

# Greenhouse Gas Emissions

## Chapter 3.8

### SUMMARY OF FINDINGS

The proposed Project will result in *Less Than Significant Impacts* related to Greenhouse Gas (GHG) Emissions through the Year 2030 Planning horizon. A detailed review of potential impacts is provided in the following analysis. An Air Quality and Greenhouse Gas Analysis Technical Memorandum prepared by Tulare County Resource Management Agency (RMA) staff, which is included as Appendix “A” of this document, is used as the basis for determining this Project will result in *Less Than Significant Impacts*.

### INTRODUCTION

#### California Environmental Quality Act (CEQA) Requirements

##### Section 15064.4 Determining the Significance of Impacts from Greenhouse Gas Emissions

- “(a) The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in section 15064. A lead agency should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to:
- (1) Use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use. The lead agency has discretion to select the model or methodology it considers most appropriate provided it supports its decision with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use; and/or
  - (2) Rely on a qualitative analysis or performance based standards.
- (b) A lead agency should consider the following factors, among others, when assessing the significance of impacts from greenhouse gas emissions on the environment:
- (1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;
  - (2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
  - (3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such requirements must be adopted by the relevant public agency through a public review process and must reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are

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still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.”<sup>1</sup>

### Thresholds of Significance

According to Appendix G of the CEQA Guidelines, project-related greenhouse gas (GHG) emissions would normally have a significant effect on climate change if the project would:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

The San Joaquin Valley Unified Air Pollution Control District (Air District) has not adopted a numerical threshold, such as a volume of GHG per capita (MTCO<sub>2</sub>e per person) or a maximum annual volume (e.g. 3,000 MMTCO<sub>2</sub>e per year), for GHG emissions. The Air District however, has provided guidance to assist Lead Agencies which established a menu of performance standards, some of which depend on the existence of an adopted climate action plan or the establishment of Best Performance Standards (BPS). Specifically, the Air District’s *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Project under CEQA* document provides the following process for evaluating GHG significance.<sup>2</sup>

- “Projects determined to be exempt from the requirements of CEQA would be determined to have a less than significant individual and cumulative impact for GHG emissions and would not require further environmental review, including analysis of project specific GHG emissions. Projects exempt under CEQA would be evaluated consistent with established rules and regulations governing project approval and would not be required to implement BPS.
- Projects complying with an approved GHG emission reduction plan or GHG mitigation program which avoids or substantially reduces GHG emissions within the geographic area in which the project is located would be determined to have a less than significant individual and cumulative impact for GHG emissions. Such plans or programs must be specified in law or approved by the lead agency with jurisdiction over the affected resource and supported by a CEQA compliant environmental review document adopted by the lead agency. Projects complying with an approved GHG emission reduction plan or GHG mitigation program would not be required to implement BPS.
- Projects implementing Best Performance Standards would not require quantification of project specific GHG emissions. Consistent with CEQA Guideline, such projects would be determined to have a less than significant individual and cumulative impact for GHG emissions.

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<sup>1</sup> CEQA Guidelines. Section 15064.4

<sup>2</sup> San Joaquin Valley Unified Air Pollution Control District (SJVAPCD or Air District), Valley Land-use Agencies in Addressing GHG Emission Impacts for New Project under CEQA. Pages 4-5. Accessed September 2021 at: <http://www.valleyair.org/Programs/CCAP/12-17-09/3%20CCAP%20-%20FINAL%20LU%20Guidance%20-%20Dec%2017%202009.pdf>.

- Projects not implementing Best Performance Standards would require quantification of project specific GHG emissions and demonstration that project specific GHG emissions would be reduced or mitigated by at least 29%, compared to Business-as-Usual (BAU\*), including GHG emission reductions achieved since the 2002-2004 baseline period. Projects achieving at least a 29% GHG emission reduction compared to BAU would be determined to have a less than significant individual and cumulative impact for GHG.
- Notwithstanding any of the above provisions, projects requiring preparation of an Environmental Impact Report for any other reason would require quantification of project specific GHG emissions. Projects implementing BPS or achieving at least a 29% GHG emission reduction compared to BAU would be determined to have a less than significant individual and cumulative impact for GHG.”<sup>3</sup>

## ENVIRONMENTAL SETTING

“Gases that trap heat in the atmosphere are called greenhouse gases (GHGs). The major concern is that increases in GHGs are causing global climate change. Global climate change is a change in the average weather on earth that can be measured by wind patterns, storms, precipitation and temperature. The gases believed to be most responsible for global warming are water vapor, carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>).”<sup>4</sup>

“In 2007, Tulare County generated approximately 5.2 million tonnes of CO<sub>2</sub>e [carbon dioxide equivalent]. The largest portion of these emissions (63 percent) is attributed to dairies/feedlots, while the second largest portion (16 percent) is from mobile sources.”<sup>5</sup>

<b>Table 3.7-1 Emissions by Sector in 2007</b>		
<b>Sector</b>	<b>CO<sub>2</sub>e (tonnes/year)</b>	<b>% of Total</b>
Electricity	542,690	11%
Natural Gas	321,020	6%
Mobile Sources	822,230	16%
Dairy/Feedlots	3,294,870	63%
Solid Waste	227,250	4%
<b>Total</b>	<b>5,208,060</b>	<b>100%</b>
<b>Per Capita</b>	<b>36.1</b>	
<i>Source: Tulare County General Plan 2030 Update Recirculated Draft EIR. Page 3.4-22. Table 3.4-2.</i>		

<sup>3</sup> Ibid.

