilities; Open Space and Conservation; Air Quality and Greenhouse

Gases; Safety and Noise; and Implementation (monitoring). The complete General Plan also includes the Housing Element that was adopted in March 2010 as a separate volume and is maintained as a stand-alone document.

Objective & Policy Overview

The objectives and policies found throughout the document provide clear and precise direction to orient Visalia toward achieving its vision under the Plan's buildout. Within the General Plan, each element includes brief background information including figures and tables to establish the context for policies in the element. This background material is followed by objectives and policies.

Objectives are the City's statements of its goals and broad intentions for topic areas. These statements contribute towards the vision of Visalia as it reaches buildout under the Plan.

Policies represent commitments to specific standards or actions to implement the objectives. They may refer to existing programs or call for establishment of new ones. Policies link objectives to actions and are frequently referenced when assessing a project's consistency with the General Plan.

Some policies are followed by commentary (stylized in *italics*) which may serve to provide clarification or to help guide implementation of the policy. Policies may also use the words "should" or "would" which means the statement is advisory only and will be encouraged but not always required by the City.

Emerging Themes & Key Initiatives

The maps and policies in the General Plan are structured around the following key initiatives. These themes were identified and considered by the GPURC, based on input by the public and from key stakeholders, and were accepted by the City Council earlier in the Update process.

Balanced Growth. Emphasize concentric development and infill opportunities to strengthen Downtown, revitalize existing commercial centers and corridors, and fill in gaps in the city fabric, balanced by moderate outward expansion and protection of agricultural lands.

High Quality of Life. Build on Visalia's small-town feel by ensuring that each neighborhood is a complete, walkable area with a full range of housing types, a discernible center, and a unique sense of place. At a citywide scale, the sense of place is preserved by keeping Downtown vital and accentuating the city's natural creek system.

Enhanced Connectivity. Improve connectivity at the neighborhood, city, and regional scale, by improving key corridors, completing missing links in the roadway network, and ensuring that new neighborhoods accommodate the City's street grid. Create "complete streets" amenable to walking, biking, and transit use, and anticipate robust transit service within the City and beyond.

Vibrant Community. Support Visalia's economic vitality, including higher-intensity development Downtown, the creation of a new urban district in East Downtown, the revitalization of the Mooney corridor, the facilitation of expanded medical and educational facilities, and attractive locations for expanding business.

Forward-looking Retail Strategy. Provide for new neighborhood commercial uses and regional retail development to be staged over time in order to support the City's existing

retail base. This may allow for long-term development in the Highway 99 corridor for tourist-/visitor-oriented shops or specialty retailing that cannot be accommodated on Mooney Boulevard or is justified because infill sites are largely built out.

Identity as a Free-Standing City. Work with the County and the community to maintain physical separation between Visalia and neighboring communities.

Public Outreach

Beginning in 2009 with the formation of the General Plan Update Review Committee, the City solicited input of the residents, businesses, and property owners as the vision for the new General Plan was created. The GPURC was instrumental in spreading the word to the community and sharing resources when it came time to hold community workshops, town hall and focus group meetings. Several people also chose to give their input by submitting correspondence or providing public comment at a Council work session, GPURC meeting, or outreach meeting. Outreach over the last four years can be summarized by the following numbers:

- 35 GPURC meetings;
- 47 representatives participated in stakeholder interviews;
- 634 returned community surveys out of approximately 35,000 distributed;
- 250 people in attendance at 9 outreach events in 2010 and 2011;
- 101 letters of correspondence received from residents, organizations, and property owners;
- 4 City Council work sessions held;
- Meetings and discussions held with the Visalia Unified School District Board of Trustees, College of the Sequoias District Board of Trustees, Kaweah Delta Health Care District Board of Trustees, Planning Commission, Parks and Recreation Commission, various City Committees, and local service clubs.

The outreach that was conducted and the public comments that were received has sufficiently allowed the City at large to engage in the General Plan Update process.

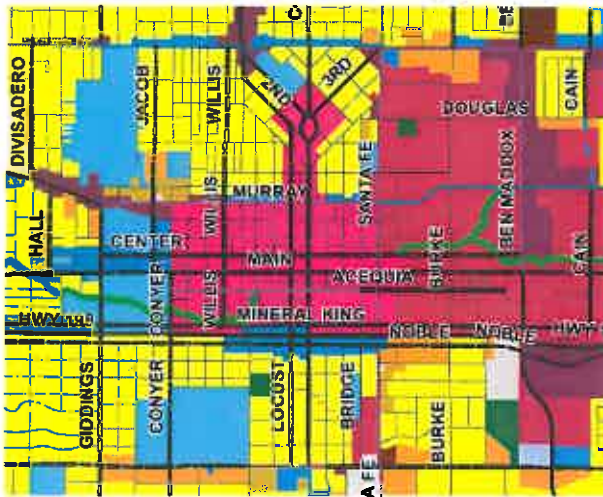
The Draft General Plan adoption hearings at the Planning Commission and City Council are the final opportunity for voices to be heard before action is taken on the Update. It is not uncommon and in fact expected that there will be several comments and requested changes to the Plan during these hearings.

DISCUSSION OF CHAPTER 2 - LAND USE

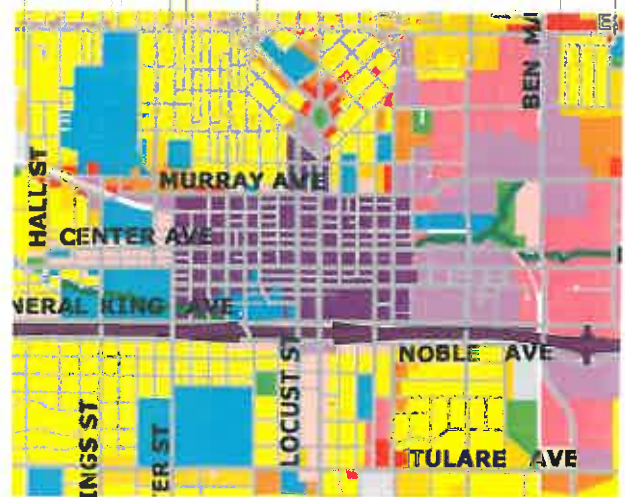
The Land Use Element proposes policies – largely implemented through the establishment of land use classifications and a land use diagram – that will manage growth and redefine physical development through the Plan's buildout, envisioned for the year 2030. The chapter largely builds on the strengths of the current Land Use Element, which was adopted in 1991 and helped guide the City through a significant period of growth (approximately 50,000 residents – about 40% of the City's population – were added between 1991 and 2010). As such, many of the same land use classifications and growth management concepts such as growth boundaries are being carried over into the new element. All land use classifications are described on pages 2-24 and 2-25 of the Element. Table 2-3 on page 2-19 summarizes the density and intensity ranges of land use classifications.

Following are the primary concepts and land use designations proposed for Visalia, organized by geographic area and/or land use classification.

Downtown & East Downtown



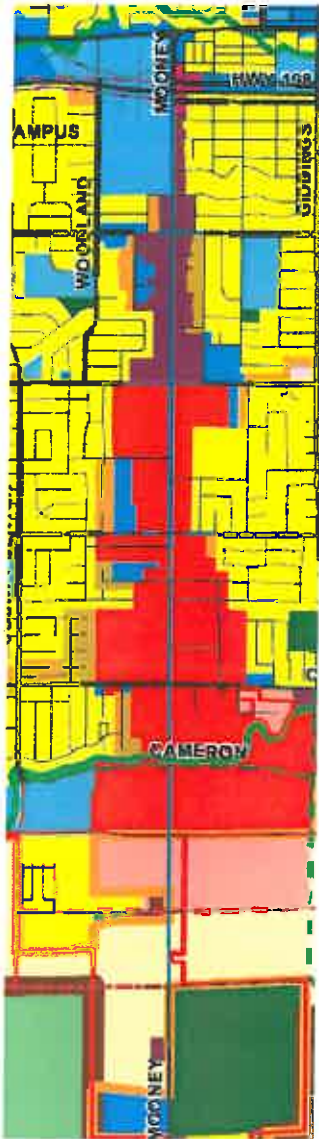
Current Land Uses



Proposed Land Uses

- Central Business District designation will change to Downtown Mixed Use.
- To accommodate the East Downtown Expansion, land currently designated Service Commercial will change to Commercial Mixed Use from Tipton Street to one block west of Ben Maddox Way.
- To accommodate the future Civic Center campus, new designations of Public/Institutional, Parks/Recreation, and Office are placed north of Center Street between Tipton and Ben Maddox Way.
- In the area surrounding Oval Park, Downtown Mixed Use designation will change to Neighborhood Commercial, Commercial Mixed Use, and Low Density Residential.
- Within one block of the Community Campus, Low Density Residential will change to Medium Density Residential.
- New Office Conversion corridors are located along Court and Locust Streets between Noble and Tulare Avenues.
- See LU-O-31 & 32 and LU-P-73 through 97 for the full objectives and policies for Downtown and East Downtown.

Regional Retail (Mooney Blvd)



Current Land Uses

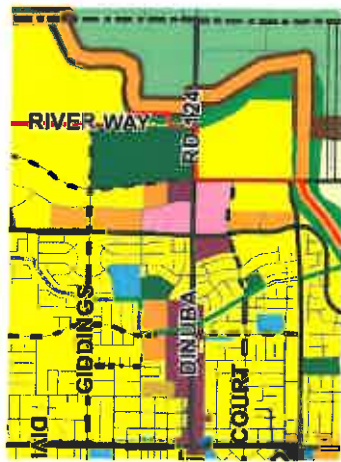


Proposed Land Uses

The Draft General Plan proposes 262 acres of Regional Commercial (C-R) land available for new development. This acreage includes approximately 197 acres of C-R land south of Visalia Parkway that is currently outside of the City's Urban Growth Boundary and therefore not eligible for development. The remaining acreage is comprised largely of undeveloped land in the South Packwood Creek Specific Plan area (west, north, and northeast of Costco) and the vacant & underutilized portions of Sequoia Mall. Currently there are 100 acres of Reserve Regional Commercial located on the southwest and southeast corners of Mooney and Visalia Parkway.

- Regional Commercial designation will be extended southerly from Visalia Parkway to north of Tulare County Government Plaza.
- Regional Retail extension south of Visalia Parkway will be placed entirely within first growth boundary (Tier 1) (see also Growth Tier discussion below).
- Regional Commercial will change to Commercial Mixed Use on developed sites (generally small and medium-sized sites) between Walnut and Caldwell Avenues.

Dinuba Blvd Corridor



Current Land Uses

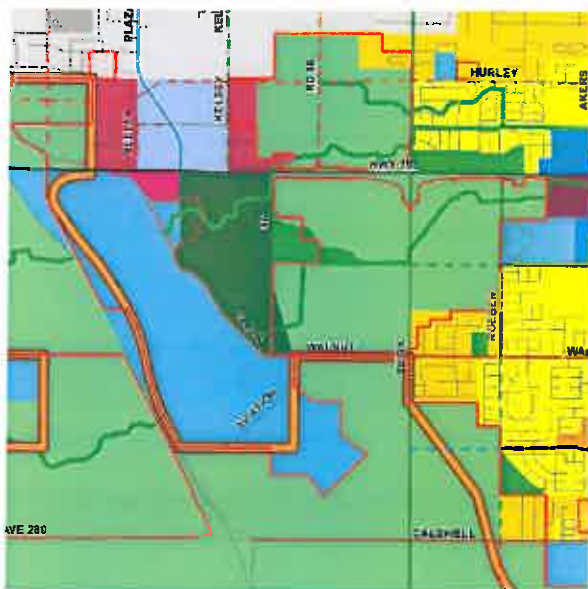


Proposed Land Uses

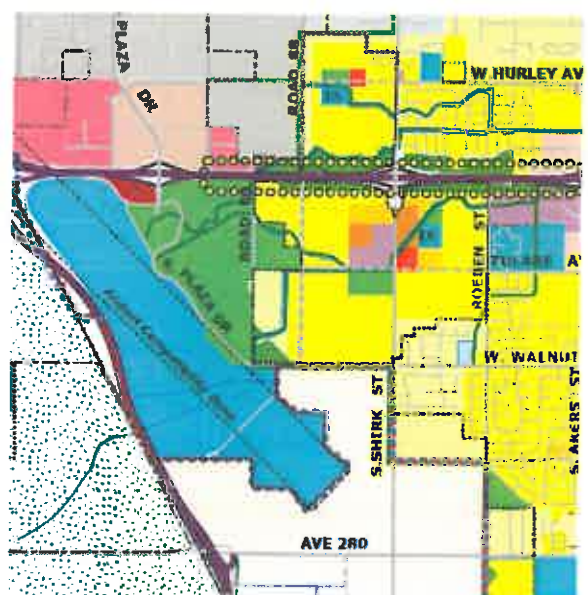
The Draft General Plan proposes approximately 12 acres of new commercial land available for new development, located on the northeast corner of Dinuba Boulevard and Visalia Parkway. Other land that is available for new commercial development includes 17 acres of land approved under separate entitlements by the City Council in 2013 (Riverbend Village and Highland Park) and 30 acres of undeveloped land currently designated for commercial.

- Shopping Office Commercial and Community Commercial designations will change to Commercial Mixed Use, with the exception that the east side of Dinuba Boulevard between Ferguson and Houston will change to Neighborhood Commercial.
- New Commercial Mixed Use and Medium and High Density Residential designations are proposed on the northeast corner of Dinuba and Shannon Parkway, consistent with the City Council's direction at the regular meeting on April 1, 2013.

West Highway 198 & Reserve Area



Current Land Uses



Proposed Land Uses

- The 1,100 acre West Highway 198 Corridor area will receive “urban” land use designations, marked by a neighborhood node on each side of the highway and industrial land use west of Road 88. The area is divided in Grown Boundary Tiers II and III.
- A scenic landscape setback will be implemented along the highway corridor, which is noted as a “conservation buffer”. (see OSC-O-5 and PSCU-P-11).
- Special setback and landscape standards will be applicable to the entryway along Highway 198 (see LU-P-37).
- Areas south of the Airport and east of the Highway 99 & Caldwell intersection are designated as Reserve and may only be re-designated upon Planning Commission and City Council review and approval (see LU-P-33).

Industrial



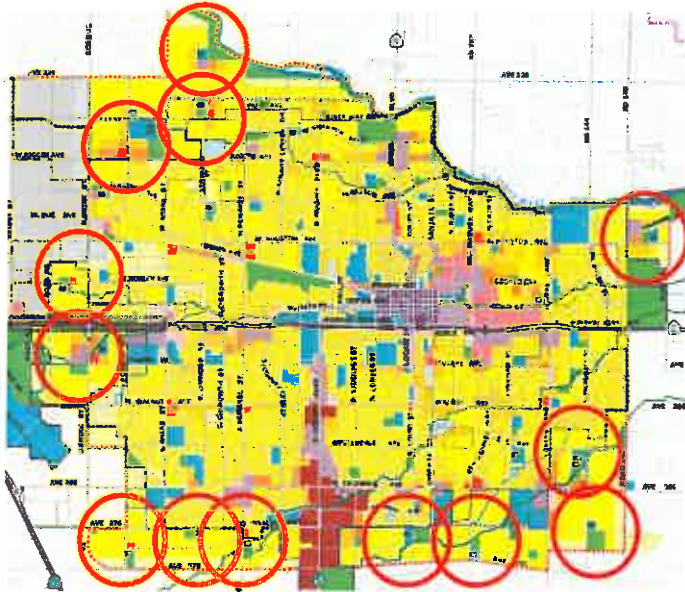
Current Land Uses

Proposed Land Uses

The Draft General Plan proposes 1,771 acres of Industrial land (formerly Heavy Industrial) and 132 acres of Light Industrial land available for new development. There are also 85 acres of Business Research Park land available, located near the Highway 198 / Plaza intersection.

- Approximately 300 acres of industrial on the north side of Riggin between Kelsey and Shirk and 100 acres on the west side of Road 88, both currently outside of the city’s Urban Growth Boundary, will come into the Tier I boundary.
- Approximately 126 acres of Service Commercial west of the Plaza Auto Mall currently outside of the City’s Urban Growth Boundary will come into the Tier I boundary.
- Along the west side of Shirk Street adjacent to future residential uses, Industrial will change to Light Industrial. Additional buffering against residential is required by LU-P-103.
- See LU-O-33 & 34 and LU-P-98 through 107 for the full objectives and policies for Industrial.

New Residential Neighborhoods (Tier II & III Growth Areas)



Future neighborhoods located beyond the current fringe of the City will emphasize a mix of residential densities and more walkable design than has been seen with past development. These goals are in response to current and emerging issues: a further aging population, agriculture land conservation, and reducing greenhouse gas emissions. New neighborhoods will be comprised of a range of housing types, with amenities (elementary school, park, and/or neighborhood center), and in some cases higher residential densities, centrally located at a node.

For the full objectives and policies for residential neighborhoods see LU-O-19 through 25 and LU-P-47 through 60.

Urban Development/Growth Boundaries

The creation and methodology of new urban growth areas is a primary objective of the Land Use Element. Like the current 2020 Land Use Element, a newly created growth boundary (Tier I) will take effect with the adoption of the General Plan. Two additional growth boundaries (Tier II and Tier III) are located beyond the initial boundary. Growth balanced among Visalia's four quadrants is also emphasized in the growth boundaries. Unlike the current Element wherein the expansion criteria included population thresholds, the triggers for proceeding to the next boundary are primarily based on land inventory and development.

The Tier I urban boundary is largely coterminous with the current City limits but also includes some residential, commercial, industrial, and public/institutional areas outside the City limits. It comprises slightly over half of the potentially developable land uses in the General Plan and can support a target buildout population of approximately 160,000.

Methodology for expanding from Tier I to Tier II

The Tier II urban boundary is anticipated to support a target population of approximately 178,000. The land use classifications within Tier II are predominately residential with supporting uses including Commercial Mixed Use and Neighborhood Commercial, Public/Institutional, and Parks.

The criterion for proceeding to Tier II, defined in Policy LU-P-21, is that:

"...Such annexation and development shall only occur if it does not result in excess of a 10-year supply of undeveloped residential land within the new Tier I."

This methodology is modeled after factors to be considered when LAFCOs review changes in organization, namely the likelihood of significant growth in the area during the next 10 years. (ref.: Govt. Code Section 56668 and Tulare County LAFCO Policy Number C-1) Ultimately, Tulare County LAFCO would be utilizing a similar methodology when the request for annexation is processed to determine if the request is premature. Multiple requests for proceeding to Tier II would be considered based on the order in which the annexation application is received.

The General Plan and the related policy do not specify the methodology for determining a 10-year supply of undeveloped residential land. It should be noted that the Tulare County LAFCO Policy and Procedure Manual also does not specify a methodology for preparing an analysis, and relies on a staff-prepared analysis considering population demand. Subsequent to adoption of the Draft General Plan, a major implementing action will comprise the formulation and adoption of the formula used to determine the availability of land.

Similar to the analysis used in LAFCO Executive Officer reports, the City may consider population density per residential acre and population growth rates in determining land supply. The General Plan corresponds to an average residential density of 5.3 units per gross acre going forward, and an average annual growth rate of 2.6%. Similarly, lots in recorded final maps that are vacant or do not have habitable units would be considered towards undeveloped residential land.

