

**(e) IMPORTANCE OF PROVIDING A BALANCED PLAN PROMOTING
ECONOMIC DEVELOPMENT AND PROTECTION AND
CONSERVATION OF THE ENVIRONMENT.**

**ATTACHMENT 1
COUNTY OF TULARE GENERAL PLAN INTRODUCTION
AND LAND USE ELEMENT**

Tulare County General Plan

A comprehensive General Plan provides a jurisdiction (a City or County) with a consistent framework for land use decision-making. The General Plan has been called the “constitution” for land use development to emphasize its importance to land use decisions. A General Plan is called upon to address a range of diverse, sometimes divergent, public interests. A County utilizes broad discretion to weigh and balance competing interests in formulating general-plan policies. The General Plan and its policies, maps, and diagrams form the basis for the County’s zoning, subdivision, and public works actions. Under California law, no specific plan, zoning, subdivision map, or public works project may be approved unless the County finds that it is consistent with the adopted General Plan as per Government Code §§ 65359, 65401, 65454, 65860, and 66473.5.

A City or County may adopt a General Plan in any format deemed appropriate or convenient by the Legislative Body that best fits its unique circumstances. Furthermore, the General Plan may be adopted for all or part of the territory of the County, and may be adopted as a single document or as a group of documents relating to subjects or geographic segments of the planning area (Government Code § 65301). In doing so, the jurisdiction must ensure that the General Plan and its component parts comprise an integrated, internally consistent, and compatible statement of development policies (Government Code §65300.5).

1.2 Tulare County General Plan: The Structure

Historic General Plan Overview

In undertaking the General Plan 2030 Update (GPU) and preparing the Recirculated Draft Environmental Impact Report (RDEIR), the County of Tulare is not writing on a “blank slate”. The GPU amends the existing County General Plan by modernizing, updating, and adding to existing General Plan policies that have been developed over time since the first County general plan was adopted in 1964.

Historically, the Tulare County General Plan has been structured in an informal, three tier system:

The first tier consisted of the seven mandatory elements of a General Plan and several optional or voluntary elements, including the Urban Boundaries Element, the Animal Confinement Facilities Plan (ACFP)-Phase I, and others. The policies in these elements applied countywide. The second tier consisted of two adopted area plans: the Rural Valley Lands Plan and the Foothill Growth Management Plan. These plans covered two major geographical areas within the unincorporated area in the County and established policies applicable in these particular areas.

The third tier consisted of community plans, several sub-area plans, and a number of County Adopted City General Plans (land use plans adopted by the County for areas just beyond the boundaries of incorporated cities). These plans were designed to add and tailor policies applicable within certain defined boundaries.

General Plan 2030 Update Overview

Tulare County General Plan 2030 Update is the product of an update process that, in 2010, added a variety of important new goals and policies to existing components of the County’s General Plan. In addition, some obsolete policies of the General Plan were deleted by this update process. In many cases, those obsolete policies were replaced by new provisions. Further, a Work Plan, consisting of implementation measures, was developed.

Tulare County General Plan

All general plans, including this one, must address a range of diverse, sometimes divergent, public interests. They must do so within a consistent, well-integrated policy framework. A county utilizes broad discretion to weigh and balance competing interests in formulating general plan policies. In implementing those policies, it is the task of the Board of Supervisors, or its delegates, to make determinations in a manner that promotes the objectives and policies of all aspects of the General Plan, and does not obstruct their attainment. Policy implementation may require reasonable and thoughtful consideration of a number of General Plan policies. Such implementation decisions will be made on a case-by-case basis as the Board of Supervisors, Planning Commission, County staff, and others work to implement the entire General Plan. When implementing the General Plan or reviewing projects or approvals for consistency with the General Plan, the County will need to balance numerous planning, environmental and policy considerations.

Another overall principle to guide the reading and interpreting of the General Plan and its policies is that none of its provisions will be interpreted by the County in a manner that violates State or Federal law. For example, PFS-1.3:Impact Mitigation, requires new development to pay for its proportionate share of the costs of infrastructure required to serve the project. This policy will be implemented subject to applicable legal standards, including but not limited to the U.S. Constitution's "Takings" clause. In reading every provision of the General Plan, one should infer that it is limited by the principle: "to the extent legally permitted".

Policies throughout the General Plan use the terminology "shall" and "should." For the purposes of interpreting the policies in this General Plan, the term "shall" indicates a mandatory or required action or a duty to undertake an action unless the context indicates otherwise, in which case the term is synonymous with "should." The term "should" indicates a directive subject to discretion and requires at least review or consideration and, in that context, substantial compliance with the spirit or purpose of these General Plan policies. The term "may" indicates at the sole discretion of the County.

1.6 Cross Element or Chapter Considerations

The General Plan 2030 Update combines and reorganizes the County's historical Elements under modern concepts. However, it still segregates policies into specific subjects. It is generally recognized that certain land use planning concerns "cross" subject lines.

For example, two of the current "hot topic" concerns in 2012 that cross subject lines are the marshalling of resources in light of growing populations and reducing activities emitting greenhouse gases that may impact climate. Three factors are common to both of these concerns: resources, emissions, population growth. Resources are finite and therefore the use must be balanced. A population must be provided adequate services. As the population grows, more resources are required and used. Using certain resources results in greenhouse gas emissions. These emissions may impact the climate ultimately resulting in a difference in the availability resources to support or provide adequate services to the growing population.

In addition to crossing subject lines, the greenhouse gas emission concerns are regional and maybe even global in nature. To that end, the California Governor and State Legislature have charged the California Air Resources Board and the Office of Planning and Resources to develop regulations to assist in addressing these concerns. In addition, the San Joaquin Valley Air Pollution Control District is establishing guidelines for addressing greenhouse gases and climate change for development projects, and regulations pertaining to site specific operations.

Under the California Land Use and Planning laws, the County is generally charged with adopting a General Plan to plan the location and regulate new development and land uses in the unincorporated

4.1 Growth and Development

LU-1

To encourage the overall economic and social growth of the County while maintaining its quality of life standards and highly efficient land use.

LU-1.1 Smart Growth and Healthy Communities

The County shall promote the principles of smart growth and healthy communities in UDBs and HDBs, including:

1. Creating walkable neighborhoods,
2. Providing a mix of residential densities,
3. Creating a strong sense of place,
4. Mixing land uses,
5. Directing growth toward existing communities,
6. Building compactly,
7. Discouraging sprawl,
8. Encouraging infill,
9. Preserving open space,
10. Creating a range of housing opportunities and choices,
11. Utilizing planned community zoning to provide for the orderly pre-planning and long term development of large tracks of land which may contain a variety of land uses, but are under unified ownership or development control, and
12. Encouraging connectivity between new and existing development.

LU-1.2 Innovative Development

The County shall promote flexibility and innovation through the use of planned unit developments, development agreements, specific plans, Mixed Use projects, and other innovative development and planning techniques.

LU-1.3 Prevent Incompatible Uses

The County shall discourage the intrusion into existing urban areas of new incompatible land uses that produce significant noise, odors, or fumes.

LU-1.4 Compact Development

The County shall actively support the development of compact mixed use projects that reduce travel distances.

LU-1.5 Paper Subdivision Consolidation

The County shall encourage consolidation of paper parcels/subdivisions, especially those lots that are designated Valley Agriculture (VA), Foothill Agriculture (FA), or Resource Conservation (RC), are irregular in shape, inadequate in size for proper use, or lack infrastructure.

LU-1.6 Permitting Procedures and Regulations

The County shall continue to ensure that its permitting procedures and regulations are consistent and efficient.