<sup>4</sup> Tulare County General Plan 2030 Update. Background Report. Page 6-17. Accessed September 2021 at: <http://generalplan.co.tulare.ca.us/documents/GeneralPlan2010/BackgroundReport.pdf>.

<sup>5</sup> Tulare County General Plan 2030 Update. Recirculated DEIR. Page 3.4-32.

“In 2030, Tulare County is forecast to generate approximately 6.1 million tons of CO<sub>2</sub>e. The largest portion of these emissions (59 percent) is attributed to dairies/feedlots, while the second largest portion (20 percent) is from mobile sources. Per capita emissions in 2030 are projected to be approximately 27 tons of CO<sub>2</sub>e per resident.”<sup>6</sup>

<b>Table 3.7-2 Emissions by Sector in 2030</b>		
<b>Sector</b>	<b>CO<sub>2</sub>e (tonnes/year)</b>	<b>% of Total</b>
Electricity	660,560	11%
Natural Gas	384,410	6%
Mobile Sources	1,212,370	20%
Dairy/Feedlots	3,601,390	59%
Solid Waste	246,750	4%
<b>Total</b>	<b>6,105,480</b>	<b>100%</b>
<b>Per Capita</b>	<b>27.4</b>	

*Source: Tulare County General Plan 2030 Update Recirculated Draft EIR, page 3.4-22, Table 3.4-3*

The Tulare County General Plan 2030 Update Background Report contains the following: “Enhancement of the greenhouse effect can occur when concentrations of GHGs exceed the natural concentrations in the atmosphere. Of these gases, CO<sub>2</sub> and methane are emitted in the greatest quantities from human activities. Emissions of CO<sub>2</sub> are largely by-products of fossil fuel combustion, whereas methane primarily results from off-gassing associated with agricultural practices and landfills. SF<sub>6</sub> is a GHG commonly used in the utility industry as an insulating gas in transformers and other electronic equipment. There is widespread international scientific agreement that human-caused increases in GHGs has and will continue to contribute to global warming, although there is much uncertainty concerning the magnitude and rate of the warming.

Some of the potential resulting effects in California of global warming may include loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years (CARB, 2006). Globally, climate change has the potential to impact numerous environmental resources through potential, though uncertain, impacts related to future air temperatures and precipitation patterns. The projected effects of global warming on weather and climate are likely to vary regionally, but are expected to include the following direct effects (IPCC, 2001):

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<sup>6</sup> *Ibid.*

- Higher maximum temperatures and more hot days over nearly all land areas;
- Higher minimum temperatures, fewer cold days and frost days over nearly all land areas;
- Reduced diurnal temperature range over most land areas;
- Increase of heat index over land areas; and
- More intense precipitation events.

Also, there are many secondary effects that are projected to result from global warming, including global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity. While the possible outcomes and the feedback mechanisms involved are not fully understood, and much research remains to be done, the potential for substantial environmental, social, and economic consequences over the long term may be great.”<sup>7</sup>

According to AB 32, which is discussed further below, “The [California State] Legislature finds and declares all of the following: (a) Global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. The potential adverse impacts of global warming include the exacerbation of air quality problems, a reduction in the quality and supply of water to the state from the Sierra snowpack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems. (b) Global warming will have detrimental effects on some of California’s largest industries, including agriculture, wine, tourism, skiing, recreational and commercial fishing, and forestry. It will also increase the strain on electricity supplies necessary to meet the demand for summer air-conditioning in the hottest parts of the state.”<sup>8</sup>

## **REGULATORY SETTING**

Applicable Federal, State, and local regulations specific to greenhouse gas resources are described below. The following environmental regulatory settings were summarized, in part, from information contained in the Tulare County 2030 General Plan Update Background Report, Tulare County General Plan 2030 Update Recirculated Draft Environmental Impact Report (RDEIR), the California Air Resources Board (ARB) website, and the United States Environmental Protection Agency (US EPA) website.