Methodology for expanding from Tier II to Tier III

The Tier III urban boundary is anticipated to support a buildout population of approximately 210,000. The land use classifications within Tier III are residential with supporting uses, Industrial, Commercial Mixed Use, and Office.

The criterion for proceeding to Tier III, defined in Policy LU-P-21, is that:

“...land would only become available for development when building permits have been issued in Tier I and Tier II at the following levels:

Residential: after permits for 12,800 housing units have been issued, resulting in a target City population in Tier [II] of 178,000;

Commercial: after permits for 960,000 square feet of commercial space have been issued; and

Industrial: after permits for 2,800,000 square feet of industrial space have been issued”

The GPURC discussed and ultimately recommended this methodology, to utilize benchmark figures in building activity for ease and predictability in determining expansion to the next boundary.

Policy LU-P-21 further allows for annexations of sites less than 30 acres in size meeting certain criteria as a means of complementing residential neighborhood development. Policy LU-P-22 allows for the City Council approval of master plans for sites under a single ownership or unified control that allow for phased development consistent with the Tier I and II designations.

Infill Incentive Program

The General Plan supports its commitment to infill development through the adoption of growth management policies such as urban boundaries. New in this General Plan is the recommendation of an infill incentive program, supported under objective LU-O-18 and policies LU-P-45 and 46. Such a program would encourage infill of residential development through incentives, thereby reducing the need for annexation and development on high quality agriculture land.

Page 2-37 of the Land Use Element illustrates a model infill incentive program that would need to be studied and adopted separately from the General Plan. Suggested incentives include transportation fee reductions, density bonuses, elimination or reduction of on-site parking requirements, or other incentives that capitalize on available existing infrastructure.

DISCUSSION OF CHAPTER 3 - HISTORIC PRESERVATION

The Historic Preservation Element was created in 1979 to address Visalia's historic resources and to implement the creation and governance of historic districts and a Local Register of Historic Structures. The Element maintains policies that work in tandem with Land Use Element policies and the Land Use Diagram to support preservation of distinctive neighborhoods and enable the conversion of older homes for office uses.

Much of the objectives and policies are restated from the 1979 Element, though policies have been updated where appropriate. One new policy, H-P-2, recommends updating the City's Historic Preservation Ordinance to include criteria for streamlining the review process and to add incentive standards.

DISCUSSION OF CHAPTER 4 - CIRCULATION

The Circulation Element examines the relationship between land uses and transportation modes, ensuring that there is sufficient capacity and options for the Plan's buildout in the year 2030. The Element relies upon three guiding principles: 1) land use and the circulation system are interactive and interrelated; 2) cooperative, regional planning efforts with those of the County and Caltrans; and 3) state of the art transportation engineering applying a Complete Streets framework (streets that support balanced use of all travel modes).

Planned circulation system improvements in Table 4-5 specify new construction projects with known types of improvements, while the diagram in Figure 4-1 also shows locations of necessary improvements where improvement details may not be fully known yet. Diagrams in Figure 4-2 illustrate street cross-sections for planned major streets (collectors and arterials), all of which support the Complete Streets framework as mandated by State law. Several new policies are included to help reduce congestion and minimize unintended impacts through superior design and planning (see Policies T-P-22 through 29).

Transportation modes covered in the Element include vehicular, public transit, pedestrian, bikeways and trails, rail, and aviation. Specific policies that address long-range mass transit planning include T-P-68 (bus rapid transit / light rail) and T-P-69 (regional high-speed rail).

DISCUSSION OF CHAPTER 5 - PARKS, SCHOOLS, COMMUNITY FACILITIES & UTILITIES

This Element integrates an update of the City's Parks Element with new discussion and policies for schools, community facilities, and utilities. Based on proposed park lands as illustrated in the diagram in Figure 5-1, new development under the plan will maintain an existing standard of 5 acres per 1,000 residents. Park facilities and programs would be further defined through implementation of a future Parks and Recreation Master Plan (see Policy PSCU-P-1). In addition to large/regional, community, and neighborhood parks, pocket parks could also count towards the parks acreage standard if meeting established design review criteria (see Policy PSCU-P-8). Additional policies explore the shared use of pond basins and school grounds as park sites.

Buildout of the Plan will create demand for approximately two new high schools, two new middle schools, and 17 elementary schools. Several policies emphasize continued coordination with Visalia Unified School District and other education-oriented institutions for facility planning, school location, and site design.

The utilities section covers all public and private City infrastructure, including water conservation and recharge. Policies support continued development of systems to allow for reuse of treated wastewater for recharge and irrigation. New Policy PSCU-P-46 recommends adopting and implementing a Water Efficient Landscaping Ordinance, using the State's Model Ordinance as a guide but tailored to Visalia's needs.

DISCUSSION OF CHAPTER 6 - OPEN SPACE AND CONSERVATION

This Element addresses conservation for all natural resources within Visalia: open space, water, land, biological, and cultural. Policies are carried over from the existing General Plan supporting the dedication and maintenance of riparian habitat setbacks from St. John's River, creeks, and certain ditches. New policies are included which address new open space concepts of community gardens (OSC-P-5) and acquisition of sites (OSC-P-7). For entitlement projects that involve riparian habitat, wetlands, or special status species habitat, a biological resources assessment must be prepared (OSC-P-30).

DISCUSSION OF CHAPTER 7 - AIR QUALITY & GREENHOUSE GASES

The Air Quality and Greenhouse Gases Element is new to the Visalia General Plan, addressing the complex issues of pollutant matter within the San Joaquin Valley Air Basin as it affects Visalia. It should be noted that in addition to this Element, which addresses the particular air pollutants, the Visalia General Plan promotes reduced emissions through the overarching land use concepts of walkable compact neighborhoods, complete streets, and infill development.

Many policies within this Element emphasize the support of coordinated planning efforts with other state and regional agencies such as the San Joaquin Valley Air Pollution Control District. Zoning Ordinance amendments are recommended in Policy AQ-P-1 to restrict "sensitive receptor" uses near freeways and Policy AQ-P-8 to limit the development of drive-through facilities. The use of Best Management Practices would be required in association with development plans and grading permits (Policy AQ-P-2) and for short-term construction impacts (AQ-P-9).

The adoption of Visalia's Climate Action Plan (also being considered in tandem with the General Plan as a separate action) is a direct implementation of Policy AQ-P-16, as a means for the City to reduce greenhouse gas (GHG) emissions. Additional policies support the reduction of GHG emissions through the use of City vehicles using low-emission technology and monitoring a GHG emission inventory of City operations.

DISCUSSION OF CHAPTER 8 - SAFETY AND NOISE

The Safety and Noise Elements address natural and man-made public health and safety concerns present in the city – seismic & geologic, flood, hazardous materials, fire, emergency response, and noise. The Element takes into consideration new information that has come about since the Elements' last update, particularly the updated Federal Emergency Management Authority's Flood Insurance Rate Map panels, cleanup of hazardous materials sites, and City innovations and improvements to emergency response. The Noise Element continues the use of community noise standards and the requirement of studies where new development may result in noise levels that exceed established criteria.

SUMMARY OF PRIOR PLANNING COMMISSION RECOMMENDATIONS

September 24, 2012 Property Owner Requests

By 2012 the GPURC concluded its work on reviewing and recommending to Council the Proposed Preferred Plan. Following their work, there were 20 individual land use designation and policy requests received by the City. On September 24, 2012, the Planning Commission conducted a workshop wherein each request was considered. The recommendations were subsequently considered at a joint worksession of the City Council and Planning Commission on January 22, 2013, where two new requests were raised during public comment.

The recommendations on the individual requests were again considered at a City Council worksession on February 25, 2013. During the meeting, two persons spoke during public comment. Property owner Gerald Blankenship and representative Jim Robinson requested the removal of the Public Institutional site on the southeast corner of Santa Fe & Caldwell, to be replaced with Commercial Mixed Use and Low Density Residential. The City Council decided in favor of the Planning Commission recommendations toward the individual requests, with the exception of designating the corner six acres as Commercial Mixed Use.

Staff has confirmed that the approved property owner-initiated changes have been incorporated into the Draft General Plan. A decision paper from the February 25, 2013 meeting listing the recommended changes is attached as Exhibit "A".

NEW CORRESPONDENCE RECEIVED PERTAINING TO DRAFT GENERAL PLAN

The City circulated the Draft Environmental Impact Report (Draft EIR) to the General Plan Update for public review and comment from March 31 to May 14, 2014, and eleven comment letters were received during this time. The City has formally responded to comments pertaining to the Draft EIR as part of the Final EIR document, in accordance with State law.

Some of the EIR comment letters include comments pertaining to the Draft General Plan. Comments pertaining to the Draft General Plan, which were not addressed in the Final EIR based on the absence of any environmental-related matters, were acknowledged and are addressed in the response to comments portion of the FEIR. These comments are summarized in the table below. Any changes noted as appropriate for revision to the General Plan are noted in the table below. The commenters may further address these or any new concerns during the adoption hearings.

TABLE 1 – General Plan Comments Within EIR Comment Letters

<u>Ref #</u>	<u>Name</u>	<u>Comment</u>	<u>Received</u>	<u>Notes</u>
A5- 2,3	Tulare County RMA	Economic development strategy contrary to policy of minimal public investment	5/13/14	Current text is accurate
A5- 4,5,6	Tulare County RMA	"Reserve" LU Classification not defined	5/13/14	Concur Please see FEIR Errata section City Council definition of 4-1-13 included in General Plan

A5-7,8,22	Tulare County RMA	City/County MOU, Re: urban growth boundaries	5/13/14	Current text is accurate
A5- 9,10,11	Tulare County RMA	Rural buffers	5/13/14	Current text is accurate
A5-12	Tulare County RMA	Scenic Gateway entries	5/13/14	Current text is accurate
A5-13,14	Tulare County RMA	TIF reductions for Infill incentive contrary to LU- P-1	5/13/14	Current text is accurate
A5-15	Tulare County RMA	Residential densities as Ag pres strategy	5/13/14	Current text is accurate
A5-16	Tulare County RMA	Regional Coordination	5/13/14	Current text is accurate
A5-17	Tulare County RMA	UAB not depicted	5/13/14	Concur Please see FEIR Errata section. UAB to be replaced with Planning Area Boundary throughout
A5-18	Tulare County RMA	GHG monitoring not included in GPU	5/13/14	Current text is accurate
A5-19,20	Tulare County RMA	Flood Hazards	5/13/14	Current text is accurate
A5-21	Tulare County RMA	Comm dev policies	5/13/14	Current text is accurate
A5-23	Tulare County RMA	Goshen not included in GPU	5/13/14	Current text is accurate
A5-24	Tulare County RMA	Population projections	5/13/14	Current text is accurate
A6- 6	SJVAPCD	Encourage VERA	5/14/14	Concur. Please see FEIR Errata section
B2-4,5,6	Wagner, Jones, Helsley, PC (Attorney for Gerald Blankenship)	HS School site along arterial roads	5/14/14	Current text is accurate

Staff has also received new correspondence following the last formal action taken on the General Plan Update, which was the City Council's acceptance of the Preferred Plan as the Draft EIR project description on April 1, 2013. The new correspondence consists of owner-initiated requests for changes to the land use diagram. These correspondences, attached as Exhibit "B", are as follows along with staff notes:

TABLE 2 – Letters of Correspondence Received Since April 1, 2013

<u>Ref #</u>	<u>Name</u>	<u>Property Location</u>	<u>Request</u>	<u>Date Received</u>	<u>Notes</u>
1	Suzanne Kvarfordt	4 acres, NE corner Lovers Lane & Tulare	Replace Residential with Office	07/09/2013	Concur
2	Louis Whitendale	40 acres, SE corner Road 148 & Ave 292	Include property in Growth Boundary	07/22/2013	Conflicts with concentric growth pattern
3	Gerald Blankenship	64 acres, SE corner Santa Fe & Caldwell	Correction re. high school site	04/28/2014	Addressed by LU Map note

HEARING PROCESS

The Planning Commission's public hearing to consider recommending the Draft General Plan as a final, adopted policy document is one of the final steps toward adoption of the General Plan. In addition to the Draft General Plan, the Planning Commission will review the Final EIR and the Climate Action Plan. After considering any further public comment received on all documents, the Planning Commission will take one or more votes for the overall recommendation to the City Council and adopt resolutions. These resolutions will be forwarded to the City Council and public comment will be invited by the City Council, after which a final determination will be made. The City Council's review and hearing is tentatively planned to occur in August 2014.

ATTACHMENTS

Resolution No. 2014-36

Exhibit "A" – Decision Point Paper Regarding Owner-Initiated Land Use Diagram and Policy Requests, February 25, 2013

Exhibit "B" – Correspondence Received Since Council's Acceptance of the Preferred Plan, April 1, 2013

RESOLUTION NO. 2014-36

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA RECOMMENDING THAT THE CITY COUNCIL ADOPT THE CITY OF VISALIA DRAFT GENERAL PLAN

WHEREAS, The City of Visalia ("City") initiated a comprehensive update of its General Plan; and,

WHEREAS, The City of Visalia conducted an extensive public outreach effort in association with the General Plan update effort, wherein community members participated through community workshops, town-hall meetings, and other methods to share ideas and visions which led to the overall themes of the General Plan and the selection of a favored growth concept plan from which the General Plan Land Use Diagram was derived; and,

WHEREAS, The Draft General Plan for the City of Visalia was first circulated in March 2014; and,

WHEREAS, The Draft General Plan, upon adoption, will serve as the City of Visalia's General Plan which is required for each city and county in the State of California in accordance with Government Code Section 65300. The Elements of the Draft General Plan consist of Land Use, Circulation, Open Space, Conservation, Noise, Safety, Air Quality and Greenhouse Gasses (GHG), and Housing (previously adopted). The Draft General Plan is composed of objectives, policies, a land use diagram, and other graphic figures and maps to guide future development of the City of Visalia through the year 2030; and,

WHEREAS, An Environmental Impact Report (SCH #2010041078) has been prepared for the Draft General Plan pursuant to the California Environmental Quality Act (CEQA), CEQA Guidelines, and the City's environmental guidelines; and,

WHEREAS, The Planning Commission of the City of Visalia on July 10, 2014, conducted a duly noticed public hearing and considered adoption of the Draft General Plan for the City of Visalia; and,

WHEREAS, The Planning Commission of the City of Visalia has reviewed and considered for approval the Final Program Environmental Impact Report (FEIR) (SCH #2010041078), prepared for the Draft General Plan, and has determined the FEIR adequately addresses the potential environmental impacts resulting from implementation of the Draft General Plan; and,

WHEREAS, the Planning Commission has reviewed and considered the Draft General Plan, its policies, and land use diagram, including the "Revisions to the Draft General Plan" included as Appendix A of the FEIR that will be integrated into the Draft General Plan; and,

WHEREAS, The Planning Commission of the City of Visalia, after conducting said public hearing, has considered all comments received on the Draft General Plan and the FEIR; and,

WHEREAS, The Planning Commission of the City of Visalia has determined that the proposed Draft General Plan will contribute to the orderly and planned growth of the community as indicated under the individual text and map of the Draft General Plan herein incorporated by reference.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission finds that the Final Environmental Impact Report, SCH #2010041078 was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

BE IT FURTHER RESOLVED, that the Planning Commission recommends certification of Final Environmental Impact Report, SCH# 2010041078, for the Draft General Plan based on the findings contained in Resolution No. 2014-34, recommending certification of FEIR (SCH #2010041078), and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the Planning Commission recommends that the City Council adopt the Draft General Plan, including "Revisions to the Draft General Plan" included as Appendix A of the FEIR hereto attached as Exhibit "A".

Decision Point #8: Owner Initiated Land Use Diagram and Policy Requests

Issue:

The GPURC completed its preparation of the proposed Land Use Diagram in mid-2012. Subsequent to their deliberations, 20 property owners submitted land use map and policy requests for consideration. Given that the GPURC had already completed their work on the topic, they referred the requests to the Planning Commission for further consideration.

The Planning Commission reviewed the requests in a public workshop on September 24, 2012 during which they received public testimony and provided feedback to staff.

The City Council is requested to review the Planning Commission’s recommendations for the requests, which are summarized below. The complete background and analysis for each request is contained in the staff report included as an Attachment to this Decision Paper.

Planning Commission Recommendation:

The 20 requests that the Planning Commission reviewed are organized into three basic categories:

- **Full Agreement with Request:** Five requests (Items 11, 14, 18, 19, 20) that had either already been incorporated into the current version of the Plan, or for which staff recommended approval of the request as presented. These are denoted in the Table by green shading;
- **Partial Agreement with Request:** Six requests (Items 1, 2, 4 & 8, 6, and 13) for which staff concurred with part of the request, or recommended some modification still consistent with the request. These are denoted in the Table by yellow shading;
- **Disagreement with Request:** Nine requests (Items 3 & 16, 5, 7 & 9, 10, 12, 15, and 17) that staff recommended against as being contrary to the GPURC’s overall direction for the Land Use Diagram. These are denoted in the Table by orange shading.

