

General Plan Amendment No. GPA 20-009

Animal Confinement Facilities Plan (ACFP)

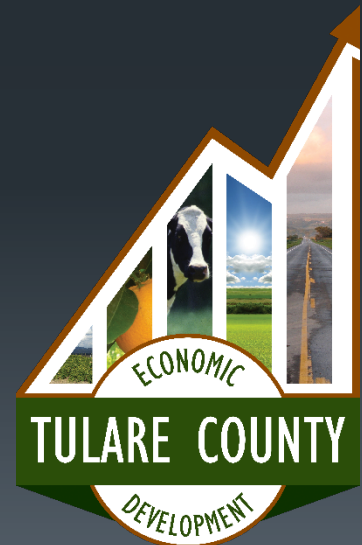
Dairy & Feedlot Climate Action Plan (Dairy CAP)



Board of Supervisors

July 21, 2020

Presented by the
Tulare County Resource Management Agency





Summary

- General Plan Amendment No. GPA 20-009 amends the 2017 Animal Confinement Facilities Plan and 2017 Dairy and Feedlot Climate Action Plan, regulating new dairies and dairy expansions located in the unincorporated areas of Tulare County.
- On July 8, 2020, the Planning Commission held a public hearing and recommended that the Board approve both the Addendum to the Final Environmental Impact Report for the 2017 ACFP and Dairy CAP (PC Resolution 9745) and GPA 20-009 (PC Resolution 9746).
- County of Tulare is the project applicant.
- Amendments to the ACFP and Dairy CAP apply to the unincorporated area of Tulare County.
- A Public Hearing Notice was published on July 8, 2020, in the Sun Gazette.



Project Overview

On August 2, 2019, a Stipulated Settlement was entered into by the parties set forth below for the purpose of completely resolving Case No. 272380 – challenging the EIR for the ACFP and Dairy CAP. The parties included the Sierra Club, the Association of Irrigated Residents, the Center for Biological Diversity, and the County of Tulare. The parties to the Stipulated Settlement agreed that the County shall consider adoption of the following:

- An amendment to the ACFP to allow any bovine facility to use the ACFP "streamlining" provisions for expansions no more than once every five years (ACFP Policy 2.5-3).
- Amendments to the ACFP and Dairy CAP to reduce the ACFP "streamlining" screening level for dairy expansions listed in the Conformance Checklist criteria set forth in Appendix A to the ACFP from 25,000 MT CO₂e per year to 15,000 MT CO₂e per year.
- An amendment to the Dairy CAP to move certain GHG emission reduction strategies from Category B to Category A, as those Categories were established in the Dairy CAP for environmental review purposes under CEQA.



Referral of GPA 20-009

Government Code Section 65352 requires that before a legislative body takes action to substantially amend a general plan, the planning agency must refer the proposed action to nine categories of government entities. The referral entities have 45 days to comment. The County referred the proposed Amendment to the ACFP and the Dairy CAP to these entities on April 20, 2020, and the 45-day period expired on June 4, 2020. No comments were received.

Tribal Consultation – SB 18 and AB 52

California Government Code Section 65352.3 requires public agencies to conduct consultations with Native American tribes that are on the contact list maintained by the Native American Heritage Commission prior to the adoption, or any amendment, of a general plan. Pursuant to Section 65352.3, consultation letters were sent to 13 Native American contacts on February 21, 2020, notifying them of their right to request consultation within 90 days from the date on which they are contacted. No requests for consultation have been received. Tulare County's Native American Contact List is included as Attachment 6 of the Agenda Item.



Correspondence Received

- Government Tulare County Environmental Health Services, Caltrans, and the City of Porterville responded to the Consultation Notice for GPA 20-009 and each stated that they did not have comments.
- Code Section 65352 requires that before a legislative body takes action to substantially amend a general plan, the planning agency must refer the proposed action to nine categories of government entities. The referral entities have 45 days to comment. The County referred the proposed Amendment to the ACFP and the Dairy CAP to these entities on April 20, 2020, and the 45-day period expired on June 4, 2020. No comments were received.
- The Center for Biological Diversity responded to the Consultation Notice for GPA 20-009 and requested that the County provide a detailed update to the Board of Supervisors and public regarding the implementation of other requirements of the settlement.
- A letter dated June 29, 2020, was sent to the Center for Biological Diversity responding to their June 4, 2020, letter commenting on GPA 20-009. The June 29, 2020, response letter is in Attachment No. 6 of the Agenda Packet.
- An update on implementation of the settlement will be provided to the Board and public today during the presentation of the 2019 Annual Report of total dairy GHG emission reductions.