### ***Federal Agencies & Regulations***

#### **United States Environmental Protection Agency Greenhouse Gas Endangerment Findings**

“On December 7, 2009, Administrator Lisa Jackson signed a final action, under Section 202(a) of the Clean Air Act, finding that six key well-mixed greenhouse gases constitute a threat to

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<sup>7</sup> Op. Cit. 6-27 to 6-28

<sup>8</sup> California Air Resources Board, website: <http://www.arb.ca.gov/cc/ab32/ab32.htm>

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public health and welfare, and that the combined emissions from motor vehicles cause and contribute to the climate change problem.”<sup>9</sup>

“The Administrator finds that the current and projected concentrations of the six key well-mixed greenhouse gases — carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>) — in the atmosphere threaten the public health and welfare of current and future generations.”<sup>10</sup>

However, as indicated by the US EPA website accessed on July 2, 2017, “Thank you for your interest in this topic. We are currently updating our website to reflect EPA's priorities under the leadership of President Trump and Administrator Pruitt. If you're looking for an archived version of this page, you can find it on the January 19 snapshot.”<sup>11</sup>

### ***State Agencies & Regulations***

#### California Clean Air Act (CAA)

“The California CAA of 1988 establishes an air quality management process that generally parallels the federal process. The California CAA, however, focuses on attainment of the State ambient air quality standards,... which, for certain pollutants and averaging periods, are more stringent than the comparable federal standards. Responsibility for meeting California’s standards is addressed by the CARB and local air pollution control districts (such as the eight county SJVAPCD, which administers air quality regulations for Tulare County). Compliance strategies are presented in district-level air quality attainment plans.”<sup>12</sup>

#### California Air Resources Board

“The Air Resources Board (ARB or Board) has established State ambient air quality standards (State standards) to identify outdoor pollutant levels considered safe for the public. After State standards are established, State law requires ARB to designate each area as attainment, nonattainment, or unclassified for each State standard. The area designations, which are based on the most recent available data, indicate the healthfulness of air quality throughout the State.”<sup>13</sup>

“On April 26, 1996, the Board approved the "Carbon Monoxide Redesignation Request and Maintenance Plan for Ten Federal Planning Areas" as part of the State Implementation Plan (SIP) for Carbon Monoxide. U.S. EPA approved this revision on June 1, 1998 and redesignated the ten areas to attainment. On October 22, 1998, ARB revised the SIP to incorporate the effects of the recent Board action to remove the wintertime oxygen requirement for gasoline in certain areas. On July 22, 2004, ARB approved an update to the SIP that shows how the ten areas will

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<sup>9</sup> United States Environmental Protection Agency, <http://www.epa.gov/climatechange/EPAactivities/regulatory-initiatives.html>

<sup>10</sup> United States Environmental Protection Agency, <http://www.epa.gov/climatechange/endangerment/index.html>

<sup>11</sup> EPA, website: <https://www.epa.gov/sites/production/files/signpost/cc.html>, accessed July 14, 2017.

<sup>12</sup> Tulare County General Plan 2030 Update RDEIR, pages 3.3-2 to 3.3-3

<sup>13</sup> ARB, <http://www.arb.ca.gov/desig/desig.htm>, accessed July 14, 2017

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maintain the standard through 2018, revises emission estimates, and establishes new on-road motor vehicle emission budgets for transportation conformity purposes.”<sup>14</sup>

#### Executive Order S-3-05

“Executive Order S-3-05 was signed by Governor Schwarzenegger on June 1, 2005. This executive order established [GHG] emission reduction targets for California. Specifically, the executive order established the following targets:

- By 2010, reduce GHG emissions to 2000 levels.
- By 2020, reduce GHG emissions to 1990 levels.
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

The executive order additionally ordered that the Secretary of the California Environmental Protection Agency (Cal EPA) would coordinate oversight of the efforts among state agencies made to meet the targets and report to the Governor and the State Legislature biannually on progress made toward meeting the GHG emission targets. Cal EPA was also directed to report biannually on the impacts to California of global warming, including impacts to water supply, public health, agriculture, the coastline, and forestry, and prepare and report on mitigation and adaptation plans to combat these impacts.

In response to the EO [executive order], the Secretary of Cal EPA created the Climate Action Team (CAT), composed of representatives from the Air Resources Board; Business, Transportation, & Housing; Department of Food and Agriculture; Energy Commission; California Integrated Waste Management Board (CIWMB); Resources Agency; and the Public Utilities Commission (PUC). The CAT prepared a recommended list of strategies for the state to pursue to reduce climate change emission in the state...”<sup>15</sup>

#### Assembly Bill 32: California Global Warming Solutions Act of 2006

“In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill 32; California Health and Safety Code Division 25.5, Sections 38500, et seq.), which requires the CARB to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020.

In December 2007, CARB approved the 2020 emission limit of 427 million metric tons of CO<sub>2</sub> equivalents (CO<sub>2</sub>e) of greenhouse gases (CARB, page 2, 2007b). The 2020 target of 427 million metric tons of CO<sub>2</sub>e requires the reduction of 169 million metric tons of CO<sub>2</sub>e, or approximately 30 percent, from the State’s projected 2020 emissions of 596 million metric tons of CO<sub>2</sub>e (business-as-usual).