Ref.	Proponent	Request Subject	Location
11	R. George	Current LU and Zoning designations change from CS (Service Commercial) to MDR.	N/E corner Shirk/Doe
Recommendation: No Action Required. MDR LU Designation already on Plan map.			
14	H. May	Include site in Tier 1 UDB	SW corner Mooney/Visalia Parkway
Recommendation: No Action Required. Site is already included in Tier 1 UDB.			
18	City	Proposed Land Use and current Zoning designations change to establish commercial corridor between Downtown Retail District and Oval Area.	Locust-Court Murray to Lincoln Oval
19	City	Proposed LU designation change from PI (Public Institution) to mix of ½ HDR and ½ MDR	W. side of County Center,

Exhibit “A”

Ref.	Proponent	Request Subject	Location
		except for detention basin	btwn. Cameron and Visalia Pkwys
Recommendations: Concur.			
20	City	Change LU designation of 220 acres of City-owned property from Agriculture to PI	North of WWTP
Recommendation: Concur			
1	N. Tamini	New Industrial/R&D LU designation should mirror former BRP LU Designation and Office uses should be allowed without "secondary" qualifier.	Plaza Dr. at North side of Hwy 198
<p>Planning Commission Comments: Generally concurred with proponent, but preferred to defer to post-GPU.</p> <p>Original Staff Recommendation: Concur include education, and limited highway commercial uses and master-planned campus-style setting as with current BRP LU designation. Defer specifics of allowable office uses to Zoning Ordinance update following adoption of the General Plan Update.</p>			
2	R. Zack	Proposed LU designation change from SFR (Single-family residential) to MDR (Medium Density Residential).	912-920 S. Locust
<p>Planning Commission Comments: Concurred with request and expansion to full block between Laurel and Tulare Avenues.</p> <p>Recommendation: Concur. Expand to include entire block btwn. Laurel and Tulare.</p>			
4 & 8	G. Blankenship	School site designation and Land Use LU designation change from high School to mix of Residential and Commercial.	Southeast corner of Santa Fe/Caldwell
<p>Planning Commission Comments: Concurred with GPURC solution with map margin note and default SFR LU designation, and with staff recommendations regarding Commercial, but directed follow-up confirmation on Southeast Area Plan commercial implications. Plan does show mixed-use and commercial potential in context of overall Specific Plan.</p> <p>Original Staff Recommendation: Concur in Part. For all school LU designations, reference by margin note that location is proximate only and default LU designation is Low Density Residential. Do not concur with Commercial LU designation.</p>			
6	R. Hill	Place property in Tier 1 UDB, change LU designation on site's NE corner from P (Park) to LDR	E. side Dinuba Hwy, So. Of St. Johns River
<p>Planning Commission Comments: Concur area should be in Tier 1, and offset by an equivalent amount of land removed from Tier 1 and placed in Tier 2. Minority alternate opinion that site should be absorbed into Tier 1 without Tier 2 offset.</p> <p>Original Staff Recommendation: Concur with placing site in Tier 1 UDB as long as an equivalent amount of land at an alternate location is moved from Tier 1 to Tier 2. Do Not</p>			

Ref.	Proponent	Request Subject	Location
Concur with changing LU designation.			
13	G. Collins	Establish office corridor theme. Re-designate from SFR to Office Conversion.	Locust-Court Streets, btwn Noble and Tulare Ave.
<p>Planning Commission Comments: Concur with request and with additions of MDR LU designation (modified Item 2). Questions regarding affordable housing and Historic District implications. No adverse impacts to either.</p> <p>Original Staff Recommendation: Concur. Portions of the two corridors may also be considered for MDR LU designation.</p>			
3 & 16	S. Peck	Further justifications for Regional Commercial designation and criteria for development	Hwy 99/Caldwell
<p>Planning Commission Comments: Concur with staff recommendation.</p> <p>Original Staff Recommendation: No Action required. Designation and supporting policies have been approved by GPURC.</p>			
5	S. Brandt	Change Tier 1 Urban Development Boundary (UDB) to include entire 112-acre site.	NE corner Demaree St. and Pratt Ave.
<p>Planning Commission Comments: Concur with staff recommendation.</p> <p>Original Staff Recommendation: Do Not Concur. GP Policy LU-P-22 addresses this potentiality equitably for similar situations.</p>			
7 & 9	B. Huott	Proposal for an added "Destination Park" at Ferguson Ave. btwn Giddings and Divisadero, and steps toward removal of the area from Gang Injunction Zone designation.	Houston Elementary School Neighborhood and North Visalia
<p>Planning Commission Comments: Concur in principle with proponent, but recognize limited availability and costs of new park. Directed staff to explore enhanced shared use potential of area schools.</p> <p>Original Staff Recommendation: Do Not Concur. Area is served by a combination of three existing neighborhood parks and after-school public access to school playgrounds. No action required regarding Gang Injunction Zone.</p>			
10	M. Job	Place property in Tier 1 UDB	So. Side of Visalia Pkwy, approx. 8/10ths mi east of Mooney Blvd.
<p>Planning Commission Comments: Concur with staff recommendation.</p>			

Ref.	Proponent	Request Subject	Location
<p>Original Staff Recommendation: Do Not Concur. Area is too remote relative to Tier 1 Mooney Blvd. Regional Retail corridor.</p>			
12	R. George	Current LU and Zoning designations change from LI (Light Industrial) to a mix of commercial and residential.	SW corner Santa Fe/Tulare
<p>Planning Commission Comments: Concur with staff recommendation.</p> <p>Original Staff Recommendation: Do Not Concur. Site is already developed and substantially in use as light industrial and warehouse facility.</p>			
15	B. McGuinness	Opposing partial re-designation of 15-acre site from all NC (Neighborhood Commercial) to approx. ½ NC and ½ Medium Density Residential LU designation	NW corner Lovers Lane/Walnut
<p>Planning Commission Comments: Endorsed either MDR or CMU designations for half of site.</p> <p>Original Staff Recommendation: Do Not Concur. However, consider re-designating one-half or all of the site to the new CMU (Commercial Mixed Use) LU designation.</p>			
17	S. Peck	Place 320 acres balance of Hayes Ranch in Tier 1 UDB	SE corner of Avenue 320 and N. Shirk Road
<p>Planning Commission Comments: Concur with staff recommendation.</p> <p>Original Staff Recommendation: Do not concur. However, if request is favorably considered, an equivalent amount of land should be removed from Tier 1 and placed into Tier 2 to maintain consistency with the 10-year supply</p>			

Staff Comment:

At the January 22nd Joint Worksession, the City Council received public testimony on Request Nos. 7&9 (parkland in the North central area); 10 (place property south of Visalia Parkway and east of Mooney Blvd. in Tier 1); and 15 (partial re-designation of NC property at Walnut and Lovers Lane). With regard to Request Nos. 7&9 and 10, staff has no new information or direction from the Worksession that would affect the Planning Commission's recommendations noted above and in the supporting report.

With regard to Request No. 15, the issue is being addressed separately as part of Agenda Item #1, Decision Point #4.

Alternatives:

1. Accept the Planning Commission's recommendations for the 20 individual land owner requests (staff recommended)
2. Revise the proposed Land Use Diagram to reflect alternate land use designations for identified properties, as directed.

ATTACHMENT 1

Planning Commission Transmittal to City Council

To: Mayor and City Council
From: Planning Commission, by Community Development Department, Planning Division
Subject: Review of Referrals from the General Plan Update Review Committee (GPURC) and Planning Commission Regarding Owner-Initiated Requests for Changes to the Preliminary Preferred Plan
Date: January 22, 2013

PURPOSE

The purpose of this Transmittal is to consider including or excluding 20 owner-initiated requests to modify either the Preliminary Preferred Plan map or the associated draft General Plan policies. The City Council's determinations on these individual requests will be reflected in the accepted draft General Plan as the City moves to the Environmental Impact Report (EIR) phase of the General Plan Update process.

BACKGROUND AND SUMMARY

The City's General Plan Update Review Committee (GPURC) was created to guide the General Plan Update process; a process that included preparing a Preliminary Preferred Plan that establishes land use designations and development boundaries designed to accommodate the next 20 years of the City's growth. The GPURC finished their work on the Preliminary Preferred Plan in February, 2012.

The Planning Commission, in a joint meeting with the City Council, reviewed the Preliminary Preferred Plan on March 20, 2012. The Planning Commission and City Council generally concurred with the GPURC's recommendations as represented by the Plan map and draft General Plan policies.

On July 26, 2012, and August 30, 2012, the GPURC conducted well attended public meetings on the focused Regional Commercial economic study that was commissioned by the City Council. Other actions taken by the GPURC included re-affirming the 2.6% annual growth rate assumption, reconsidering and affirming the growth boundary locations and associated policies, and reviewing and accepting the draft General Plan Elements.

The GPURC, subsequent to the final actions on the Preliminary Preferred Land Use Plan, continued to receive new correspondence and testimony from individuals requesting changes to their assigned land use designations and development boundaries. Given that the GPURC had completed their work on this topic, it opted to defer consideration on these individual requests to the Planning Commission and City Council.

On September 24, 2012, the Planning Commission reviewed each of these requests, including testimony from the requestors and from the general public. The Planning Commission members provided their individual comments on each of the requests, and in most cases the comments constituted an informal consensus of the Planning Commission, though no formal vote on any of the individual requests was taken.

REQUEST SUMMARIES AND RECOMMENDED DISPOSITIONS

The 20 requests that the Planning Commission reviewed were organized into three basic categories:

- ❖ Five requests (Items 11, 14, 18, 19, 20) that had either already been incorporated into the current version of the Plan, or for which staff recommended approval of the request as presented. These are denoted in the Table by green shading;
- ❖ Six requests (Items 1, 2, 4 & 8, 6, and 13) for which staff concurred with part of the request, or recommended some modification still consistent with the request. These are denoted in the Table by yellow shading;
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Recommendation: No Action Required. Site is already included in Tier 1 UDB.			
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Recommendations: Concur.			
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Recommendation: Concur			
1	N. Tamini	New Industrial/R&D LU designation should mirror former BRP LU Designation and Office uses should be allowed without "secondary" qualifier.	Plaza Dr. at North side of Hwy 198
<p>Planning Commission Comments: Generally concurred with proponent, but preferred to defer to post-GPU.</p> <p>Original Staff Recommendation: Concur include education, and limited highway commercial uses and master-planned campus-style setting as with current BRP LU designation. Defer specifics of allowable office uses to Zoning Ordinance update following adoption of the General Plan Update.</p>			
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<p>Planning Commission Comments: Concurred with request and expansion to full block between Laurel and Tulare Avenues.</p> <p>Recommendation: Concur. Expand to include entire block btwn. Laurel and Tulare.</p>			
4 & 8	G. Blankenship	School site designation and Land Use LU designation change from high School to mix of Residential and Commercial.	Southeast corner of Santa Fe/Caldwell
<p>Planning Commission Comments: Concurred with GPURC solution with map margin note and default SFR LU designation, and with staff recommendations regarding Commercial, but directed follow-up confirmation on SEAP commercial implications. Plan does show mixed-use and commercial potential in context of overall Specific Plan.</p> <p>Original Staff Recommendation: Concur in Part. For all school LU designations, reference by margin note that location is proximate only and default LU designation is LDR. Do not concur with Commercial LU designation.</p>			
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<p>Planning Commission Comments: Concur in principle with proponent but recognize limited availability and costs of new park. Directed staff to explore enhanced shared use potential of area schools.</p> <p>Original Staff Recommendation: Do Not Concur. Area is served by a combination of three existing neighborhood parks and after-school public access to school playgrounds. No action required regarding Gang Injunction Zone.</p>			
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<p>Planning Commission Comments: Endorsed either MDR or CMU designations for half of site.</p> <p>Original Staff Recommendation: Do Not Concur. However, consider re-designating one-half or all of the site to the new CMU (Commercial Mixed Use) LU designation.</p>			
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<p>Planning Commission Comments: Concur with staff recommendation.</p> <p>Original Staff Recommendation: Do not concur. However, if request is favorably considered, an equivalent amount of land should be removed from Tier 1 and placed into Tier 2 to maintain consistency with the 10-year supply.</p>			

ANALYSIS

The following are focused discussions and analyses stemming from the Planning Commission's comments and direction as noted in the Table above. It is anticipated that the remaining issues have sufficient background and analysis as contained in the September 24, 2012, Planning Commission staff report (Attachment 3).

Request #1:

Table Reference: No. 1

Requestor: Niniv Tamimi

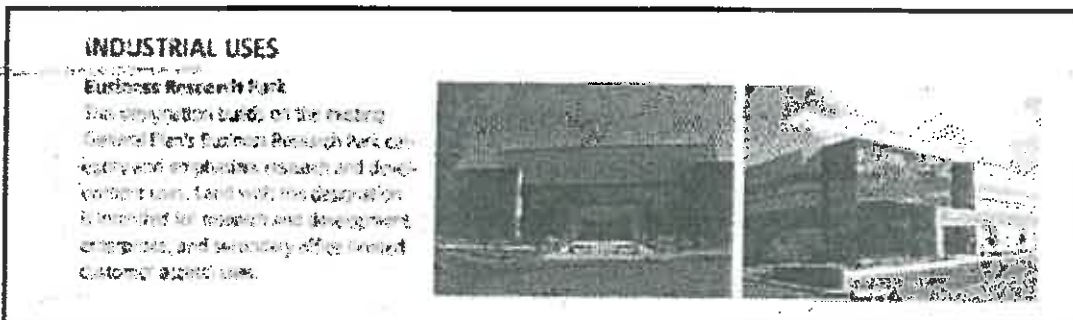
Location: Both sides of Plaza Drive, between Hwy 198 and Hurley Ave.

Reference Letter: No. 1

Discussion: The proponents' request to restore the BRP (Business Research Park) land use designation name and the key features of the BRP designation have already been included in the latest version of the Plan. The remaining issue is whether office uses should be allowed as a primary use, or if there should be criteria to limit their presence in the BRP land use area. This potential qualifying criteria is established by the phrase:

"...and secondary office (limited customer access) uses."

Analysis and Recommended Action: This term was left undefined in the latest Plan version. Staff noted that office uses in the BRP Land Use/Zone District have been controversial since the designation was originally adopted in the 2020 Plan and Updated Zoning Ordinance. The Planning Commission considered the testimony by staff, the proponents, as well as two private citizens. The Planning Commission agreed with the proponent and public members to the extent that the issue should be more narrowly defined. However, the Planning Commission concurred that details of allowed office uses in the BRP area could be deferred to the Zoning Ordinance update task that typically follows a General Plan Land Use Element update.



Request #3 and #16:

Table Reference: Nos. 3 & 16

Requestor: Stephen Peck

Location: Southwest corner of Hwy 99 and Caldwell Ave.

Reference Letter: Nos. 3 & 16

Discussion: The proponent expressed concern that the revised wording in Policy LU-P-61 that removed the terms "either" and "or" relative to the timeline criteria for developing at the southeast corner of Hwy 99/Caldwell Ave. suggests that both criteria (timeline and absorption of the RC (Regional Commercial) lands along Mooney Blvd. would have to be met, which may be counter to the GPURC's intent.

Analysis and Recommended Action: No action is required. The GPURC considered the criteria and were satisfied that the criteria wording already makes the criteria mutually exclusive. The Planning Commission concurred with this conclusion.

LU-P-61 "Plan for Regional Commercial areas at a limited number of highly visible freeway-accessible locations as shown on the Land Use Diagram. Allow well-planned, carefully-designed regional retail development at the Caldwell Avenue/Highway 99 interchange either in the long term (more than 10 years), or as a "specialty" retail destination.

- Specialty retail uses are those that cater primarily to the visitor/tourist market or host a specialty tenant not currently present in Visalia. Highway 99 retail development should not be permitted if it would have a demonstrated adverse impact on the commercial vitality of general regional retailing in the Mooney Boulevard Corridor. The following criteria also would have to be met:
 - The proposed uses and tenants for the area would be regional destination retail uses or other uses with an extensive trade area, documented in a market study, that derive unique advantages from the highway accessibility and comparative less advantages of being part of a retail agglomeration featuring traditional community and regional serving retail uses such as are on Mooney Boulevard.
 - The proposed uses for the area have physical site location requirements that preclude such uses from locating within Regional areas elsewhere in the City.
 - The proposed uses are considered "one-of-a-kind" use(s) within the regional retail market area.
 - The uses and tenants proposed for the area will generate significant net new annual sales tax revenue to the City.
 - Sufficient infrastructure capacity is either in-place or approved for installation, including public roadway, facilities and utilities to accommodate the proposed development.
 - The site is already within, or can be readily annexed into the City, and
 - A specific development plan and/or development agreement has been prepared and adopted, and that the proposed development is in conformity with such plan and agreement.

ADDITION TO GLOSSARY

- **Specialty Retail.** A retail center with a broad mix of retailing land uses primarily offering non-essential goods and services that attract consumers from a region-wide market area or beyond because of its unique character. The center may include highway- and visitor-oriented uses, department stores, clothing stores, computer and electronic equipment stores, restaurants, lodging, conference facilities, commercial recreation, automobile sales and services and financial services. (No specific use mix, minimum anchor store size, or limitations on sales area, minimums or maximums) would be included in the definition.)

LAND USE DIAGRAM

- Include a label for the Regional Commercial site at Highway 99 and Caldwell, saying "See Policy LU-P-61".
- Adjust the Tier I/Tier II boundaries on Mooney Boulevard to eliminate a Tier II designation so all of Regional Retail sites on Mooney Boulevard could be developed in Tier I.
- Maintain all other land use designations, as approved by the CPURC, unless specifically modified based on a site review presented by City staff on August 30th.

IMPLEMENTATION CHAPTER

- Amend Table 91 to allow CMU (Commercial Mixed Use) as a "conditionally consistent" zoning district in the Mooney Boulevard corridor for Regional Commercial sites that do not front on Mooney Boulevard, if requested by a property owner and proposed development features consistent with the General Plan.

Request #4 & #8

Table Reference: Nos. 4 & 8

Requestor: Gerald Blankenship

Location: Southeast corner of Santa Fe/Caldwell Ave.)

Reference Letter: Nos. 4 & 8

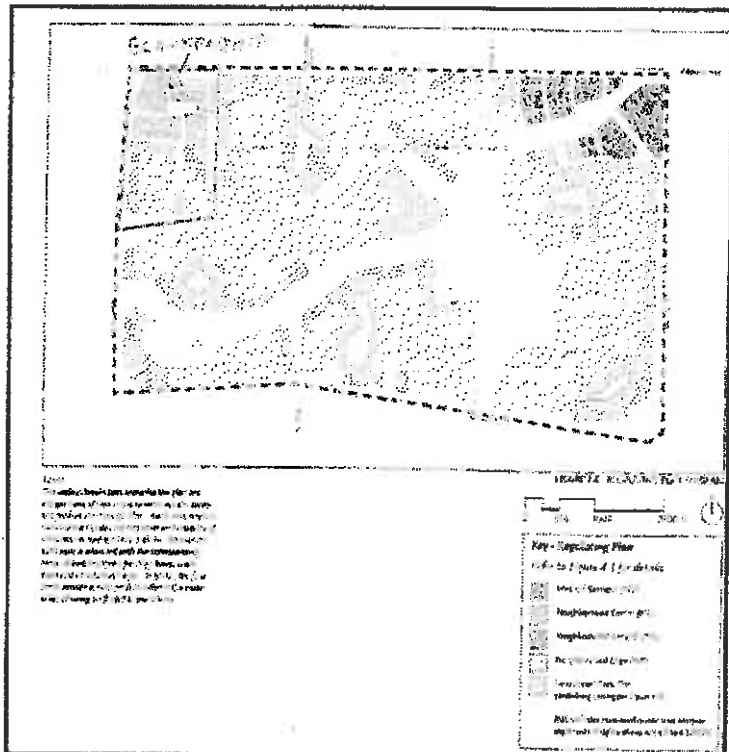
Discussion: The proponent objects to the School site designation for approximately 64 acres of orchard land at the southeast corner of Santa Fe St. and Caldwell Avenue. The proponent cites experience that school districts often purchase different properties than those designated at the time the school is needed in the vicinity. The proponent also proposes that the northern-most ten acres be designated as Commercial. The proponent cites the precedent of the Southeast Area Master Plan (SEAP) as justification for added Commercial land at the site.

Analysis and Recommended Action: The Planning Commission concurred with the GPURC's recommendation that the Plan map should retain designated school sites. This is important in demonstrating that the General Plan (Plan) map maintains a balance of new schools supporting new residential growth. However, there is also a practical reality that actual new school locations are often at a different site than the originally designated site. The GPURC approved a methodology to apply to all new school site locations, as follows:

- Retain the School site designation
- Include a margin note on the Plan map that recognizes that the actual school locations may vary from the sites identified on the Plan map.
- The default Land Use and Zoning designations for designated school sites shall be SFR (Single-family residential)

The Planning Commission did not concur with re-designating a portion of the site as Commercial, noting that the area already has sufficient existing Commercial Zoning (over 24 acres) within one-half mile of the site.

However, the Planning Commission directed that staff review the latest draft of the SEAP to determine the validity of the proponent's contention that



Commercial is included on their portion of the SEAP area.