Environmental Summary

GPA 20-009 is not expected to create any new impacts and is not expected to exacerbate any previously identified impacts. Instead, it is anticipated that the project would reduce impacts since:

- Facilities would be limited to no more than one "streamlining" screening level expansion every five years. *Under the existing ACFP and Dairy CAP there is no limit to how often dairies could utilize "streamlining" screening level dairy expansions.*
- Only expansions that generate less than 15,000 metric tons per year of net GHG Emissions would qualify for "streamlining" screening level dairy expansion. *Under the existing ACFP and Dairy CAP, expansions that generate less than 25,000 metric tons of net GHG Emissions would qualify for "streamlining" screening level dairy expansion.*
- Some GHG emission reduction strategies would simply move from Category B to Category A in the Dairy CAP.

As allowed under CEQA, the County, as the lead agency, has prepared an Addendum to the 2017 Final Environmental Impact Report for the 2017 ACFP and Dairy CAP, which reflects the County's independent judgment. Pursuant to CEQA Guidelines §15164(c) the Addendum does not need to be circulated for public review. Rather, it may be included or attached to the FEIR.



General Plan Consistency

The County's General Plan Amendment Policy provides that the Board shall, among other considerations give consideration as to the public need or necessity of the amendment and whether the proposed amendment would further the goals, objectives, policies of the general plan and not obstruct their attainment (Policies and Procedures 391).

The proposed Project would amend and update the Tulare County General Plan, Chapter 12. The project is consistent with, and implements, the following applicable Tulare County General Plan Policies:

PLANNING FRAMEWORK:

PF-1.2 Intergovernmental Coordination: The County shall work with Federal, State, and regional agencies; local districts; utility providers; Native American tribes; and the military to ensure that the County and the public are involved, as appropriate, throughout any planning processes and that the agency and public input is requested.

AGRICULTURE:

AG-1.1 Primary Land Use: The County shall maintain agriculture as the primary land use in the valley region of the County, not only in recognition of the economic importance of agriculture, but also in terms of agriculture's real contribution to the conservation of open space and natural resources.



General Plan Consistency

AG-1.2 Coordination: The County shall coordinate its agricultural policies and programs with State and federal regulations to preserve agricultural lands.

AG-2.11 Energy Production: The County shall encourage and support the development of new agricultural related industries featuring alternative energy, utilization of agricultural waste, and solar or wind farms.

LAND USE:

LU-1.6 Permitting Procedures and Regulations: The County shall continue to ensure that its permitting procedures and regulations are consistent and efficient.

LU-2.1 Agricultural Lands: The County shall maintain agriculturally-designated areas for agriculture use and by directing urban development away from valuable agricultural lands to cities, unincorporated communities, hamlets, and planned community areas where public facilities and infrastructure are available.

ENVIRONMENTAL RESOURCE MANAGEMENT:

ERM-4.6 Renewable Energy: The County shall support efforts, when appropriately sited, for the development and use of alternative energy resources, including renewable energy such as wind, solar, bio-fuels and co-generation.



Board of Supervisor Request:

1. Hold a public hearing at 9:30 a.m. or shortly thereafter.
2. Accept the Tulare County Planning Commission recommendation and approve an Addendum to the 2017 Final Environmental Impact Report for the 2017 Animal Confinement Facilities Plan and the 2017 Dairy and Feedlot Climate Action Plan for the purpose of considering the proposed 2020 Amendments to the 2017 ACFP and 2017 Dairy CAP.
3. Accept the Planning Commission recommendations and adopt General Plan Amendment No. GPA 20-009 for the proposed first Amendment to the 2017 ACFP set out in Chapter 12 of the Tulare County General Plan 2030 Update, and approve an amendment to the 2017 Dairy CAP.