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<sup>14</sup> ARB, <http://www.arb.ca.gov/planning/sip/co/co.htm>, accessed July 14, 2017

<sup>15</sup> Tulare County General Plan 2030 Update RDEIR, pages 3.4-4 to 3.4-5

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Also in December 2007, CARB adopted mandatory reporting and verification regulations pursuant to AB 32. The regulations became effective on January 1, 2009, with the first reports covering 2008 emissions. The mandatory reporting regulations require reporting for certain types of facilities that make up the bulk of the stationary source emissions in California. Currently, the draft regulation language identifies major facilities as those that generate more than 25,000 metric tons/year of CO<sub>2</sub>e. Cement plants, oil refineries, electric-generating facilities/providers, cogeneration facilities, and hydrogen plants and other stationary combustion sources that emit more than 25,000 metric tons/year CO<sub>2</sub>e, make up 94 percent of the point source CO<sub>2</sub>e emissions in California (CARB, page 12, 2007a).<sup>16</sup>

### Climate Change Scoping Plan

“In June, 2008, CARB published its *Climate Change Draft Scoping Plan* (CARB, page ES-1, 2008a). The *Climate Change Draft Scoping Plan* reported that CARB met the first milestones set by AB 32 in 2007: developing a list of early actions to begin sharply reducing greenhouse gas emissions; assembling an inventory of historic emissions; and establishing the 2020 emissions limit. After consideration of public comment and further analysis, CARB adopted the *Climate Change Scoping Plan* (Scoping Plan) in December, 2008 (CARB, page ES-1, 2008b). The Scoping Plan proposes a set of actions designed to reduce overall carbon emissions in California. Key elements of the Scoping Plan include:

- Expanding and strengthening existing energy efficiency programs as well as building and appliance standards;
- Achieving a Statewide renewables energy mix of 33 percent;
- Developing a California cap-and-trade program that links with other Western Climate Initiative partner programs to create a regional market system;
- Establishing targets for transportation-related greenhouse gas emissions for regions throughout California, and pursuing policies and incentives to achieve those targets;
- Adopting and implementing measures pursuant to existing State laws and policies, including California’s clean car standards, goods movement measures, and the Low Carbon Fuel Standard; and
- Creating targeted fees, including a public goods charge on water use, fees on high global warming potential gases, and a fee to fund the administrative costs of the State’s long term commitment to AB 32 implementation. (CARB, pages ES-3 – ES-4, 2008b)

The *Scoping Plan* notes that “[a]fter Board approval of this plan, the measures in it will be developed and adopted through the normal rulemaking process, with public input” (CARB, page ES-4, 2008b).

The *Scoping Plan* states that local governments are “essential partners” in the effort to reduce greenhouse gas emissions, and that they have “broad influence and, in some cases, exclusive jurisdiction” over activities that contribute to greenhouse gas emissions. Local governments may

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<sup>16</sup> *Ibid.* 3.4-5

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contribute to significant direct and indirect greenhouse gas emissions through their planning and permitting processes, local ordinances, outreach and education efforts, and municipal operations. Many of the proposed measures to reduce greenhouse gas emissions rely on local government actions. The plan encourages local governments to reduce greenhouse gas emissions by approximately 15 percent from current levels by 2020 (CARB, pages 26-27, 2008b).

The *Scoping Plan* also included recommended measures that were developed to reduce greenhouse gas emissions from key sources and activities while improving public health, promoting a cleaner environment, preserving our natural resources, and ensuring that the impacts of the reductions are equitable and do not disproportionately impact low-income and minority communities. These measures also put the State on a path to meet the long-term 2050 goal of reducing California's greenhouse gas emissions to 80 percent below 1990 levels. These measures were presented to and approved by the CARB on December 11, 2008.

The total reduction for the recommended measures is 174 million metric tons/year of CO<sub>2</sub>e, slightly exceeding the 169 million metric tons/year of CO<sub>2</sub>e of reductions estimated to be needed in the *Scoping Plan*. The measures in the Scoping Plan approved by the Board will be developed over the next two years and be in place by 2012.”<sup>17</sup>

“The First Update to the Scoping Plan was approved by the Board on May 22, 2014, and builds upon the initial Scoping Plan with new strategies and recommendations. The First Update identifies opportunities to leverage existing and new funds to further drive GHG emission reductions through strategic planning and targeted low carbon investments. The First Update defines ARB's climate change priorities for the next five years, and also sets the groundwork to reach long-term goals set forth in Executive Orders S-3-05 and B-16-2012. The Update highlights California's progress toward meeting the "near-term" 2020 GHG emission reduction goals defined in the initial Scoping Plan. It also evaluates how to align the State's "longer-term" GHG reduction strategies with other State policy priorities for water, waste, natural resources, clean energy, transportation, and land use.”<sup>18</sup>

“On April 29, 2015, the Governor issued Executive Order B-30-15 establishing a mid-term GHG reduction target for California of 40 percent below 1990 levels by 2030. All state agencies with jurisdiction over sources of GHG emissions were directed to implement measures to achieve reductions of GHG emissions to meet the 2030 and 2050 targets. ARB was directed to update the AB 32 Scoping Plan to reflect the 2030 target, and therefore, is moving forward with the update process. The mid-term target is critical to help frame the suite of policy measures, regulations, planning efforts, and investments in clean technologies and infrastructure needed to continue driving down emissions.”<sup>19</sup>

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<sup>17</sup> *Op. Cit.* 3.4-5 to 3.4-6

<sup>18</sup> ARB, <https://www.arb.ca.gov/cc/scopingplan/document/updatedscopingplan2013.htm>, accessed July 14, 2017.