As shown on the SEAP Regulating Plan diagram, the north portion of the proponent's property has "Neighborhood Center" designation. The SEAP text describes this as allowing commercial uses similar to the Neighborhood Commercial Zoning Designation. However, it should be noted that the SEAP, which is still a draft land use plan, does not propose to re-designate land within the project area. Rather, it relies on the existing land use designations (SFR in the case of subject site) with the option to incorporate mixed uses and higher densities where projects are proposed to comply with the higher development standards of the SEAP.

Request #5 and Request # 17

Table Reference: No. 5 and No. 17

Requestor: No. 5 - Steve Brandt, No. 17 Stephen Peck

Location: No. 5 - Northeast corner of Demaree St. and Pratt Ave. No. 17 SE corner of Avenue 320 and N. Shirk Road

Reference Letter: No. 5 and No. 17

Discussion: These proposals were submitted independently of each other. However, they address almost identical situations wherein the proposed Tier 1 Urban Development Boundary (UDB) bisects the larger parcels or areas under single-party control. This is also true for approximately 17 other similar sites in the Planning Area. The proponents contend that separating their site's development timeline in two development tiers makes developing the entire site an impractical hardship because the future developer would be unable to extend infrastructure to the entire site in an efficient manner. Further, they would be unable to economically scale future construction phases.

Analysis and Recommended Action: The Planning Commission did not concur with the proponents. The Commission determined that the placement of the proposed Tier 1 UDB location has been correctly placed at the estimated 10-year midway point of the General Plan's 20-year buildout timeframe. They further determined that the Tier 1 UDB represents the correct estimated outward growth estimates (quantified by residential building permits issued that will occur to reach an estimated population of 178,000), and should be generally adhered to. Finally, the Planning Commission determined that Policy LU-P-22 provides the necessary flexibility to guide future City Councils in making Tier 1 boundary adjustments on a project by project basis:

LU-P-22 *Allow for City Council approval of master plans, following Planning Commission review and recommendation, for sites under a single ownership or unified control, which may include developable land within both the Tier I Urban Develop-

Request #6

Table Reference: No. 6

Requestor: R.J. Hill

Location: East side Dinuba Hwy, South of St. Johns River

Reference Letter: No. 6

Discussion: The proponent is requesting to place their 120 acre property in the Tier 1 UDB. Their reasoning is that the site is already within the current General Plan 98,000 and 129,000 growth boundaries, and that the site has already been submitted (unsuccessfully) for annexation to the Local Agency Formation Commission (LAFCO). The proponents also request that an approximately 15-acre area on site's northeast corner be re-designated from P (Park) to LDR LU.

Analysis and Recommended Action: The Planning Commission concurred with the proponent's contentions that the site should be moved to the Tier 1 UDB. However, they did not concur that the northeast 15 acres of the site should be re-designated from C (Conservation) to RLD.

With regard to placing the entire site in the Tier 1 UDB, the Planning Commission determined that the site is substantially surrounded by significant private development and public infrastructure, including the Riverway Sports Park, and it lies along the St. Johns River which represents a hard edge to the City's development boundary. These site-specific features give the site a "missing piece of the puzzle" character that warrants buildout in the first UDB Tier. The Planning Commission offered two potential solutions to maintaining a balance between the Tier 1 and Tier 2 boundaries.

The first potential solution is to remove and replace an equivalent amount of land from Tier 1 into Tier 2 to maintain consistency with the 10 year supply. The Commission readily noted the practical difficulty in deciding which property would be moved to Tier 2. The second potential solution would be to place the 120 acres into the Tier 1 UDB, and accept the resulting imbalance of land between Tier 1 and Tier 2.

With regard to the proponent's request to re-designate a portion of the site to RLD, the Planning Commission agreed that the subject area is situated at a perpendicular juncture of the required

ment Boundary and the Tier II Urban Growth Boundary. Allow for pre-zoning of this master-planned land, subject to execution of a development agreement between the City and the land owner conforming to the requirements of Government Code Section 65864 et seq., with the project allowed to annex and develop while the City is still limiting development approvals to land within the Tier I designation.

An approved master-planned site then could be annexed before development is permitted in Tier II under Policy LU-P-21. The development agreement would spell out details on overall development, density/intensity and phasing, infrastructure needs and financing, and what each party would do. This policy will allow large land owners, with Council approval, to have a longer time frame for development and infrastructure planning, consistent with the vision of the General Plan, and also "nail down" the number for their financial partners while still maintaining the City's interest in having concentric growth through a phasing plan.

100-ft. setback from the St. Johns River, and is within FEMA Floodzone A which signifies it as in the highest flood prone category of land. Consequently, it is not readily suitable for habitable development. The area is also a candidate for trail and public recreation improvements as part of the St. Johns River trail.

Request #7 and #9

Table Reference: No. 7

Requestor: Bill Huott

Location: Area generally bounded by Riggan Ave., Dinuba Hwy, Goshen Ave., and Mooney Blvd.

Reference Letter Nos. 7 & 9

Discussion: The proponent, an advocate for the North Visalia Community area, asserts that the Houston Elementary School area is underserved by parks. The proponent recommends that a "destination park" be established on a portion of a currently vacant 20-acre site on the south side of Ferguson Ave., between Giddings and Divisadero Streets. The proponent also recommends that the General Plan address next steps for ending the Gang Injunction Zones in the North Visalia area.

Analysis and Recommended Actions: The Planning Commission agreed with the staff analysis pertaining to the lack of available funding for a new park in the area, and with the advantage of maximizing shared use of elementary school playgrounds in the neighborhood. However, the Planning Commission recommended that the City consider constructing another neighborhood park, whether at the Ferguson Ave. site, or another suitable and centrally located site.

Subsequent to the Planning Commission Worksession, staff has met with VUSD and City Parks and Recreation Department staffs to explore potential solutions to providing at least one additional school playground facility on a longterm basis. It appears the Houston Elementary School playground may provide this solution. The VUSD is in preliminary negotiations with the Neighborhood Church to improve the playground to approximately a neighborhood park status, and to retrofit the fencing to be able to separate the playground from the school buildings, as is a standard feature on the most recently constructed schools within the City.

With regard to long range Gang Injunction Zone strategies, the Planning Commission concurred that there are no specific General Plan polices that directly address the proponent's concerns. The Visalia Police Department continues to maintain a close liaison and continuous dialogue with the North Visalia Community.

Request #10

Table Reference: No. 10

Requestor: Michael Job

Location: South side of Visalia Pkwy, approximately 0.8 miles east of Mooney Blvd.

Reference Letter: No. 10

Discussion: The proponent requests that their 45.6 acre property be placed in the Tier 1 UDB. They compare the estimated time frames in which the site could become eligible for development under the existing General Plan (165,000 UDB), with that of the Tier 2 UDB

(estimated 10 years for development to reach the Tier 2 UDB). They contend that opportunities for high quality developments would be lost if development potential were delayed for 10 years due to the UDB locations.

Analysis and Recommended Action: The Planning Commission concurred with the staff recommendation. The area is substantially separated from the proposed Tier 1 UDB south of Visalia Parkway by more than 200 acres of land, half of which is designated for Regional Commercial, and half of which is designated for residential land uses. Consequently, there does not appear to be the direct connection to near term commercial development along Mooney Blvd., south of Visalia Parkway. Further, extension of utility infrastructure and roads to the area has very limited, if any, area-wide benefit. Consequently, any public investment in roads and infrastructure to primarily support a private development on the site could fail to meet the City's criteria for public infrastructure investment.

Request #12

Table Reference: No. 12

Requestor: Randal George

Location: Southwest corner of Tulare Ave. and Santa Fe Street

Reference Letter: No. 12

Discussion: The proponent is the owner of a 10.7-acre site that is a former olive plant. The site is fully built out and in use with a variety of light industrial (shops and warehousing) and wholesale commercial businesses. The request proposes to re-designate the site as a mix of commercial and residential.

Analysis and Recommended Action: The Planning Commission concurred with the staff recommendation that changing the proposed LU designation at this time would be unduly speculative and not within the scope of the General Plan update.

Request #13

Table Reference: No. 13

Requestor: Greg Collins, acting as a private citizen

Location: Court and Locust Streets, between Noble and Tulare Avenues

Reference Letter: No. 13

Discussion: Councilmember Greg Collins, acting as a private citizen, proposes that Court and Locust Streets and their fronting properties, between Noble and Tulare Avenues, be re-designated from SFR (Single-family residential) land use to that of Office-Conversion. This would be similar



to the transformation of the west Downtown area where many historic structures have been converted to office uses with the effect of preserving and extending the economic life of many historic structures in the area.

Analysis and Recommended Action: The Planning Commission concurred with both the basic request to re-designate the corridors for office conversion and with staff's additional recommendation to convert both streets to two-way traffic and to re-designate a portion of Locust St. at Tulare Ave. to MDR (Medium Density Residential), pursuant to Request #2 (Zack).

The Planning Commission expressed concern about the potential social and fiscal impacts of displacing residents as the corridor transitions from residential (70% renter occupied housing) to office uses. The Planning Commission also requested follow-up analysis on potential Historic District implications of the re-designation.

There are no potentially significant social and fiscal impacts to the City in re-designating the area from residential to office. The action would not have immediate effects since properties would transition over a long period of time as a consequence of the actions of individual property owners and not that of the City. The transition of the west Downtown area from residential to office is a prime example of this transition process. With regard to Historic District Overlay interface with the proposal, Court St. and Noble Ave. between Hwy 198 and Tulare Ave. are in the Historic District. Locust St. (except from Olive to Noble Ave.) are not presently in the Historic Overlay District. Again, using the examples of successful conversions of individual units and blocks in the west Downtown and Noble Avenue in the vicinity of Kaweah Delta Hospital suggests that re-designating the corridors to O-C would preserve and enhance the historic, aesthetic and economic viability of the individual properties along the two proposed corridors.

With regard to converting the streets to two-way traffic, the preliminary analysis concludes the feasibility of converting the streets. With the City Council's concurrence, the City-wide traffic model will be run to verify the technical feasibility of doing so.

Request #15

Table Reference: No. 15

Requestor: Brady McGuinness

Location: Northwest corner of Lovers Lane and Walnut Ave.

Reference Letter: No. 15

Discussion: The proponent opposes the partial re-designation of the 15 acre site on the northwest corner of Lovers Lane and Walnut Avenue from all Neighborhood Commercial to approximately ½ Neighborhood Commercial and ½ Medium Density Residential. Among the factors they cite in opposing the proposed change are the ongoing development application for a neighborhood commercial center on the site, the underserved commercial demand in the area, and that there is no need for additional residentially designated land in the area.

Analysis and Recommended Action: The Planning Commission concurred with the staff recommendation that the NC (Neighborhood Commercial) portion of the site may be re-sized to approximately seven acres, pursuant to the Plan description of the NC Neighborhood

Brandon Smith

From: Mike Porter
Sent: Tuesday, July 09, 2013 10:08 AM
To: Brandon Smith
Subject: FW: APN 101-013-021 NE corner Lover Lane & Tulare Ave

FYI

From: Suzanne Kvarfordt [mailto:stantucci@att.net]
Sent: Tuesday, July 09, 2013 10:03 AM
To: Mike Porter
Subject: APN 101-013-021 NE corner Lover Lane & Tulare Ave

Mike Porter
Project Manager

Re: General Plan Zoning change - APN 101-013-021 (Northeast corner of Lovers Lane & Tulare Avenue)

I own the above referenced 4.24 acre parcel of land. 25 years ago, when I first attempted to develop the property, it was zoned R-1-6. At that time, the City of Visalia rejected all proposed development plans. The main reason being too many curb cuts that would be needed along the proposed Tulare Avenue extension. After more than 2 years of meetings, hearings, and revised plans, the Planning Commission recommended to designate the property as PA. The Planning Commission felt that this zoning was "most consistent with the goals and policies of the draft Land Use Element".

Since that time, the intended use of the property has been for Commercial on the corner of Lovers Lane & Tulare Ave with the remainder Professional Office buildings. The property is currently Zoned PA and even after 25 years I feel this would be the best use of this particular property. I would like to request that the property retain the PA Zoning.

If further information is needed, please do not hesitate to contact me at: 559 -733-8908

Will you please include my name on the mail list for any meetings/hearings that pertain to my property. My address is:

Suzanne Kvarfordt
1002 S Rova Ct
Visalia, CA 93277

Exhibit "B"

and when did the rules change and how do I get my property included in the new general plan allowing it to become part of the city? All of my future plans have been made on the information provided by the city planning department in 2004. Now I am faced with the following options: Sell the property as a walnut producing orchard at approximately \$30,000 less per acre. After capital gains, taxes and realtor fees this would not leave me much of a retirement. Or I will be forced to continue farming for the remainder of my life which after 5 back surgeries, will be difficult.

When I was given the maps etc., showing that I would be able to develop my property when the population reached 129,000 there was never any mention that this would probably change.

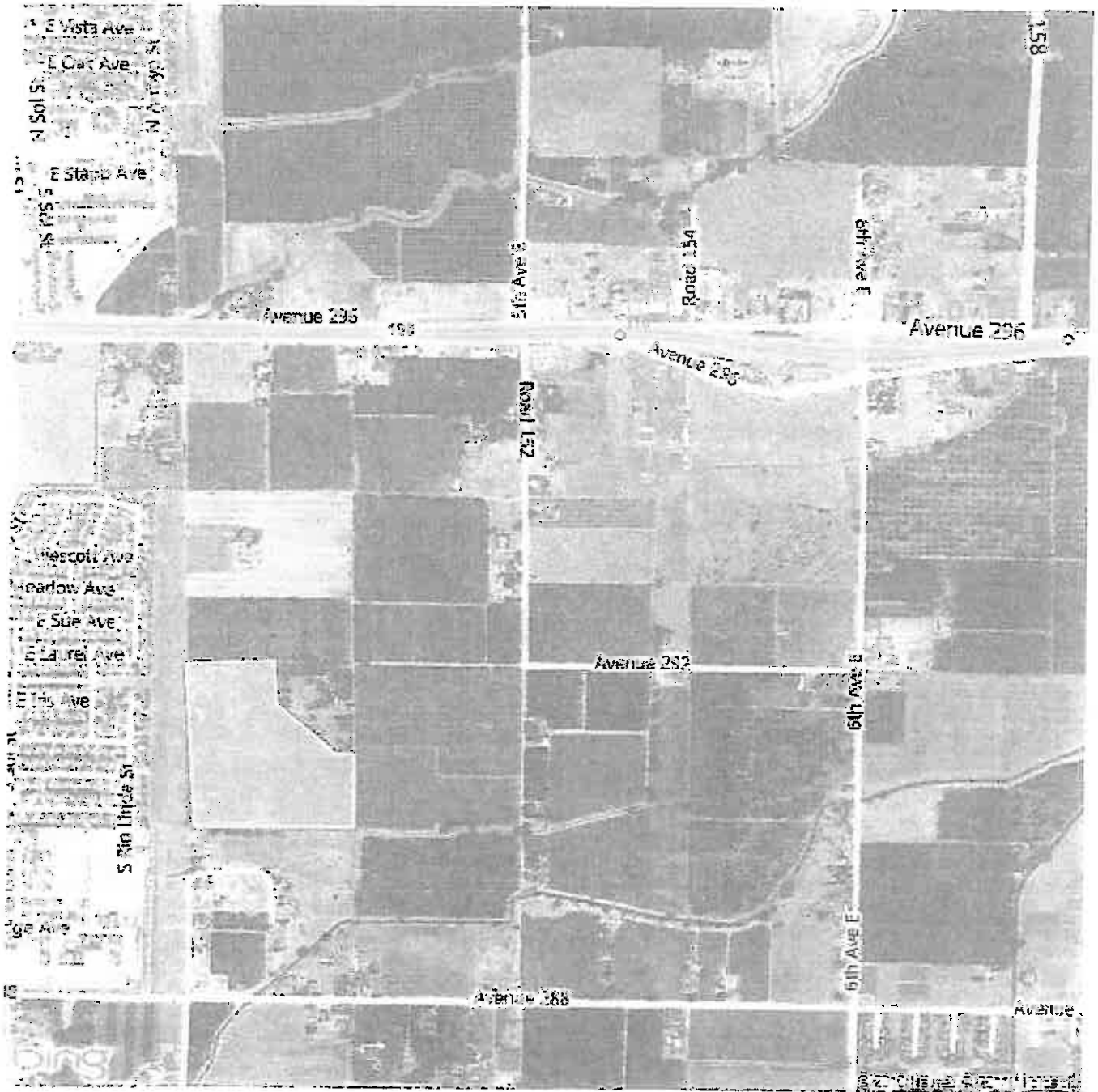
I was part of the team who donated the model train layout to the City Transportation Department; however if I had known of this impending financial disaster I would not have financed the donation.

I am requesting that my property be included in the new general plan so I can sell it for development into houses in the next 3 years.

Sincerley

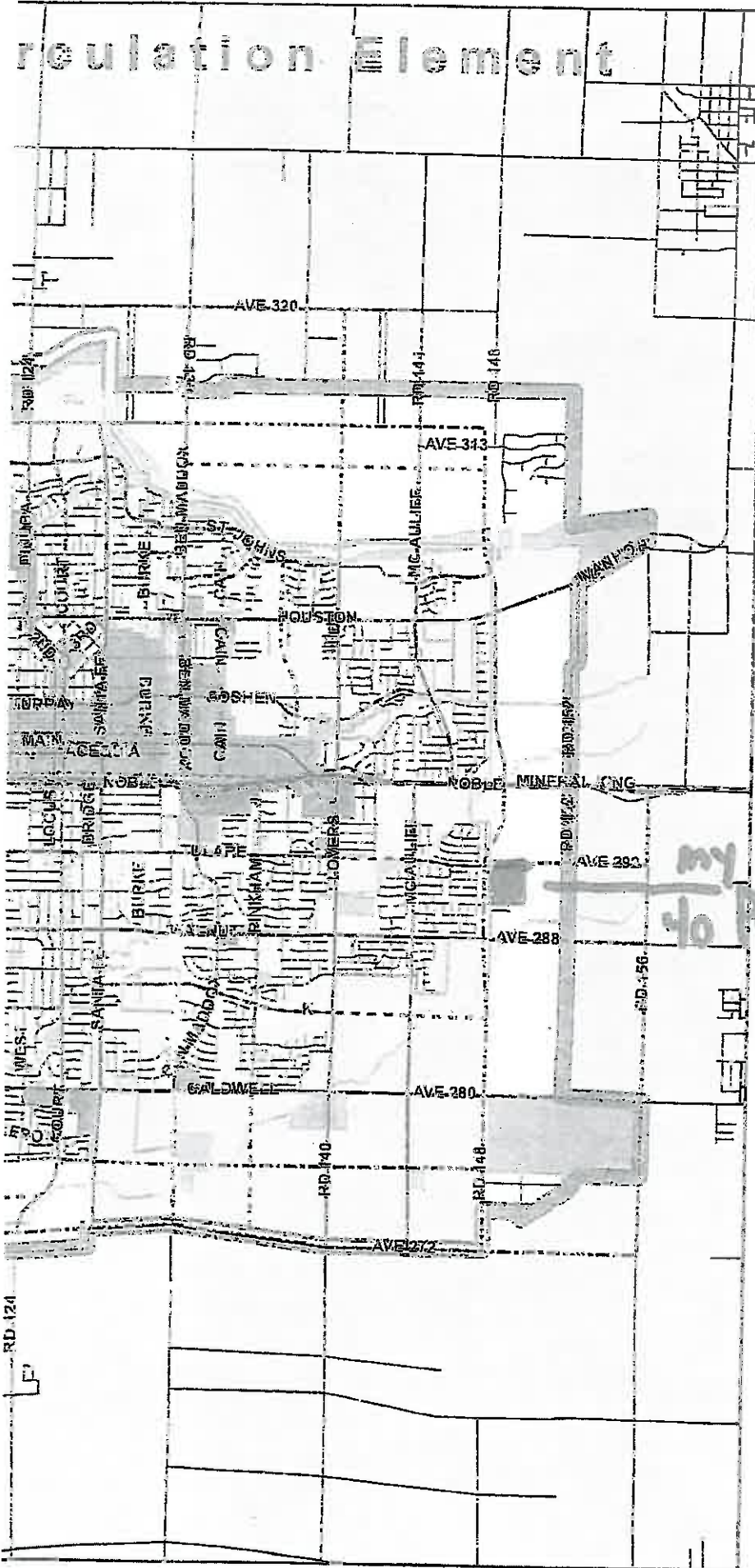
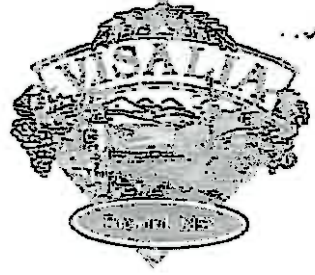


Louis Whitendale
15199 Ave 292
Visalia, Ca 93292
559-625-2295

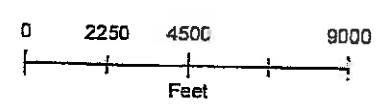


Regulation Element

Public Works



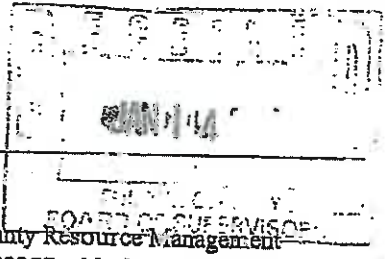
- City Limits
- Circulation Element
- Arterial
- - - Collector
- Major Arterial
- - - Row Only
- Unfunded
- Population 129000
- Population 165000
- General Plan
- Agriculture
- Business Research Park
- Conservation
- Convenience Commercial
- Community Commercial
- Central Business District
- Highway Commercial
- Neighborhood Commercial
- Regional Retail Commercial
- Regional Retail Reserve
- Service Commercial
- Shopping / Office Commercial
- Heavy Industry
- Heavy Industry Reserve
- Light Industry
- Professional / Admin Office
- Park
- Public Institutional
- Rural Residential
- Residential High Density
- Residential Low Density
- Residential Medium Density
- Urban Reserve



FNR 04-034

RECORDING REQUESTED BY
AND RETURN TO:

CLERK, BOARD OF SUPERVISORS
2800 WEST BURREL AVENUE
VISALIA, CA 93291-4582



NOTICE OF FULL NONRENEWAL

(To be completed, all owner's signatures notarized and returned to the Tulare County Resource Management Agency (RMA), Current Planning Division, 5961 S. Mooney Blvd, Visalia, CA 93277 with the appropriate fees.)

This is to notify the County of Tulare that the Land Conservation Contract on the property herein described will not be renewed as of January 1, 2005. The legal description of the affected land subject to said contract is attached as Exhibit "A".

Assessor's Parcel No(s). 101-130-01
Processed as a Condition of Approval of (insert Project No. if applicable). N/A
Acreage 40 Acres

By execution hereof, the undersigned parties declare under penalty on perjury that he/she/they constitute and are all of the fee title owners of the property described herein, and are, or are the successors-in-interest of, the owners of such property who entered into the Land Conservation Contract.

Name, mailing address and phone number of each current owner: (please type or print).

Louis L. Whitendale & Candace M. Whitendale

15199 Avenue 292, Visalia, CA 93292 (559) 625-2295

Signature of each current owner:

[Signature] Louis L. Whitendale

[Signature] Candace M. Whitendale

STATE OF CALIFORNIA
COUNTY OF Tulare } S. S.

On October 1, 2004 before me,

Cynthia A. Adams a Notary Public

in and for said County and State, personally appeared

Louis L. Whitendale and Candace M. Whitendale

M. Whitendale

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal



Signature Cynthia A. Adams

RECEIVED OCT 01 2004
By Tulare Co. RMA

Recorded : REC FEE : 25.00
Official Records :
County of : REC : 25.00
Tulare
C. Scott B. Hardestad
Clerk Recorder

RECORDING REQUESTED BY
Chicago Title Company

WHEN RECORDED RETURN TO:
Louis L. and Candace M. Whitendale
15199 Avenue 292
Visalia, CA 93292

02/03/07 20-Jan-2007 Page 1 of 3

#42100052-R3

D
pud

(Above Space for Recorder's Use Only)

Quitclaim Deed


FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, CENTEX HOMES, a Nevada general partnership, hereby REMISES, RELEASES AND FOREVER QUITCLAIMS to LOUIS L. WHITENDALE AND CANDACE M. WHITENDALE, TRUSTEES OF THE WHITENDALE REVOCABLE TRUST DATED SEPTEMBER 29, 2004 any right, title or interest in the following described real property located in the County of Tulare, State of California evidenced by the Memorandum of Option recorded October 28, 2005 as Instrument Number 2005-0119968 in the Official Records of Tulare County.

See Exhibit A attached hereto and incorporated herein by this reference.

DATED: January 3, 2007

CENTEX HOMES
a Nevada general partnership

By: Centex Real Estate Corporation
a Nevada corporation
its managing general partner

By: 
Michael Wyatt
Division President

CONCEPTUAL L.A.

1/23/2010 1:23 PM
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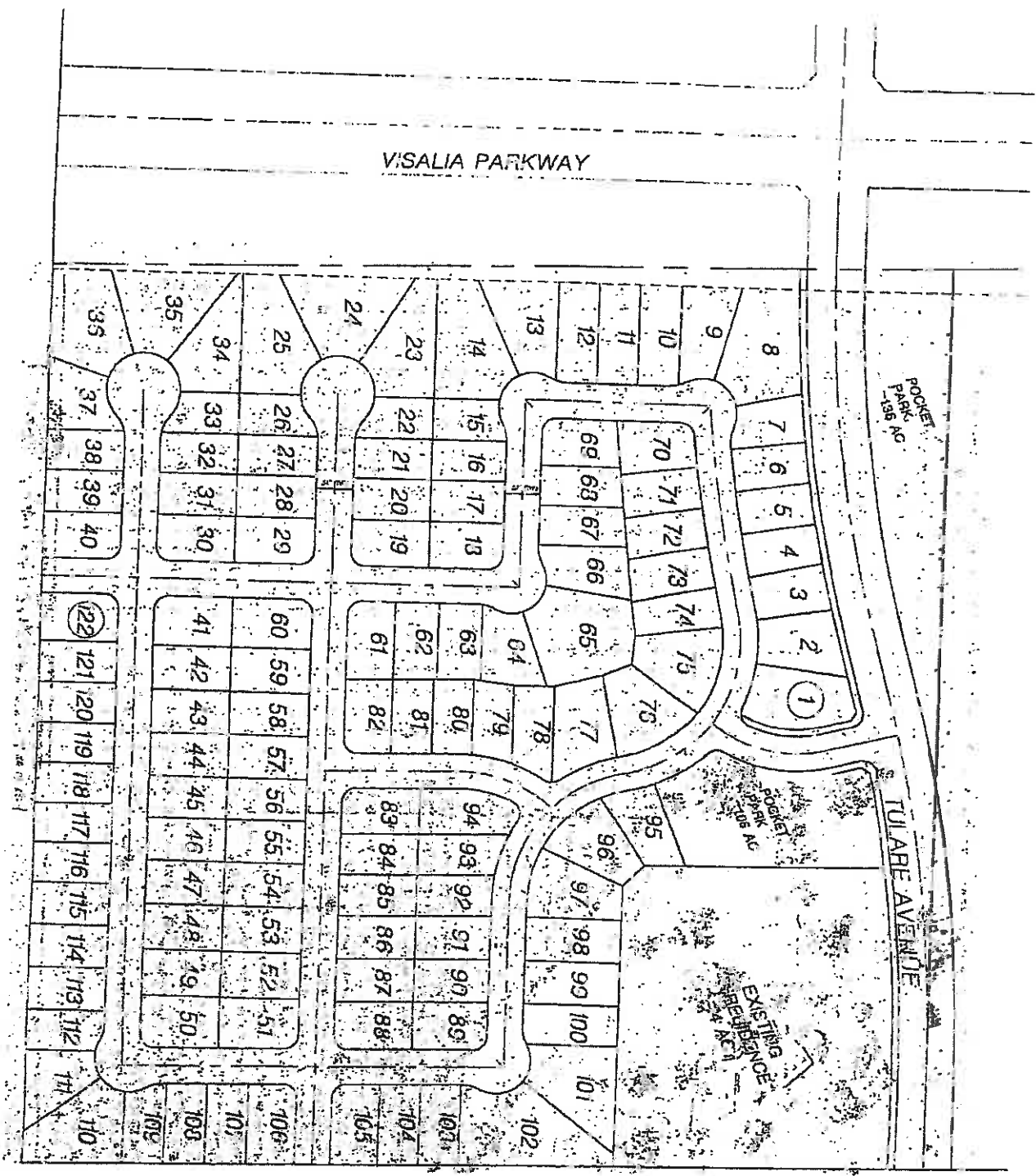
CENTER HOMES
 1000 S. GARDEN AVENUE, SUITE 100, ANAHEIM, CA 92805
 TEL: 714.771.1111 FAX: 714.771.1112

VISALIA PARKWAY

POCKET PARK NO. 1-196

TULARE AVENUE

EXISTING BUILDING



20' 10'	APPROX. LOT SIZE	7.1
3-1-0	30 x 115	



Quad Knopf
 1000 S. GARDEN AVENUE, SUITE 100, ANAHEIM, CA 92805
 TEL: 714.771.1111 FAX: 714.771.1112



August 28, 2013

Mr. Louis Whitendale
15199 Ave 292
Visalia, CA 93292

Dear Mr. Whitendale,

Thank you for your interest in the City's ongoing General Plan Update process. In early July 2013, we discussed your desire to include your 40 acres on the southeast corner of Road 148 and Tulare Avenue in the new General Plan. You followed this discussion up with a letter addressed to Councilman Collins on July 21, 2013 and provided verbal comments to the City Council at the August 19 meeting. This letter provides suggestions you may wish to consider for further pursuing your request.

The City has been in the process of updating its General Plan for over two years. The City did not receive any requests from you or your neighboring landowners east of Road 148 during this time. In April of this year, the City Council accepted the Preliminary Draft General Plan and directed that an Environmental Impact Report be prepared to analyze the potential impacts of the proposed General Plan on the environment. The EIR is still being prepared. Once it is completed, it will be circulated for public comment and both the Planning Commission and City Council will begin to hold hearings on whether to adopt both the proposed General Plan and its accompanying EIR.

The next opportunity for individuals to request changes to the Draft General Plan will occur at the time of these public hearings. We anticipate that the public hearings will begin in late 2013 or early 2014 depending on the completion and circulation of the Environmental Impact Report. We have added your contact information to our correspondence list and will make sure that you receive notices of any upcoming hearings.

In an effort to be completely transparent, please note that City staff cannot provide any assurances that your request will be granted. In fact, given the location of your property as it relates to the proposed General Plan's boundaries, staff would likely not recommend that the City Council acquiesce to your proposal. However, you are very much welcome to make the request and provide justification to the decision makers at the appropriate times. Please don't hesitate to call me with any questions or comments at 713-4364.

Sincerely,


Josh McDonnell, AICP
City Planner

cc: Members, City Council
Steve Salomon, City Manager
Mike Olmos, Assistant City Manager
Chris Young, Community Development Director

To Fax (559) 713-4814

(one page)

Memo

Date: April 28, 2014

To: Brandon Smith, Senior Planner
City of Visalia

From: Gerald Blankenship *G.B.*

Re: Request for Removal of Proposed High School Site
at Santa Fe and Caldwell Ave. in Draft General Plan

I notice that the March 14, 2014 Draft of the General Plan in Figure 5-2 at page 5-20 continues to show that a high school is proposed to be sited on the SE corner of Santa Fe and Caldwell Ave. In this regard the text of the Draft General Plan at page 5-19 reads "An additional high school is also planned in the southeast, at Santa Fe and Caldwell Ave."

The City Council at a special meeting held on February 25, 2013 by a vote of 4 to 1 removed the high school site designation from this acreage and instead placed a designation of mixed use commercial on six acres at the corner with the remaining acreage in low density residential.

A correction on the map shown in Figure 5-2 on page 5-20 needs to be made and any reference in the text to this specific acreage at the SE corner as a high school site should be deleted.

City of Visalia

Memo



To: Planning Commission
From: Paul Scheibel, AICP, Principal Planner
Date: July 10, 2014
Re: **Final Program Environmental Impact Report (FEIR) & Climate Action Plan (CAP)
for the Comprehensive General Plan Update**

RECOMMENDATION

Staff recommends that the Planning Commission adopt Resolution No. PC 2014-34, recommending that the City Council Certify the Final Program Environmental Impact Report (FEIR) (SCH2010041078), including a Statement of Overriding Considerations, for the City of Visalia Comprehensive General Plan Update.

Staff further recommends that the Planning Commission adopt Resolution No. PC 2014-35, recommending that the City Council Adopt the Climate Action Plan (CAP).

SUMMARY

The 45-day public review and comment period on the Draft EIR began on March 31, 2014, and closed on May 14, 2014. Eleven comment letters were received, along with verbal comments received during a public meeting conducted on April 29, 2014. City staff and the consultant have prepared responses to the comments received (please see FEIR, dated June 2014). The Draft Program EIR, including the technical appendices, all of the comments received and the responses to these comments, along with the minor revisions to the EIR document, constitute the FEIR.

A Statement of Overriding Considerations (SoOC) for potential impacts resulting from the project (implementation of the General Plan) but which cannot be further mitigated to a level of non-significance have been prepared for the five environmental categories identified in the Draft EIR. The comments received during the review period did not change the project scope or considerations for further mitigation measures identified in the Draft EIR.

The draft Climate Action Plan (CAP) is also offered for review and consideration. The CAP was analyzed in the DEIR along with the Draft General Plan. No comments were received on the DEIR's analysis of the CAP.

Several comments were received regarding the adequacy of policies in the Air Quality/Greenhouse Gas Element that serve as mitigation measures in the EIR. Responses to these comments are contained in the FEIR.

ENVIRONMENTAL IMPACT REPORT

General: The purpose of the Program EIR is to analyze the impacts to the environment that would occur if the General Plan and CAP were adopted and implemented. The Program EIR will serve as the baseline environmental document from which all future CEQA analysis for both City-sponsored and private development projects will "tier" from. As such, the Program EIR, once certified, becomes a critical source document for the efficient and timely processing

of all development projects that require analysis under CEQA over the planning horizon of the General Plan.

Preparation of the Draft Program EIR was undertaken between April 2013 and March 2014. The public review and comment period of the Draft Program EIR opened on March 31, 2014, and closed on May 14, 2014. Upon the close of the public review period, the comments received were analyzed and responses were sent to the commenters for a ten-day review period. This step in the EIR process changed the Draft Program EIR to that of a Final EIR as defined by CEQA statutes.

The Final Program EIR can now be considered for certification by the City Council upon the conclusion of one or more public hearings. During the public hearings, it is anticipated that the commenters on the Draft Program EIR, or others, may make additional comments for the Planning Commission's consideration.

Project Description and Alternatives: The project description analyzed in the Program EIR is the Draft General Plan as accepted by the City Council in April 2013. As required by CEQA, feasible alternatives to the project were also analyzed for comparative environmental impacts. The project alternatives are:

1. Neighborhood Nodes and Compact Growth
2. Expanded Growth
3. No Project Alternative

The Alternatives provide a range of City buildout options beyond that anticipated by the project, along with the No Project Alternative, which would be a continuation of the current General Plan (and current Program EIR). Alternative 1 was determined to be the environmentally superior alternative.

	<i>Households</i>	<i>Jobs</i>	<i>Housing Units</i>	<i>Population</i>
Proposed General Plan	71,900	93,730	76,100	210,000
Alternative 1	71,700	89,300	75,200	201,400
Alternative 2	87,000	104,200	91,300	243,800
No Project	73,910	92,918	77,564	204,730

Source: Dyett & Bhatia, 2013, Tulare County Association of Governments, 2010.

Summary of Environmental Impacts: The Program EIR analyzed the potential impacts to all of the environmental analysis areas prescribed by CEQA. The complete summary of impacts is provided as Attachment 3 of this report. In summary, the environmental areas analyzed in the Program EIR would result in impacts that fall into one of three levels of significance:

- 1- No significant impacts, or impacts that are considered to be beneficial;
- 2- Impacts for which mitigation measures can be applied to the project to lessen potential impacts to a less than significant level. The General Plan is designed to be a "self-mitigating" project. That means the General Plan policies also serve as mitigation measures to lessen potentially significant impacts resulting from the project.

For example, the potential for the General Plan to conflict with applicable air quality plans (Air Quality, Item 3.3-1) is determined to be less than significant. The potential

for significant impact in this environmental analysis area is mitigated by General Plan Air Quality Policies AQ-P-8, AQ-P-11, and AQ-P-13. Implementation of these policies throughout the lifecycle of the General Plan would fully mitigate potential significant adverse impacts; and,

- 3- Impacts that cannot be mitigated to a level of non-significance. These impacts are discussed as Significant Unavoidable Impacts, below.

Significant Unavoidable Impacts: The Program EIR found that adoption of the General Plan would have no impacts (and in some cases, a beneficial impact) in most analysis areas. However, as typically is the case with General Plan updates in the Central Valley, the Program EIR found that adoption of the General Plan would result in significant, unavoidable impacts in the following analysis areas:

- **Transportation:** While all surface roads and intersections are anticipated to operate at LOS D or better, segments of state highways (Hwy 198 in particular) would operate below LOS D unless they are improved to accommodate increased traffic volumes, and interchanges are improved to urban design standards. The City relies on, but does not control the schedule of improvements of Hwy 198 or the several at-grade highways such as Mooney Blvd. and Dinuba Road (Caltrans jurisdiction). Therefore, overall transportation impacts are determined to be Significant and Unavoidable.
- **Air Quality:** Mobile source emissions would exceed the significance threshold for PM10 and PM2.5. Even with mitigation measures applied and with current and anticipated state and federal regulations that will reduce these criteria air pollutants, future emissions will exceed significance thresholds.
- **Agriculture:** Loss of agricultural land as a result of urban growth is an unavoidable significant impact. Although the buildout urban footprint is actually smaller than the current urban footprint, the impact due to conversion of agricultural land to urban use is significant and unavoidable.
- **Noise:** Noise resulting from mobile sources such as trucks, and stationary sources such as manufacturing processes are likely to increase, particularly along major roadways. This could adversely affect future sensitive land uses such as schools. Noise impacts are dependent on location of the noise source and the nature of the receptors. Noise impacts can typically be attenuated to less than significant levels on a case by case project basis. However, potential noise generation from mobile sources is considered to be significant and unavoidable.
- **Hydrology and Flooding:** The majority of Visalia is within the inundation area in the event of the failure of the Terminus Dam at Lake Kaweah. Such a failure would result in significant property damage and potential injury or loss of life. Although this is highly unlikely, it nonetheless is a potentiality for which there is no feasible mitigation to reduce this impact to less than significant.