<sup>19</sup> ARB, <https://www.arb.ca.gov/cc/scopingplan/scopingplan.htm>, accessed July 14, 2017.

### Senate Bill 97

“Governor Schwarzenegger signed Senate Bill (SB) 97, a CEQA and greenhouse gas emission bill, into law on August 24, 2007. SB 97 requires the Governor’s Office of Planning and Research (OPR) to prepare CEQA guidelines for the mitigation of GHG emissions, including, but not limited to, effects associated with transportation or energy consumption. The Resources Agency certified and adopted the guidelines on December 31, 2009 and submitted them for review by the Office of Administrative Law. The adopted amendments will become effective after the Office of Administrative Law completes its review of the adopted amendments and rulemaking file, and transmits the adopted amendments to the Secretary of State for inclusion in the California Code of Regulations. OPR and the Resources Agency are required to periodically review the guidelines to incorporate new information or criteria adopted by CARB pursuant to the Global Warming Solutions Act, scheduled for 2012.”<sup>20</sup>

### Governor’s Office of Planning and Research (OPR)

The OPR published a Technical Advisory in June of 2008 that is an informal guidance regarding the steps lead agencies should take to address climate change in their CEQA documents to serve in the interim until guidelines are established pursuant to SB 97. This Advisory recommends that CEQA documents include quantification of estimated GHG emissions associated with a proposed project and that a determination of significance be made. “The technical advisory points out that neither CEQA nor the CEQA Guidelines prescribe thresholds of significance or particular methodologies for performing an impact analysis. “This is left to lead agency judgment and discretion, based upon factual data and guidance from regulatory agencies and other sources where available and applicable” (OPR, page 4, 2008). OPR recommends that “the global nature of climate change warrants investigation of a Statewide threshold of significance for GHG emissions” (OPR, page 4, 2008). Until such a standard is established, OPR advises that each lead agency should develop its own approach to performing an analysis for projects that generate greenhouse gas emissions (OPR, page 5, 2008).”<sup>21</sup>

### Senate Bill 375

“SB 375 (Steinberg) was signed into law in 2008. It builds on AB 32 to connect the reduction of GHG emissions from cars and light trucks to land use and transportation policy. The transportation sector represents the State’s largest contributor of greenhouse gases. Accordingly, SB 375 seeks (1) to use the regional transportation planning process to help achieve AB 32 goals; (2) to use CEQA streamlining as an incentive to encourage residential projects which help achieve AB 32 goals to reduce GHG emissions; and (3) to coordinate the regional housing needs allocation process with the regional transportation planning process. SB 375 aligns regional land use, transportation, housing and greenhouse gas reduction planning efforts. It requires CARB to set greenhouse gas emission reduction targets for passenger vehicles and light trucks for 2020 and 2035. The targets are for the 18 Metropolitan Planning Organizations in California. Metropolitan Planning Organizations are responsible for preparing Sustainable Community

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<sup>20</sup> *Tulare County General Plan 2030 Update RDEIR, page 3.4-9*

<sup>21</sup> *Ibid. 3.4-9 to 3.4-10*

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Strategies and, if needed, Alternative Planning Strategies, that will include the region's strategy for meeting the established targets. Tulare County Association of Governments is the Metropolitan Planning Organization for Tulare County. Implementation of SB 375 is a multi-year process, with regional GHG reduction targets to be determined in late 2010."<sup>22</sup>

### California Attorney General

In response to the 2009 updates to the CEQA Guidelines, the Attorney General's Office (AGO) prepared two advisory documents in January 2010 to assist land use agencies in addressing greenhouse gases in CEQA evaluations. The advisory document *Addressing Climate Change at the Project Level* provides a variety of mitigation measures to address climate change, one of the most serious environmental effects affecting the State of California. The list that was provided was not intended to be an exhaustive list and not all mitigation measures would apply to all projects.<sup>23</sup> The advisory document *Sustainability and General Plans: Example of Policies to Address Climate Change* provides land use agencies with a list of resources available to assist in integrating sustainability and climate change into general planning and local land use regulations. The document provides a list of examples of "exemplary and innovative" local sustainability and climate policies and measures that agencies could incorporate into their general plans.<sup>24</sup>

"The Attorney General is a leader in the State's efforts to fight global warming and promote a clean, lower-carbon economy. The Attorney General's Office, representing state agencies and acting independently in the name of the People:

- Successfully defended – and will continue to defend – the State's landmark clean cars laws. [See Clean Cars]
- Filed numerous actions that caused the U.S. Environmental Protection Agency to finally begin regulating greenhouse gas pollution, and continues to ensure that the federal government does its job. [See Clean Air Act]
- Through comments and litigation, ensures that local governments take account of climate change and plan for a more sustainable future for all members of the community. [See California Environmental Quality Act]
- Promotes renewable energy and enhanced energy efficiency in California, supporting hundreds of thousands of new jobs and improved air quality. [See Green Energy]
- Defends the Air Resources Board in challenges to its landmark carbon and greenhouse gas reduction regulations. The Board has defended against challenges to actions taken under AB 32, the Global Warming Solutions Act of 2006, which requires California to reduce its total greenhouse gas emissions to 1990 levels by 2020. The Board has also defended against challenges to the Low Carbon Fuel Standard by industry groups representing petroleum, refining, trucking, and ethanol interests. The Low Carbon Fuel Standard is a landmark regulatory effort to reduce the carbon content of all transportation

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<sup>22</sup> *Op. Cit. 3.4-11*

<sup>23</sup> Attorney General's Office, website: [http://ag.ca.gov/globalwarming/pdf/GW\\_mitigation\\_measures.pdf](http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf), accessed July 14, 2017.

<sup>24</sup> Attorney General's Office, website: [https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/GP\\_policies.pdf](https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/GP_policies.pdf)?, accessed July 14, 2017.

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fuel used in California, requiring at least a ten percent reduction in carbon intensity of fuel by the year 2020.”<sup>25</sup>

### ***Regional Policy & Regulations***

#### **California Air Pollution Control Officers Association (CAPCOA)**

“In January 2008, the California Air Pollution Control Officers Association (CAPCOA) issued a “white paper” on evaluating GHG emissions under CEQA (CAPCOA, 2008). The CAPCOA white paper strategies are not guidelines and have not been adopted by any regulatory agency; rather, the paper is offered as a resource to assist lead agencies in considering climate change in environmental documents.”<sup>26</sup>

The California Association of Air Pollution Control Officers (CAPCOA) represents all thirty-five local air quality agencies throughout California. CAPCOA, which has been in existence since 1975, is dedicated to protecting the public health and providing clean air for all our residents and visitors to breathe, and initiated the Greenhouse Gas Reduction Exchange.<sup>27</sup>

“The Greenhouse Gas Reduction Exchange (GHG Rx) is a registry and information exchange for greenhouse gas emissions reduction credits designed specifically to benefit the state of California. The GHG Rx is a trusted source of locally generated credits from projects within California, and facilitates communication between those who create the credits, potential buyers, and funding organizations.”<sup>28</sup> Four public workshops were held throughout the state including in the SJVAPCD. The mission is to provide a trusted source of high quality California-based greenhouse gas credits to keep investments, jobs, and benefits in-state, through an Exchange with integrity, transparency, low transaction costs and exceptional customer service.<sup>29</sup>

#### **San Joaquin Valley Air Pollution Control District (Air District)**

The Air District has jurisdiction over eight counties in California’s Central Valley: San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and the San Joaquin Valley Air Basin portion of Kern. The Air District “is a public health agency whose mission is to improve the health and quality of life for all Valley residents through efficient, effective and entrepreneurial air quality-management strategies.”<sup>30</sup> As previously discussed the Air District has determined that the quantification of GHG emissions is expected for all projects that require an Environmental Impact Report. The Air District has provided guidance documents identifying recommended significance thresholds for GHG emissions.<sup>31</sup>

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<sup>25</sup> Attorney General’s Office, <https://oag.ca.gov/environment/climate-change>, accessed July 14, 2017.

<sup>26</sup> Tulare County General Plan 2030 Update RDEIR, page 3.4-12

<sup>27</sup> California Air Pollution Control Officers Association, <http://www.capcoa.org/>, accessed July 14, 2017.

<sup>28</sup> Ibid.

<sup>29</sup> California Air Pollution Control Officers Association, <http://www.ghgrx.org/>, accessed July 14, 2017.

<sup>30</sup> Air District, website: [http://www.valleyair.org/General\\_info/aboutdist.htm#Mission](http://www.valleyair.org/General_info/aboutdist.htm#Mission), accessed July 14, 2017.

<sup>31</sup> Air District, Final Staff Report, pages 65-66; Guidance for Valley Land-use Agencies, pages 4-5; and District Policy, pages 8-9

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The Air District adopted the *Climate Change Action Plan (CCAP)* in August 2008. “The CCAP directed the District Air Pollution Control Officer to develop guidance to assist Lead Agencies, project proponents, permit applicants, and interested parties in assessing and reducing the impacts of project specific greenhouse gas (GHG) emissions on global climate change,

On December 17, 2009, the San Joaquin Valley Air Pollution Control District (District) adopted the guidance: Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA, and the policy: District Policy – Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency. The guidance and policy rely on the use of performance based standards, otherwise known as Best Performance Standards (BPS), to assess significance of project specific greenhouse gas emissions on global climate change during the environmental review process, as required by CEQA.