Statements of Overriding Considerations: Pursuant to CEQA Guidelines sections 15043, 15091 and 15092, the City, as the Lead Agency, may still approve a project for which the EIR identifies significant, unavoidable environmental impacts resulting from the project. This requires the adoption of a Statement of Overriding Considerations (SoOC) for each environmental impact that falls into the category of significant and unavoidable.

The decision to adopt a SoOC must be supported by factual documentation that supports the decision that: 1- There is no feasible way to lessen or avoid the significant impact; and, 2- Specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project. The findings and recommended conclusions for each of the five environmental analysis areas noted above are contained in the resolution recommending certification of the Program EIR.

CLIMATE ACTION PLAN

As preparation of the General Plan EIR progressed, it became apparent that incorporation of an accompanying Climate Action Plan (CAP), in accordance with Assembly Bill 32, would significantly contribute to the project's compliance with State mandates. The purpose of the CAP is to assist with developing and enhancing actions designed to reduce Visalia's greenhouse gas (GHG) emissions. It includes a GHG emissions inventory for 2005, the selected baseline year, and utilizes the years 2020 and 2030 to establish mitigation targets for the CAP. The 2030 mitigation milestone correlates with the planning horizon of the General Plan Update and ensures that the City slightly exceeds the State's GHG reduction goal for the year 2050.

Based on the expanded scope and analysis of the draft Climate Action Plan approved by the Council on September 16, 2013, the CAP refers to the policies and planned activities of the General Plan Update to assist in reaching reasonable mitigation targets through 2030. Comments received during the review period addressed concerns that the CAP should have more stringent reduction goals and contain more mandatory measures to reduce GHG such as mandated solar panels on large buildings.

Staff recommends no further changes to the CAP as presently drafted. This recommendation is made on the basis that the reduction goals as presently proposed already exceed State goals, and that California Green Building Code contains requirements (such as mandatory solar panel wiring on residential rooftops) that are already uniformly applied throughout the State, thereby keeping a relatively even degree of market competitiveness among all jurisdictions throughout the region and the State.

HEARING PROCESS

The Planning Commission's public hearing to consider the Final Program EIR, as well as the General Plan and Climate Action Plan (CAP) is an interim step toward final adoption of all three documents by the City Council. The Planning Commission is asked to review the overall content of the FEIR and CAP, the responses to the comments received to date, and consider any further testimony received during the public hearing. At the conclusion of the public hearing, it is anticipated the Planning Commission will vote to make its overall recommendations on the FEIR and CAP, which may include separate votes on specific issues as directed by the Planning Commission. The entire package of votes will be forwarded to the City Council in Resolution form to be included in the materials presented to the City Council for its final determinations.

Attachments:

- 1- Resolution No. PC 2014-34, Recommending Certification of the Final Program EIR (SCH 2101041078) for the General Plan Update
- 2- Resolution No. PC 2014-35, Recommending adoption of the City of Visalia Climate Action Plan (CAP)
- 3- Draft Program Environmental Impact Report, dated March 2014 (previously distributed, and incorporated herein by reference).
- 4- Final Program Environmental Impact Report, dated June 2014 (distributed separately, and incorporated herein by reference)
- 5- Draft Climate Action Plan, dated December 2013 (distributed separately, and incorporated herein by reference)

RESOLUTION NO. PC 2014-34

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA
RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE FINAL
ENVIRONMENTAL IMPACT REPORT (SCH # 2010041078), AND ADOPT THE
STATEMENT OF OVERRIDING CONSIDERATIONS, FOR THE VISALIA
COMPREHENSIVE GENERAL PLAN UPDATE**

STATE CLEARINGHOUSE # SCH # 2010041078

WHEREAS, The Planning Commission of the City of Visalia has reviewed and considered the Final Program Environmental Impact Report (FEIR) prepared for the Comprehensive General Plan Update (GPU or Project). The GPU serves as a plan to assist the community in achieving a vision for the horizon year of 2030 and realizing values related to land use, growth, open space, recreation and transportation. In April 2013, the Visalia City Council, after receiving substantial public input, accepted the Draft General Plan Update and directed the preparation of an Environmental Impact Report to analyze the impacts to the environment that may occur through the adoption of the GPU.

WHEREAS, The FEIR also assesses impacts associated with the Visalia Climate Action Plan (CAP), created to develop and enhance actions designed to reduce Visalia's Greenhouse Gas emissions.

WHEREAS, The Draft Environmental Impact Report (Draft EIR) was released on March 31, 2014, for 45-day review and comment period; and,

WHEREAS, Written comments were received on the Draft EIR during the 45-day review period; and,

WHEREAS, the Planning Commission of the City of Visalia, after ten (10) days published notice did hold a public hearing for consideration of the Final Environmental Impact Report on July 10, 2014; and,

WHEREAS, the Final Environmental Impact Report was released on June 30, 2014, and consists of the Draft EIR and the revisions of, and additions to the Draft EIR, the written comments and recommendations received on the Draft EIR, the written responses of the City of Visalia to public comments on the Draft EIR; errata to the foregoing; and other information added by the City of Visalia as specified in the record; and,

WHEREAS, the California Environmental Quality Act (CEQA) requires that, in connection with the approval of a project for which an EIR has been prepared that identified one or more significant effects, the decision making body makes certain findings regarding those effects.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission finds that the Project, Final Environmental Impact Report, SCH# 2010041078 was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

BE IT FURTHER RESOLVED , that the Planning Commission recommends certification of Final Environmental Impact Report, SCH# 2010041078, for the Project, based on the following specific findings and based on the evidence presented:

1. That a full, fair and duly noticed public hearing has been held on the Final Environmental Impact Report, and the Planning Commission having considered the Final EIR, including but not limited to all Draft EIR comments and written responses, said Final Environmental Impact Report, is hereby determined to be adequate and complete; and said Environmental Impact Report, SCH# 2010041078, is hereby incorporated herein by reference.
2. That the Planning Commission hereby determines that the Final Environmental Impact Report, SCH# 2010041078, for the Project has been prepared in compliance with the California Environmental Quality Act (CEQA) and the state and local environmental guidelines and regulations; that it has independently reviewed and analyzed the information contained therein, including the written comments received during the EIR review period and the oral comments received at the public hearing; and that the Final EIR represents the independent judgment of the City of Visalia, as Lead Agency for the project.
3. That the Planning Commission does hereby find and recognize that the Final Environmental Impact Report, SCH# 2010041078, contains additions, clarifications, modifications and other information in its responses to comments on the Draft EIR, and also incorporates text changes to the EIR based on information obtained by the City since the Draft EIR was issued. The Planning Commission does hereby find and determine that such changes and additional information are not significant new information as that term is defined under the provisions of the California Environmental Quality Act because such changes and additional information do not indicate that any new significant environmental impacts not already evaluated would result from the project and they do not reflect any substantial increase in the severity of any environmental impact; no feasible mitigation measures considerably different from those previously analyzed in the Draft EIR have been proposed that would lessen significant environmental impacts of the project; and no feasible alternatives considerably different from those analyzed in the Draft EIR have been proposed that would lessen the significant environmental impacts of the project.

4. That the Planning Commission does hereby make findings with respect to the significant and unavoidable impacts and other environmental effects resulting from the project, as identified in the Final Environmental Impact Report, SCH# 2010041978, including; that changes or alterations were made to the project to avoid or substantially lessen the significant environmental effects as identified in the FEIR; and, that specific economic, legal, social, technological, or other considerations including provision of employment opportunities for highly trained workers, make infeasible the further mitigation or selection of the project alternatives identified in the Final Program EIR.

5. MITIGATION MONITORING PROGRAM:

The Mitigation and Monitoring Program for the Project, which is incorporated and adopted as part of this Resolution. The program identifies impacts of the Project and corresponding mitigation, which are identified as General Plan policies to be enacted by implementation of the Comprehensive General Plan Update (GPU). In all cases, the City of Visalia is the designated responsible party for implementation and monitoring of the mitigation measures to ensure they are carried out as intended.

BE IT FURTHER RESOLVED that the Planning Commission recommends adoption of the Statement of Overriding Considerations (SoOC) for the Project contained in Attachment "A" of this Resolution. In adopting the SoOC, the Planning Commission hereby finds that the Project has not eliminated or substantially lessened the significant impacts resulting from Air Quality (Mobile source emissions exceeding the significance threshold of PM 10 and PM 2.5); Transportation (Roads that may operate at LOS D or worse but for which the City lacks jurisdiction; Agriculture (Loss of agricultural land as a result of urban growth); Noise (resulting from mobile sources such as trucks, and stationary sources such as manufacturing processes are likely to increase, particularly along major roadways); Hydrology and Flooding (Inundation in the event of the failure of the Terminus Dam at Lake Kaweah).

Significant unavoidable impacts resulting from the Project are acceptable in light of the environmental, economic, social and other considerations set forth in the Final Program EIR, and in the administrative record as a whole, because the benefits of the project outweigh the significant and unavoidable impacts identified in the Final Environmental Impact Report, SCH# 2008121133 as discussed in Attachment "A" of this Resolution.

The Planning Commission has weighed the benefits of the proposed project discussed in Attachment "B" of this Resolution against its unavoidable impacts, and other environmental effects identified in the Final Program Environmental Impact Report, and hereby determines that those benefits outweigh the risks and adverse environmental effects and further determines that those risks and environmental effects are acceptable.

BE IT FURTHER RESOLVED that the Planning Commission hereby determines that the Final Program Environmental Impact Report prepared for the Project is adequate and complete pursuant to the requirements of the California Environmental Quality Act, and so recommends its certification by the Visalia City Council.

ATTACHMENT A

CEQA Findings and Facts in Support of Findings and Statement of Overriding Considerations

CEQA requires the Visalia City Council (the Council) to balance the benefits of the City of Visalia General Plan Update (General Plan Update, or Project) against its significant and unavoidable environmental effects in determining whether to approve the Project. Since the EIR identifies significant impacts of the General Plan Update that cannot feasibly be mitigated to below a level of significance, the City must state in writing its specific reasons for approving the Project in a "statement of overriding considerations" pursuant to Sections 15043 and 15093 of the CEQA Guidelines. This Statement of Overriding Considerations sets forth the specific reasons supporting the City's action in approving the General Plan Update, based on the Final Environmental Impact Report (Final EIR, which incorporates the Draft EIR by reference) and other information in the administrative record.

In making the statement of overriding considerations, "CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'" (CEQA Guidelines, Section 15093, subd. (a).)

The following sections provide findings and statements of facts supporting the findings, describe the general Project benefits considered by decision makers in determining to adopt the proposed General Plan Update despite its potentially significant adverse environmental effects, and then provide conclusions.

Findings and Facts in Support of Findings

The following findings are hereby adopted by the Council pursuant to the requirements of CEQA California Public Resources Code Section 21000 et seq. and the Guidelines for California Environmental Quality Act, Title 14, California Code of Regulations Section 15000 et seq. (CEQA Guidelines).

These Findings and Facts in Support of Findings relate to the approval of the proposed General Plan. The Findings state the Council's conclusions regarding the significance of the potential environmental impacts of the proposed Project after all feasible mitigation measures have been adopted. These findings have been prepared to comply with the requirements of CEQA and the CEQA Guidelines and are based on information in the Final EIR and on all other relevant information contained in the administrative record for the proposed General Plan Update.

CEQA requires agencies to identify mitigation measures that would avoid or substantially lessen a project's significant impacts or potential significant impacts if such measures are feasible. The mitigating policies identified in the Final EIR mitigate the potential significant impacts of the proposed General Plan Update, to the extent feasible, as described in the

Final EIR. All mitigating policies identified in the Final EIR (as listed in Table ES-3 of the Draft EIR) that are within the Council's authority to impose are hereby adopted by the Council. Future projects must comply with CEQA, including implementation of project-specific mitigation measures where applicable and feasible. Subsequent environmental review for specific projects identified in the Plan may tier off the programmatic analysis or incorporate information from this analysis by reference (CEQA Guidelines, Sections 15150, 15152, and 15168).

Public Resources Code Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen* the significant environmental effects of such projects[.]" (Emphasis added.) The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will *avoid or substantially lessen* such significant effects." (Emphasis added.) Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof." (Pub. Resources Code, Section 21002.)

The mandate and principles set forth in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, Section 21081, subd. (a); CEQA Guidelines, Section 15091, subd. (a).)

The Final EIR examined the environmental impacts of the General Plan Update in the areas of Land Use; Transportation; Air Quality; Greenhouse Gases and Climate Change; Agricultural Resources; Hydrology, Flooding, and Water Quality; Geology and Seismicity; Biological Resources; Public Services, Facilities, and Utilities; Noise; Hazards and Hazardous Materials; Cultural Resources; Visual Resources; Significant Irreversible Environmental Changes; Growth-Inducing Impacts; and Cumulative Impacts.

Despite identifying mitigation for each potentially significant impact, significant and unavoidable impacts were identified in the issue areas of Transportation, Air Quality, Agriculture, Noise, and Hydrology, Flooding and Water Quality. In determining the significance of the environmental effects, it is important to emphasize that in issue areas when uncertainty surrounds impacts at a program level, the EIR analysis uses a conservative approach to both assessment and conclusions. For instance, in noise analyses, traffic noises were modeled without taking into account roadway curvature, railroad grade, shielding from local topography or structures, or elevated roadways, all of which may affect actual sound propagation. The distances reported to the 60 dB, 65 dB, and 70 dB Ldn contours are considered to be conservative estimates of noise exposure along roadways in the city. Due to the programmatic level of analysis in the EIR and lack of project-specific plans, it is not possible to define the exact extent of potential impacts, so it is not possible to ascertain with certainty whether the identified mitigating policies for these impacts will reduce impacts to levels considered "less than significant." Future development will be subject to site-specific, project-level environmental analysis.

The following subsections list each significant or potentially significant environmental impact by issue area in the order it appears in the Draft EIR, the mitigation measures

identified for each impact in the EIR, the CEQA Finding or Findings applied by the Council as described above, and the Facts in Support of each Finding. This discussion does not attempt to describe the full analysis of each environmental impact contained in the EIR. A full documentation of the environmental analysis and conclusions is in the EIR and the record of proceedings for this project (described herein), which are incorporated by reference.

Transportation

Impact 3.2-2 Implementation of the proposed Visalia General Plan could conflict with the applicable Route Concept Reports for State highways, including but not limited to level of service standards.

Implementation of the proposed General Plan would allow State Route (SR) 198 to operate an unacceptable level of service (LOS) along State Route 198 along three segments: (1) State Route 99 to Akers Street (LOS E), (2) Akers Street to Mooney Boulevard (LOS F), and (3) Mooney Boulevard to Lovers Lane (LOS F), due to the ultimate SR 198 design condition being implemented by Caltrans beyond 2035, after General Plan buildout in 2030.

Mitigation Measures

Caltrans' 2012 Transportation Concept Report for SR 198 identifies a four-lane freeway to meet the year 2035 LOS "D" within the Planning Area, with an ultimate design (beyond 2035) being a six-lane freeway. As a six-lane freeway, SR 198 would provide acceptable LOS on these roadway segments. However, per the current Transportation Concept Report, the ultimate design condition for SR 198 would be implemented beyond 2035, after General Plan buildout in 2030. The widening is feasible—the right of way will accommodate an additional travel lane in each direction—but the timing of the improvement may need to be reconsidered as Visalia grows under the proposed General Plan. Implementation of the improvements to SR 198 (a Caltrans facility) is the primary responsibility of Caltrans. The City will work with Caltrans to modify the SR 198 Transportation Concept Report to schedule needed improvements prior to General Plan buildout (Policy T-P-27), assuming that the forecasted growth and development in the Planning Area occurs and necessitates the widening within the planning period. However, because Caltrans has exclusive control over state route improvements, the City cannot guarantee that these improvements will be completed prior to General Plan buildout. No feasible mitigation measures have been identified that would reduce this impact.

General Plan Policies that Reduce the Impact

T-P-27 Work with Caltrans to modify the State Route 198 Route Concept Report to ensure that the facility is designated as a six-lane freeway from Downtown Visalia east to Lovers Lane

Findings

Based upon the EIR and the entire record before the Council, the Council finds that there are no feasible mitigation measures that would reduce the LOS impacts along SR 198. Although there are policies in the General Plan to work with Caltrans to modify the State Route 198 Route Concept Report, the Council finds the impact significant and unavoidable.

Air Quality

Impact 3.3-2 Implementation of the proposed Visalia General Plan could violate any air quality standard or contribute substantially to an existing or projected air quality violation.

Implementation of the proposed General Plan Update would cause increased ROG and NO_x emissions due to construction, and increased PM_{2.5} and PM₁₀ emissions associated with General Plan buildout, in excess of SJVAPCD thresholds.

Mitigation Measures

The City will implement a variety of policies designed to address air quality issues, described below. Future compliance with SJVAPCD Rules and Regulations as part of environmental review for new master plan or specific plan areas, or for proposed development that is not consistent with earlier EIRs covering specific plan areas will also help to reduce air quality emissions associated with individual projects. However, total emissions associated with development of the proposed General Plan would still exceed SJVAPCD thresholds during construction from ROG and NO_x emissions, and PM₁₀ and PM_{2.5} associated with buildout. No additional feasible mitigation measures are currently available to reduce this impact to a less-than-significant level. Consequently, the impact remains significant and unavoidable.

General Plan Policies that Reduce the Impact

The following policies from the *Air Resources Element* will help directly reduce area and mobile sources in the Planning Area.

- AQ-P-2 Require use of Best Management Practices (BMPs) to reduce particulate emission as a condition of approval for all subdivisions, development plans and grading permits, in conformance with the San Joaquin Valley Air Pollution Control District Fugitive Dust Rule.

- AQ-P-3 Support implementation of the San Joaquin Valley Air Pollution Control District's regulations on the use of wood-burning fireplaces, as well as their regulations for the installation of EPA-certified wood heaters or approved wood-burning appliances in new residential development and a "No Burn" policy on days when the air quality is poor.

- AQ-P-4 Support the San Joaquin Valley Air Pollution Control District's "change-out" program, which provides incentives to help homeowners replace old wood-burning fireplaces with EPA-certified non wood-burning appliances.

- AQ-P-7 Be an active partner with the Air District in its "Spare the Air" program. Encourage businesses and residents to avoid pollution-producing activities such as the use of fireplaces and wood stoves, charcoal lighter fluid, pesticides, aerosol products, oil-based paints, and automobiles and other gasoline engines on days when high ozone levels are expected, and promote low-emission vehicles and alternatives to driving.

- AQ-P-8 Update the Zoning Ordinance to strictly limit the development of drive-through facilities, only allowing them in auto-oriented areas and prohibiting them in Downtown and East Downtown.
- AQ-P-9 Continue to mitigate short-term construction impacts and long-term stationary source impacts on air quality on a case-by-case basis and continue to assess air quality impacts through environmental review. Require developers to implement Best Management Practices (BMPs) to reduce air pollutant emissions associated with the construction and operation of development projects.
- AQ-P-11 Continue to work in conjunction with the San Joaquin Valley Air Pollution Control District and others to put in place additional Transportation Control Measures that will reduce vehicle travel and improve air quality and to implement Air Quality Plans.
- AQ-P-12 Where feasible, replace City vehicles with those that employ low-emission technology.
- AQ-P-13 Promote and expand the trip-reduction program for City employees to reduce air pollution and emissions of greenhouse gas.

The following policies from the *Land Use Element* and *Parks, Schools, Community Facilities, and Utilities Element* support energy conservation, which will help reduce building energy consumption and associated area source emissions: LU-P-38 and PSCU-P-14.

The policies described under Impact 3.3-1 in the Draft EIR from the *Land Use Element, Parks, Schools, Community Facilities, and Utilities Element*, and *Circulation Element* would reduce VMT and associated mobile source emissions.

Findings

The City finds that total emissions associated with development of the proposed General Plan would still exceed SJVAPCD thresholds for ROG, NO_x, PM₁₀ and PM_{2.5}. The SJVAPCD has developed and the State and EPA have reviewed and adopted a series of air quality plans for ozone and particulate matter. The plans feature strict rules for stationary sources, and rely on State and federal actions to reduce emissions from mobile sources. The proposed General Plan Update would not conflict with the policies in these plans or the ability of relevant agencies to carry them out. However, new development under the General Plan Update is projected to result in emissions that exceed significance thresholds for certain criteria pollutants.

The proposed General Plan Update would result in an increase in criteria pollutant emissions primarily due to local and regional vehicle emissions and vehicle travel generated by future population growth associated with buildout of the proposed Plan. The proposed General Plan is being offered despite these significant impacts because the City is in need of an updated land use plan that can thoughtfully and creatively accommodate projected population growth, as well as provide for jobs and economic development through General Plan buildout. Full buildout of the proposed General Plan would result in a significant, unavoidable, and cumulatively considerable increase of criteria pollutants, which

significantly impact air quality. The City finds no additional feasible mitigation measures are currently available to reduce this impact to a less-than-significant level.

Impact 3.3-3 Implementation of the proposed Visalia General Plan could result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).

Implementation of the proposed General Plan Update would cause increased ROG and NO_x emissions due to construction, and increased PM_{2.5} and PM₁₀ emissions associated with General Plan buildout, in excess of SJVAPCD thresholds.

Mitigation Measures

The City will implement a variety of policies designed to address air quality issues, described below. Future compliance with SJVAPCD Rules and Regulations as part of environmental review for new master plan or specific plan areas, or for proposed development that is not consistent with earlier EIRs covering specific plan areas will also help to reduce air quality emissions associated with individual projects. However, total emissions associated with development of the proposed General Plan would still exceed SJVAPCD thresholds during construction from ROG and NO_x emissions, and PM₁₀ and PM_{2.5} associated with buildout. No additional feasible mitigation measures are currently available to reduce this impact to a less-than-significant level. Consequently, the impact remains significant and unavoidable.

General Plan Policies that Reduce the Impact

The following policies from the *Air Resources Element* will help directly reduce area and mobile sources in the Planning Area.

- AQ-P-2 Require use of Best Management Practices (BMPs) to reduce particulate emission as a condition of approval for all subdivisions, development plans and grading permits, in conformance with the San Joaquin Valley Air Pollution Control District Fugitive Dust Rule.

- AQ-P-3 Support implementation of the San Joaquin Valley Air Pollution Control District's regulations on the use of wood-burning fireplaces, as well as their regulations for the installation of EPA-certified wood heaters or approved wood-burning appliances in new residential development and a "No Burn" policy on days when the air quality is poor.

- AQ-P-4 Support the San Joaquin Valley Air Pollution Control District's "change-out" program, which provides incentives to help homeowners replace old wood-burning fireplaces with EPA-certified non wood-burning appliances.

- AQ-P-7 Be an active partner with the Air District in its "Spare the Air" program. Encourage businesses and residents to avoid pollution-producing activities such as the use of fireplaces and wood stoves, charcoal lighter fluid, pesticides, aerosol products, oil-based paints, and automobiles and other

gasoline engines on days when high ozone levels are expected, and promote low-emission vehicles and alternatives to driving.

- AQ-P-8 Update the Zoning Ordinance to strictly limit the development of drive-through facilities, only allowing them in auto-oriented areas and prohibiting them in Downtown and East Downtown.
- AQ-P-9 Continue to mitigate short-term construction impacts and long-term stationary source impacts on air quality on a case-by-case basis and continue to assess air quality impacts through environmental review. Require developers to implement Best Management Practices (BMPs) to reduce air pollutant emissions associated with the construction and operation of development projects.
- AQ-P-11 Continue to work in conjunction with the San Joaquin Valley Air Pollution Control District and others to put in place additional Transportation Control Measures that will reduce vehicle travel and improve air quality and to implement Air Quality Plans.
- AQ-P-12 Where feasible, replace City vehicles with those that employ low-emission technology.
- AQ-P-13 Promote and expand the trip-reduction program for City employees to reduce air pollution and emissions of greenhouse gas.

The policies described above under Impact 3.3-2 from the *Land Use Element, Parks, Schools, Community Facilities, and Utilities Element, and Circulation Element* would help reduce cumulative construction and operational emissions associated with the buildout of the proposed General Plan.

Findings

The City finds that total emissions associated with development of the proposed General Plan would still exceed SJVAPCD thresholds for ROG, NO_x, PM₁₀ and PM_{2.5}. The SJVAPCD has developed and the State and EPA have reviewed and adopted a series of air quality plans for ozone and particulate matter. The plans feature strict rules for stationary sources, and rely on State and federal actions to reduce emissions from mobile sources. The proposed General Plan Update would not conflict with the policies in these plans or the ability of relevant agencies to carry them out. However, new development under the General Plan Update is projected to result in emissions that exceed significance thresholds for certain criteria pollutants.

The proposed General Plan Update would result in an increase in criteria pollutant emissions primarily due to local and regional vehicle emissions and vehicle travel generated by future population growth associated with buildout of the proposed Plan. The proposed General Plan is being offered despite these significant impacts because the City is in need of an updated land use plan that can thoughtfully and creatively accommodate projected population growth, as well as provide for jobs and economic development through General Plan buildout. Full buildout of the proposed General Plan would result in a significant, unavoidable, and cumulatively considerable increase of criteria pollutants, which

significantly impact air quality. The City finds no additional feasible mitigation measures are currently available to reduce this impact to a less-than-significant level.

Agriculture

Impact 3.5-1 Buildout of the proposed General Plan would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

Buildout of the proposed General Plan Update would result in conversion of farmland, including Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

Mitigation Measures

No feasible mitigation measures have been identified that would reduce the impacts on agricultural land conversion. The Visalia General Plan reflects a policy determination to allow a certain amount of growth to occur in the Planning Area, which necessitates conversion of farmland to urban uses. Development of the Visalia General Plan will result in the loss of 14,265 acres (or 33 percent) of the existing Important Farmland within the Planning Area to urban uses. Multiple policies are identified in the proposed General Plan to prevent excessive agricultural land conversion, including prioritizing infill development within the existing city limits, clear phasing of growth, compact development in new growth areas, and the continuation of most agricultural activities in the Planning Area.

General Plan Policies that Reduce the Impact

Land Use Element Policies

LU-P-14 Recognize the importance of agriculture-related business to the City and region, and support the continuation and development of agriculture and agriculture-related enterprises in and around Visalia by:

- Implementing growth boundaries and cooperating with the County on agricultural preservation efforts;
- Accommodating agriculture-related industries in industrial districts;
- Facilitating successful farmers' markets;
- Helping to promote locally-grown and produced agricultural goods, and the image of Visalia and Tulare County as an agricultural region.

LU-P-19 Ensure that growth occurs in a compact and concentric fashion by implementing the General Plan's phased growth strategy.

The General Plan Land Use Diagram establishes three growth rings to accommodate estimated City population for the years 2020 and 2030. The Urban Development Boundary I (UDB I) shares its boundaries with the 2012

city limits. The Urban Development Boundary II (UDB II) defines the urbanizable area within which a full range of urban services will need to be extended in the first phase of anticipated growth with a target buildout population of 178,000. The Urban Growth Boundary (UGB) defines full buildout of the General Plan with a target buildout population of 210,000. Each growth ring enables the City to expand in all four quadrants, reinforcing a concentric growth pattern...

LU-P-21 Allow annexation and development of residential, commercial, and industrial land to occur within the Tier II UDB and the Tier III Urban Growth Boundary consistent with the City's Land Use Diagram, according to the following phasing thresholds:

Tier II: The expansion criteria for land in Tier II to become available for annexation and development is that such annexation and development shall only occur if it does not result in excess of a 10-year supply of undeveloped residential land within the new Tier I. This is intended to be consistent with LAFCO policies discouraging residential annexations exceeding a 10-year housing inventory. Thus, the "inner" tier is distinguished from the GPURC-recommended Tier I in that it is not based on projected capacity and need, but rather on a requirement to be able to demonstrate that less than a ten year inventory of residential land exists.

Tier III: Tier III comprises full buildout of the General Plan. The expansion criteria for land in Tier III is that land would only become available for development when building permits have been issued in Tier I and Tier II at the following levels:

- Residential: after permits for 12,800 housing units have been issued, resulting in a target City population in Tier I of 178,000;
- Commercial: after permits for 960,000 square feet of commercial space have been issued; and
- Industrial: after permits for 2,800,000 square feet of industrial space have been issued

To complement residential neighborhood development, the City also may allow small annexations for sites less than 30 acres in size that are contiguous to the City limits to allow for efficient development of a neighborhood, commercial area or employment center, provided no General Plan amendment is required and infrastructure is available or can be extended at no cost to the City.

LU-P-24 Periodically adjust, no less frequently than once every five years, the land use and economic demand projections used to determine population estimates, needed land supply and amendments to Urban Development Boundaries.

This will be done as part of the General Plan Report.

LU-P-25 Provide planning and technical support for the relocation of agricultural operations currently located in the City to compatible locations in the Planning Area or the County.

- LU-P-26 Continue to follow the Referral Agreement with Tulare County, and work with the County to strengthen the implementation of the Visalia General Plan within the Visalia Urban Area Boundary.
- LU-P-27 Initiate planning for post-2030 urban land needs in the area north of St. Johns River that is within the City's Sphere of Influence, and other areas as may be identified by the City Council, when residential development with the Urban Development Boundary reaches 80 percent of capacity, or earlier, at the initiative of the City Council.
- This long-term Planning Area is outside of the Urban Growth Boundary established for this General Plan, and a General Plan amendment adding it to the UGB will require detailed studies of infrastructure needs, financing options for extension public facilities and services, and environmental resources and a determination by the City Council that the City's long term interests are best served by sensitively planned, appropriately timed development north of the St. Johns River, that development will provide a net fiscal benefit to the City, and that infill development opportunities within the City have been fully realized.
- LU-P-30 Maintain greenbelts, or agricultural/open space buffer areas, between Visalia and other communities by implementing growth boundaries and working with Tulare County and land developers to prevent premature urban growth north of the St. Johns River and in other sensitive locations within the timeframe of this General Plan.
- Techniques to be applied selectively at appropriate locations in consultation with landowners with the objective of preserving agricultural lands and open space around the City could include voluntary programs for establishing open space and conservation easements, purchasing development rights, support for agricultural land trusts and "land banking" and, if feasible, establishing a program for transfer of development rights. This program will need to be coordinated with post-2030 planning to avoid creating the potential for "leapfrog" development. See policy LU-P-27.*
- LU-P-31 Promote the preservation of permanent agricultural open space around the City by protecting viable agricultural operations and land within the City limits in the airport and wastewater treatment plant environs.
- Land around the Airport may be developed with site-appropriate industrial uses during the planning period, providing it conforms to the land use compatibility requirements for the Visalia Municipal Airport environs established by the City.*
- LU-P-32 Continue to maintain a 20-acre minimum for parcel map proposals in areas designated for Agriculture to encourage viable agricultural operations in the Planning Area.
- LU-P-33 Work with Tulare County to prevent urban development of agricultural land outside of the current Urban Development Boundary and to promote the use agricultural preserves, where they will promote orderly development.

LU-P-44 Promote development of vacant, underdeveloped, and/or redevelopable land within the City limits where urban services are available and adopt a bonus/incentive program to promote and facilitate infill development in order to reduce the need for annexation and conversion of prime agricultural land and achieve the objectives of compact development established in this General Plan.

Techniques to be used include designation of infill opportunity zones as part of the implementation process and provision of incentives, such as reduced parking and streamlined review, and residential density bonuses, and floor area bonuses for mixed use and/or higher-density development, subject to design criteria and findings of community benefit.

Findings

Based upon the EIR and the entire record before the Council, the Council finds that there are no feasible mitigation measures that have been identified that would reduce the impacts on Important Farmland. The City finds a certain amount of growth to occur in the Planning Area necessitates conversion of farmland to urban uses. The proposed General Plan Update and Draft EIR take steps in addressing farmland conservation by:

- (1) Avoid development of high quality farmland;
- (2) Minimize farmland loss with more efficient development;
- (3) Ensure stability of the urban edge;
- (4) Minimize rural residential development;
- (5) Encourage a favorable agricultural business climate.

The first objective of avoiding development of high quality farmland is addressed by a number of proposed General Plan Policies. The proposed General Plan provides multiple policies to avoid development of high quality farmland, including prioritizing infill development within existing city limits, clear phasing of growth through the establishment of three growth rings, compact development in new growth areas, and the continuation of most agricultural activities in the Planning Area. The City recognizes the importance of promoting compact development through sound land use planning, including planning for the preservation of agricultural lands. Proposed General Plan Policies LU-P-14, LU-P-19, LU-P-21, LU-P-24, LU-P-25, LU-P-26, LU-P-27, LU-P-30, LU-P-31, LU-P-32, LU-P-33, and LU-P-44 demonstrate policies to ensure phased growth.

The second objective of minimizing farmland loss with more efficient development is realized through the land use policies stated above and the concentric growth pattern established under the proposed General Plan.

The third objective of stabilizing of the urban edge is exemplified by Policies LU-P-19 and LU-P-21, which describe the sequencing of development through a phased growth strategy. The "Saving Farmland, Growing Cities" report suggests that "areas around cities designated for future development should not expand more than necessary to accommodate reasonable future growth." The tiered growth system under Policies LU-P-19 and LU-P-21 allow land to become available for annexation and development only when specific criteria are met.

The fourth objective of minimizing rural residential development is covered by the policies described in the third objective, designed to prevent “leapfrogging” development.

The fifth objective of encouraging a favorable agricultural business climate is addressed directly by Policy LU-P-14, to recognize the importance of agriculture-related business to the City and region, and cooperate with the County on agricultural preservation efforts.

In addition to the above policies promoting farmland conservation, it is important to note that the ultimate buildout under the proposed General Plan has a reduced urban footprint relative to the current (existing) General Plan.

A number of comments during the Draft EIR and Final EIR suggested adoption of a farmland mitigation “in-lieu” fee program. This approach is problematic for a number of reasons:

1. “In Lieu” farmland mitigation programs may result in the creation of a patchwork of easements;
2. Payments may not cover the costs of land purchase at the price required to make the easement a meaningful mitigation measure;
3. Conservation easements or in-lieu fees can be economically prohibitive for development; and;
4. Conservation easements may also result in the purchase of agricultural lands not subject to development pressures in the first place.

Each of these four limitations is described in more detail below.

The EIR explains that a program consisting of the required purchase of agricultural easements on other land is inherently dependent upon voluntary agreements by farm owners to sell easements over their property at an agreed price. If agricultural land is subject to development pressures, landowners likely would oppose efforts to “target” their area for the purchase of easements, or will only sell them at a very high cost. The most likely result will be a patchwork of easements, which may or may not constitute enough contiguous farmland to be economically viable and which produce a questionable mitigation benefit.

Payments into agricultural mitigation “in-lieu” funds are generally based on rough estimates of the cost of farmland conservation easements, without specific information about actual costs. As with other real estate transactions, the cost of farmland conservation easements are highly variable. Mitigation fees on a per-acre basis may not be sufficient to cover actual costs of purchasing a set amount for off-site mitigation, raising questions regarding the effectiveness of such a program.

Fees charged under mitigation programs may be economically prohibitive for development in the planning area. Conservation easements can be approximately between 40 and 60 percent of the property’s value. The expense of conservation easements can render future development economically infeasible.

Development pressure on agricultural lands within the Planning Area would result in the vast majority of property owners selling conservation easements at higher rates. The areas

that would be most financially feasible for the purchase of conservation easements would likely be substantially disconnected from the Planning Area and under very little pressure to develop. These properties would likely remain in agricultural use for the duration of the General Plan timeframe, and purchasing conservation easements will not make the conservation any less likely. As such, the mitigation benefit of purchasing conservation easements on these properties would be remote and speculative. While conservation easements may be appropriate and provide tangible benefits in other settings, the likelihood that agricultural easements purchased on areas not subject to development pressures would not produce mitigation that meets CEQA criteria because the mitigation effect would be speculative, remote, and uncertain.

A conservation easement that successfully addresses these constraints is better implemented at a countywide or other regional scale; thus the City, supports the development of a regional conservation program, such as the one proposed in the Tulare County General Plan. Creating a locally based agricultural conservation easement program can have the unintended effect of encouraging conversion of agricultural lands immediately outside of jurisdictional boundaries. The City is supportive of regional efforts to prevent urban development of agricultural lands, specifically at the county level. Tulare County's General Plan 2030 Update Policy contains two policies and an implementation measure relating to agricultural lands, which are reproduced below:

AG-1.6 Conservation Easements.

The County may develop an Agricultural Conservation Easement Program (ACEP) to help protect and preserve agricultural lands (including "Important Farmlands"), as defined in this Element. This program may require payment of an in-lieu fee sufficient to purchase a farmland conservation easement, farmland deed restriction, or other farmland conservation mechanism as a condition of approval for conversion of important agricultural land to nonagricultural use. If available, the ACEP shall be used for replacement lands determined to be of statewide significance (Prime or other Important Farmlands), or sensitive and necessary for the preservation of agricultural land, including land that may be part of a community separator as part of a comprehensive program to establish community separators. The in-lieu fee or other conservation mechanism shall recognize the importance of land value and shall require equivalent mitigation.

AG-1.18 Farmland Trust and Funding Sources.

The in-lieu fees collected by the County may be transferred to the Central Valley Farmland Trust or other qualifying entity, which will arrange the purchase of conservation easements. The County shall encourage the Trust or other qualifying entity to pursue a variety of funding sources (grants, donations, taxes, or other funds) to fund implementation of the ACEP.

Agricultural Element Implementation Measure #15.

The County shall consider the implementation of an Agricultural Conservation Easement Program (ACEP) to help protect and preserve agricultural lands (including "Important Farmlands"), as defined in Policy AG-1.6

The City supports the implementation of these measures by the County, in which the City may then participate. Such a regional program could include a fee to assist and support agricultural uses, and would be most feasibly and strategically developed on a countywide or other regional basis.