Use of BPS is a method of streamlining the CEQA process of determining significance and is not a required emission reduction measure. Projects implementing BPS would be determined to have a less than cumulatively significant impact. Otherwise, demonstration of a 29 percent reduction in GHG emissions, from business-as-usual, is required to determine that a project would have a less than cumulatively significant impact. The guidance does not limit a lead agency’s authority in establishing its own process and guidance for determining significance of project related impacts on global climate change.”<sup>32</sup>

### **Local Policy & Regulations**

#### **Tulare County General Plan Policies**

The Tulare County General Plan has a number of policies that apply to projects within County of Tulare. General Plan policies that relate to the proposed Project are listed below.

**AQ-1.7 Support Statewide Climate Change Solutions** - The County shall monitor and support the efforts of Cal/EPA, CARB, and the SJVAPCD, under AB 32 (Health and Safety Code §38501 et seq.), to develop a recommended list of emission reduction strategies. As appropriate, the County will evaluate each new project under the updated General Plan to determine its consistency with the emission reduction strategies.

**AQ-1.8 Greenhouse Gas Emissions Reduction Plan/Climate Action Plan** - The County will develop a Greenhouse Gas Emissions Reduction Plan (Plan) that identifies greenhouse gas emissions within the County as well as ways to reduce those emissions. The Plan will incorporate the requirements adopted by the California Air Resources Board specific to this issue. In addition, the County will work with the Tulare County Association of Governments and other applicable agencies to include the following key items in the regional planning efforts.

1. Inventory all known, or reasonably discoverable, sources of greenhouse gases in the County,

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<sup>32</sup> Air District, [http://www.valleyair.org/Programs/CCAP/CCAP\\_menu.htm](http://www.valleyair.org/Programs/CCAP/CCAP_menu.htm), accessed July 14, 2017.

2. Inventory the greenhouse gas emissions in the most current year available, and those projected for year 2020, and
3. Set a target for the reduction of emissions attributable to the County's discretionary land use decisions and its own internal government operations.

**AQ-1.9 Support Off-Site Measures to Reduce Greenhouse Gas Emissions** - The County will support and encourage the use of off-site measures or the purchase of carbon offsets to reduce greenhouse gas emissions.

**AQ-1.10 Alternative Fuel Vehicle Infrastructure** - County shall support the development of necessary facilities and infrastructure needed to encourage the use of low or zero-emission vehicles (e.g. electric vehicle charging facilities and conveniently located alternative fueling stations, including CNG filling stations.)

**AQ-3.5 Alternative Energy Design** - The County shall encourage all new development, including rehabilitation, renovation, and redevelopment, to incorporate energy conservation and green building practices to maximum extent feasible. Such practices include, but are not limited to: building orientation and shading, landscaping, and the use of active and passive solar heating and water systems.

**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 a strong sense of place,
2. Mixing land uses, and
3. Preserving open space

#### Tulare County Climate Action Plan

“The Tulare County Climate Action Plan (CAP) serves as a guiding document for County of Tulare (“County”) actions to reduce greenhouse gas emissions and adapt to the potential effects of climate change. The CAP is an implementation measure of the 2030 General Plan Update. The General Plan provides the supporting framework for development in the County to produce fewer greenhouse gas emissions during Plan buildout. The CAP builds on the General Plan’s framework with more specific actions that will be applied to achieve emission reduction targets consistent with California legislation.”<sup>33</sup>

**“Tulare County Climate Action Plan.** The Tulare County adopted a Climate Action Plan (CAP) on August 28, 2012. The CAP is an implementation measure of the 2030 General Plan Update. The CAP follows a four-step process recommended by the Institute for Local Government, including identification of a baseline year and emissions inventory; projected future year inventories; and provision of policies, regulations, and programs that achieve reductions by the target years. The CAP uses 2007 as the baseline year, and contains projections for 2020 and

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<sup>33</sup> Tulare County Climate Action Plan, page 1

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2030. The policies, regulations, and programs considered in the CAP include those by federal, state, and local governments. The measures were quantified to the extent possible.

### **Summary of CAP Actions**

- Identifies sources of greenhouse gas emissions caused by activities within the unincorporated areas of Tulare County and estimates how these emissions may change over time.
- Establishes a reduction target of reducing Tulare County’s greenhouse gas emissions to demonstrate consistent with AB 32 (2006) and CARB Scoping Plan targets. This requires a reduction of 6 percent on average from new development in excess of those achieved from adopted regulations.
- Provides energy use, transportation, land use, water conservation, and solid waste strategies to bring Tulare County’s greenhouse gas emissions levels to the reduction target. Mitigates the impacts of Tulare County activities on climate change (by reducing greenhouse gas emissions consistent with the direction of the State of California via AB 32, Governor’s Order S-03-05, and the 2009 amendments to the CEQA Guidelines to comply with SB 97 (2008). The CEQA Guidelines encourage the adoption of policies or programs as a means of addressing comprehensively the cumulative impacts of projects. (See CEQA Guidelines, Sections 15064(h)(3), 15130(c).)
- Allows the greenhouse gas emissions inventory and CAP to be updated every five years and to respond to changes in science, effectiveness of emission reduction measures and federal, state, regional, or local policies to further strengthen the County’s response to the challenges of climate change.
- Provides substantial evidence that the emission reductions estimated in the CAP are feasible.
- Serves as the threshold of significance within the County of Tulare for climate change impacts, by which all applicable developments within the County will be reviewed.
- Proposed development projects that are consistent with the emission reduction and adaptation measures included in the CAP and the programs that are developed as a result of the CAP, would be considered to have a less than significant cumulative impact on climate change and emissions consistent with CEQA Guidelines 15064(h)(3) as amended to comply with SB 97.”