Therefore, the Council finds there are no feasible mitigation measures to agricultural land conversion that would also fulfill the objectives of and implement the General Plan as proposed. Although there are policies in the proposed General Plan to reduce this impact, the City finds the potential conversion of agricultural land—which will affect some agricultural activities and prime agricultural soils—is significant and unavoidable.

Impact 3.5-2 Buildout of the proposed General Plan would conflict with existing zoning for agricultural use, or a Williamson Act contract.

Under the proposed General Plan's policies, 511 acres of land currently under active Williamson Act contracts would be converted to non-agricultural use, which represents 2.3 percent of the total acreage under Williamson Act contract within the Planning Area. The new growth areas in the proposed General Plan aim to minimize impacts on Williamson Act contracts, and 57 percent of Williamson Act lands to be converted are already in non-renewal, so this project has no impact on these lands relative to agricultural use over the long term.

Mitigation Measures

This General Plan reflects a policy determination to allow a certain amount of growth to occur in the Planning Area, which necessitates conversion of farmland to urban uses. To the greatest extent feasible, future urban growth has been allocated to areas either without Williamson Act contracts, or to areas with contracts in non-renewal. Avoidance of Williamson Act parcels altogether would create a non-contiguous, "patchwork" development pattern that does not meet the Plan's objectives of concentric, compact, and logical growth. In addition, the City has no authority to force termination of Williamson Act contracts on a given property. Proposed General Plan policies provide a framework for limiting conversion of farmland to the minimum extent needed to accommodate long-term growth, and phasing development in such a way that prevents "leap-frogging" or otherwise reducing the viability of remaining farmland. No further mitigation, besides preventing development, would reduce the impact to active Williamson Act parcels.

General Plan Policies that Reduce the Impact

In addition to the policies listed under Impact 3.5-1, the following policy helps reduce the impact.

OSC-P-1 Conduct an annual review of cancelled Williamson Act contracts and development proposals on agricultural land within the Urban Area Boundary to foresee opportunities for acquisition, dedication, easements or other techniques to preserve agricultural open space or for groundwater recharge.

Findings

Based upon the EIR and the entire record before the Council, the Council finds that there are no feasible mitigation measures that have been identified that would reduce the impacts on Williamson Act parcels. The City finds a certain amount of growth to occur in the Planning Area necessitates conversion of farmland to urban uses. Please see Findings under Impact 3.5-1.

Impact 3.5-3 Buildout of the proposed General Plan would result in changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use.

Urban development has the potential to result in conflicts with adjacent agricultural practices, and lead to restrictions on the use of agricultural chemicals, complaints regarding noise, dust and odors, trespassing, and vandalism. These conflicts may increase costs of agricultural operations, and together with other factors encourage the conversion of additional farmland to urban uses.

Mitigation Measures

No feasible mitigation measures have been identified that would reduce the impacts on agricultural land conversion. The Visalia General Plan reflects a policy determination to allow a certain amount of growth to occur in the Planning Area, which necessitates conversion of farmland to urban uses. Multiple policies are identified in the proposed General Plan to prevent excessive agricultural land conversion, including prioritizing infill development within the existing city limits, clear phasing of growth, compact development in new growth areas, and the continuation of most agricultural activities in the Planning Area.

General Plan Policies that Reduce the Impact

In addition to Policies LU-P-14, LU-P-25, LU-P-30, LU-P-31, LU-P-32, LU-P-33, and LU-P-44 listed under Impact 3.1-1, the following policies will help to reduce this impact to a less than significant level.

Land Use Element Policies

LU-P-34 *Adopt the County's Right-to-Farm ordinance to support continued agricultural operations at appropriate locations within the City limits, with no new provisions.

This ordinance should not limit urban development contemplated by the General Plan.

LU-P-35 *Adopt an Urban Agriculture Ordinance, reflecting "best practices," to support community gardens and other activities.

This ordinance will be prepared in consultation with the Farm Bureau and other interested organizations and individuals.

Open Space and Conservation Element Policies

- OSC-P-27 To allow efficient cultivation, pest control and harvesting methods, require buffer and transition areas between urban development and adjoining or nearby agricultural land.
- OSC-P-28 Require new development to implement measures, as appropriate, to minimize soil erosion related to grading, site preparation, landscaping, and construction.

Findings

Based upon the FEIR and the entire record before the Council, the Council finds that there are no feasible mitigation measures that have been identified that would reduce the impacts on changes to the existing environment that could result in conversion of Farmland to non-agricultural use. The City finds a certain amount of growth to occur in the Planning Area necessitates conversion of farmland to urban uses. Please see Findings under Impact 3.5-1.

Hydrology, Flooding, and Water Quality

Impact 3.6-4 Implementation of the proposed Visalia General Plan could expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, sea level rise, or inundation by seiche, tsunami, or mudflow.

Implementation of the proposed Visalia General Plan could result in the exposure of people or structures to a significant risk of loss, injury or death involving flooding as the result of a failure of Terminus Dam.

Mitigation Measures

No feasible mitigation measures have been identified that would reduce the impacts from the potential failure of Terminus Dam. The Terminus Dam is owned and operated by the U.S. Army Corps of Engineers. It is therefore not feasible for the proposed General Plan Update to completely address improvements to the Terminus Dam to the extent necessary to eliminate risk from dam failure.

General Plan Policies that Reduce the Impact

The following policies will help to reduce this impact, but not to a less than significant level. In addition to these Visalia General Plan policies, the County of Tulare maintains the Tulare County Hazard Mitigation Plan and a Mass Evacuation Plan for the entire county that also serve to reduce this impact.

- S-O-6 Provide comprehensive emergency response and evacuation routes for Visalia area residents.
- S-P-40 Continue to rely on the Tulare County Office of Emergency Services to maintain inventories of available resources to be used during disasters.
- S-P-41 Continue to upgrade preparedness strategies and techniques in all departments so as to be prepared when disaster, either natural or man-made, occurs.

Findings

Based upon the EIR and the entire record before the Council, the Council finds that there are no feasible mitigation measures have been identified that would reduce the impacts of flooding from a potential failure of the Terminus Dam.

Noise

Impact 3.10-3 Exposure of existing noise sensitive land uses to an increase in noise that results in noise in excess of standards found in the existing Visalia General Plan Noise Element.

Exposure of existing noise sensitive land uses to an increase in noise that results in noise in excess of standards found in the existing Visalia General Plan Noise Element. There are 11 roadway segments where existing traffic noise levels are less than 65 Ldn and implementation of the proposed plan will increase traffic noise to be in excess of 65 Ldn. Residences or other noise-sensitive uses along these roadways would be exposed to significant noise impacts because traffic noise would increase to a level that is in excess of the City's 65 Ldn land use compatibility standard.

Mitigation Measures

Although implementation of Policy N-P-2 (below) would reduce this impact by reducing or preventing significant increases in ambient noises for sensitive land uses, it would not be feasible in all situations to reduce this impact to a less-than-significant level. For example, noise attenuation measures such as sound walls and berms would be infeasible or inappropriate in locations where sensitive land uses already exist. Factors that would render these and other noise attenuation measures infeasible include but are not limited to property access, cost, aesthetic considerations, and negative impacts to pedestrian and bicycle connectivity, and impacts to driver visibility. This impact, therefore, is significant and unavoidable.

General Plan Policy that Reduces the Impact

N-P-2 Promote the use of noise attenuation measures to improve the acoustic environment inside residences where existing residential development is located in a noise-impacted environment such as along an arterial street or adjacent to a noise-producing use.

Findings

The City finds that noise resulting from vehicles and stationary operations is expected to increase as a result of the proposed General Plan. Increases are expected to occur both along existing roadways in developed areas and along new roadways in future growth areas, and in the vicinity of new stationary operations, particularly industrial uses. The City finds that additional vehicles traveling along local roadways outweighs potential impacts on existing and future land use resulting from noise. The actual level of impact will depend on the presence and location of existing or proposed land uses or barriers in relation to the noise source. The City will continue to implement its Noise Ordinance. In addition, the City will ensure that noise analysis and mitigation be conducted for individual projects (with project-specific data) that will, if possible, mitigate potential noise impacts to a less-than-significant level. However, given the uncertainty as to whether future noise impacts could

be adequately mitigated for all individual projects, the City finds that potential impacts related to substantial permanent increases in ambient noise related to traffic and stationary sources are considered significant and unavoidable.

The following sections describe the Council's reasoning for approving the proposed General Plan Update, despite these potentially significant unavoidable impacts.

Proposed General Plan Update Benefits

CEQA does not require lead agencies to analyze “beneficial impacts” in an EIR. Rather, EIRs focus on potential “significant effects on the environment” defined to be “adverse” (Public Resources Code Section 21068). Nevertheless, decision makers may be aided by information about project benefits. These benefits can be cited, if necessary, in a statement of overriding considerations (CEQA Guidelines Section 15093). The Council’s decision to adopt the proposed General Plan Update rather than any of the alternatives is based on considering the balance of these benefits of the proposed Project against its identified unavoidable environmental impacts.

Each benefit of the proposed Project, as stated below, is determined to be a basis for overriding all unavoidable adverse environmental impact identified above. The Council has independently verified the key initiatives reflected in the proposed General Plan Update, stated below to justify the Statement of Overriding Consideration.

- Implementation of the proposed General Plan Update will ensure orderly and balanced growth, by emphasizing concentric development and infill opportunities to strengthen Downtown, revitalize existing commercial centers and corridors, and fill in gaps in the city fabric, balanced by moderate outward expansion and protection of agricultural lands.
- Implementation of the proposed General Plan Update will support and enhance a high quality of life by building on Visalia’s small-town feel and ensuring that each neighborhood is a complete, walkable area with a full range of housing types, a discernable center, and a unique sense of place. At a citywide scale, this unique sense of place is preserved by keeping Downtown vital and accentuating the city’s natural creek system.
- Implementation of the proposed General Plan Update will create and enhance mobility and connectivity, by improving connectivity at the neighborhood, city, and regional scales; by improving key corridors; completing missing links in the roadway network; and ensuring that new neighborhoods accommodate and connect to the City’s existing street grid. Consistent with new State requirements, the proposed General Plan will create “complete streets” amenable to walking, biking, and transit use, anticipating robust transit service within the City and beyond.
- Implementation of the proposed General Plan Update will provide broad economic opportunities and a diverse economic base by supporting Visalia’s economic vitality, including higher-intensity development Downtown, the creation of a new urban district in East Downtown, the revitalization of the Mooney Boulevard corridor, the facilitation of expanded medical and educational facilities, and attractive locations for new and expanding businesses.
- Implementation of the proposed General Plan Update will support a forward-looking retail strategy, by providing for new neighborhood commercial uses throughout the City and regional retail development along South Mooney Boulevard to be staged over time in order to support the City’s existing regional base.
- Implementation of the proposed General Plan Update will maintain and strengthen Visalia’s identity as a free-standing City, by working with the County and the community to maintain a physical separation between Visalia and neighboring

communities and limiting the timing and amount of conversion of farmland to urban uses through a tiered growth management system.

- Implementation of the proposed General Plan update will continue to place Visalia as a leader in land conservation, green building, recycling, and stewardship, by promoting waste collection, recycling, development patterns that foster non-automobile travel, clean air and water, as well as reuse of older buildings.

These key goals and initiatives were developed through an extensive public outreach process that accompanied the General Plan Update, which engaged stakeholders, decision-makers, the General Plan Update Review Committee, and members of the general public in discussion and debate over priorities for Visalia's future. Members of the public as well as elected officials were consulted and engaged at each key decision point in the update process, ensuring that the proposed General Plan reflects the community's priorities to the greatest extent possible. During this public process, the Council examined alternatives to the proposed General Plan Update, none of which meet the stated project objectives to the same extent as the proposed Project.

Overriding Considerations Conclusions

The Council finds that the proposed General Plan Update has been carefully reviewed and that mitigating policies have been included in the Final EIR to be certified by the Council. Nonetheless, the proposed General Plan Update may have certain environmental effects that cannot be avoided or substantially lessened. As to these significant environmental effects that are not avoided or substantially lessened to a point less than significant, the Council finds that specific fiscal, economic, social, technological, or other considerations make additional mitigation of those impacts infeasible, in that all feasible mitigation measures have been incorporated into the proposed General Plan.

The Council has carefully considered all of the environmental impacts that have not been mitigated to a less than significant level, as listed above. The Council has also carefully considered the fiscal, economic, social, and environmental benefits of the proposed General Plan Update, as listed above, and compared these with the benefits and impacts of the alternatives, which were evaluated in the Final EIR. The Council has balanced the fiscal, economic, social, and environmental benefits of the proposed Plan against its unavoidable and unmitigated adverse environmental impacts and, based upon substantial evidence in the record, has determined that the benefits of the proposed General Plan Update outweigh, and therefore override, the remaining adverse environmental effects. Such benefits provide the substantive and legal basis for this Statement of Overriding Considerations.

In approving the proposed General Plan Update, the Council makes the following Statement of Overriding Considerations pursuant to Public Resources Code Section 21081 and State CEQA Guidelines Section 15093 in support of its findings on the Final EIR:

The Council has considered the information contained in the Final EIR and has fully reviewed and considered all of the public testimony, documentation, exhibits, reports, and presentations included in the record of these proceedings. The Council specifically finds and determines that this Statement of Overriding Considerations is based upon and supported by substantial evidence in the record.

The Council has carefully weighed the benefits of the proposed General Plan Update against any adverse impacts identified in the Final EIR that could not be feasibly mitigated to a level of insignificance, which are enumerated below. While the Council has required all feasible mitigation measures, such impacts remain significant for purposes of adopting this Statement of Overriding Considerations:

- Impact 3.2-2 (Implementation of the proposed Visalia General Plan could conflict with the applicable Route Concept reports for State highways, including but not limited to level of service standards.)

Finding: Such changes or alterations are within the responsibility and jurisdiction of another public agency (Caltrans) and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. This finding is made pursuant to CEQA Guidelines section 15091(a)(2).

- Impact 3.3-2 (Implementation of the proposed Visalia General Plan could violate any air quality standard or contribute substantially to an existing or projected air quality violation.)
- Impact 3.3-3 (Implementation of the proposed Visalia General Plan could result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors.)
- Impact 3.5-1 (Buildout of the proposed General Plan would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agriculture use.)
- Impact 3.5-2 (Buildout of the proposed General Plan would conflict with existing zoning for agriculture use, or a Williamson Act contract.)
- Impact 3.5-3 (Buildout of the proposed General Plan would result in changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use.)
- Impact 3.6-4 (Implementation of the proposed Visalia General Plan could expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, sea level rise, or inundation by seiche, tsunami, or mudflow.)
- Impact 3.10-3 (Exposure of existing noise sensitive land uses to an increase in noise that results in noise in excess of standards found in the existing Visalia General Plan Noise Element.)

Findings: Pursuant to CEQA Guidelines section 15091(a)(3), specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR. These specific considerations have been analyzed in the context of the proposed

Visalia General Plan and the project alternatives. Based on the evidence in the record, the Planning Commission finds as follows:

- The proposed Visalia General Plan is critical in achieving the City's economic development and job creation goals by fostering a positive and predictable climate for public and private investment, providing a supply of land that is appropriately located and designated for urban uses that are essential for a sustainable quality of life for the City's current population and that of its future buildout population.
- The proposed Visalia General Plan promotes social equity by ensuring adequate housing for all income, age, and lifestyle preferences; providing open government that values public participation; promoting local goods, services, and diverse cultures; promoting community health through a safe, multi-modal transportation system, along with accessible parks and open space areas, and public services arrayed throughout the Planning Area accessible to all members of the community.
- Implementation of the proposed Visalia General Plan will serve as the foundation in making land use decisions based on goals and policies related to land use, transportation routes and modes, population growth and distribution, development, open space, resource preservation and utilization, air and water quality, noise impacts, safety, provision of public services and infrastructure, economic development, and other associated physical and social factors in a holistic and integral manner as to be mutually supportive and internally consistent.
- Implementation of the proposed Visalia General Plan will comply with State requirements and, more importantly, will provide the City, its residents, land owners and businesses, staff and policy makers and all stakeholders with a comprehensive, long-range policy reference for future development.
- The City finds that this level of comprehensive planning is desirable and that it provides a more environmentally sustainable vision and development plan than the previously adopted General Plan Elements for which this proposed Visalia General Plan would supersede, and that it is more capable of achieving the City's community goals and sustainable population buildout expectations.

This Statement of Overriding Considerations applies specifically to those impacts found to be significant and unavoidable as set forth in the Final EIR and the record of these proceedings. In addition, this Statement of Overriding Considerations applies to those impacts that have been substantially lessened but not necessarily lessened to a level of insignificance.

Based upon the goals and objectives identified in the proposed General Plan Update and the Final EIR, following extensive public participation and testimony, and notwithstanding the impacts that are identified in the Final EIR as being significant and potentially significant and which arguably may not be avoided, lessened, or mitigated to a level of insignificance, the Council, acting pursuant to Public Resources Code Section 21081 and Section 15093 of the State CEQA Guidelines, hereby determines that specific economic, legal, social, environmental, technological, and other benefits and overriding considerations of the proposed

General Plan Update sufficiently outweigh any remaining unavoidable, adverse environmental impacts of the proposed General Plan Update and that the proposed General Plan Update should be approved.

Based on the foregoing and pursuant to Public Resources Code section 21081 and State CEQA Guidelines Section 15093, the Council further determines that the unavoidable adverse environmental effects of the proposed General Plan Update are acceptable, and that there are overriding considerations that support the Council's approval of the proposed General Plan Update, as stated in the above sections.

The Council believes that it is prudent to select the proposed General Plan Update over the alternatives because it provides dramatic improvements over the continuation of the existing General Plan, and most closely embodies the project objectives. In making this determination, the Council incorporates by reference all of the supporting evidence cited within the Draft and Final EIR, and in the administrative record.

RESOLUTION NO. PC 2014-35

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA
RECOMMENDING THAT THE CITY COUNCIL ADOPT THE CITY OF VISALIA
CLIMATE ACTION PLAN (CAP)**

WHEREAS, The Planning Commission of the City of Visalia on July 10, 2014, conducted a duly noticed public hearing to consider Final Program Environmental Impact Report (FEIR) (SCH2010041078) and the Climate Action Plan (CAP) for the City of Visalia; and,

WHEREAS, The Planning Commission of the City of Visalia has reviewed and considered the Final Program Environmental Impact Report (FEIR) (SCH2010041078) prepared for the Climate Action Plan (CAP), and has determined the FEIR adequately addresses the potential environmental impacts resulting from implementation of the CAP; and,

WHEREAS, The CAP serves as a plan to assist with enhancing and developing actions designed to reduce the City's greenhouse gas (GHG) emissions to comply with all applicable State, Regional, and City standards as contained in the CAP document, and is hereby incorporated by reference.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission finds that the Final Environmental Impact Report, SCH# 2010041078 was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

BE IT FURTHER RESOLVED, that the Planning Commission recommends certification of Final Environmental Impact Report, SCH# 2010041078, for the CAP based on the findings contained in Resolution No. 2014-34, recommending certification of FEIR (SCH2010041078), and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the Planning Commission recommends adoption of the CAP because it establishes strategies and actions for achieving reductions in GHG emissions, consistent with all State, Regional, and City policies and performance standards, including the current and draft Comprehensive General Plan.