## **IMPACT EVALUATION**

### **Would the project:**

- a) **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

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Project Impact Analysis:                      *Less Than Significant Impact*

The Air District has determined that projects consistent with an adopted Climate Action Plan (CAP) would be considered to have a less than significant impact on the environment. The Tulare County CAP was initially adopted in August 2012 and serves as a guiding document for County actions to reduce GHG emissions and adapt to the potential effects of climate change.<sup>34</sup> The CAP is an implementation measure of the Tulare County General Plan which provides the supporting framework for development in the County. The CAP builds on the General Plan’s framework with more specific actions that will be applied to achieve emission reduction targets required by State of California legislation. The General Plan fulfills many sustainability and GHG reduction objectives at the program level. The CAP identifies the policies from the various General Plan elements that promote more efficient development and reduce travel and energy consumption. The CAP requires projects achieve reductions in excess of the reduction identified in the Scoping Plan. The CAP identifies General Plan policies in place to assist the County in reducing GHG emissions. “The 2018 CAP Update incorporates new baseline and future year inventories to reflect the latest information and updates the County’s strategy to address the SB 32 2030 target. The CAP identifies the County’s fair share of reductions required to maintain consistency with the State’s target.”<sup>35</sup>

The CAP thresholds for determining project consistency with the CAP are 500 dwelling units, 100,000 square feet of retail, or equivalent intensity for other uses. These thresholds are the amounts currently required from development related sources within the County to demonstrate consistency with SB 32 2030 targets. Projects exceeding the consistency thresholds must comply with the requirements of the CAP, which requires a GHG analysis report demonstrating emission reductions of at least 31% below 2015 levels by 2030 or a 9% reduction from 2030 BAU emissions.<sup>36</sup> As the CAP implements the County’s strategy to achieve the State’s 2030 reduction targets, projects below the consistency thresholds have been determined to be consistent with the State’s targets and do not require GHG emissions quantification. Projects below the consistency thresholds would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment.

There are no specific development projects (such as residential, commercial, or industrial uses) associated with the Community Plan. As such, the proposed Project will not result in GHG emissions until specific development occurs. Future developments would be required to comply with the CAP. The CAP states, “The 2018 CAP Update includes an additional method of determining project consistency with the CAP and 2030 targets. Projects subject to CEQA review could use a checklist containing design features and measures that are needed to determine consistency. Large projects (500-unit subdivisions and 100,000 square feet of retail or equivalent intensity for other uses) and new specific plans should provide a

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<sup>34</sup> Tulare County. Climate Action Plan. August 2012. Accessed September 2021 at: [http://generalplan.co.tulare.ca.us/documents/GP/002Board%20of%20Supervisors%20Materials/004Resolution%20No.%202012-0698%20\(CAP\)/Tulare%20County%20CAP%2008-13-2012.pdf](http://generalplan.co.tulare.ca.us/documents/GP/002Board%20of%20Supervisors%20Materials/004Resolution%20No.%202012-0698%20(CAP)/Tulare%20County%20CAP%2008-13-2012.pdf).

<sup>35</sup> Tulare County. 2018 Climate Action Plan Update. December 2018. Page 1. Accessed September 2021 at <http://generalplan.co.tulare.ca.us/documents/GP/001Adopted%20Tulare%20County%20General%20Plan%20Materials/220Climate%20Action%20Plan/CLIMATE%20ACTION%20PLAN%202018%20UPDATE.pdf>.

<sup>36</sup> Ibid. Page 73

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greenhouse gas analysis report quantifying GHG emissions to demonstrate that the project emissions are at least 31 percent below 2015 levels by 2030 or 9 percent below BAU emissions in 2030. These are the amounts currently required from development related sources to demonstrate consistency with SB 32 2030 targets. Smaller projects may also prepare a GHG analysis report if the checklist is not appropriate for a particular project or is deemed necessary by the project proponent or County staff. The GHG analysis should incorporate as many measures as possible from the CalEEMod mitigation component as described in Table 15 [of the 2018 CAP] and can take credit for 2017 Scoping Plan measures that have not been incorporated into CalEEMod but that will be adopted prior to 2030 such as 50 percent RPS.”<sup>37</sup>

“The County has already approved a substantial number of lots for development. Development of some of these lots will be limited by various factors such as water supply, sewer/septic capability, road capacity, etc. that cannot be addressed during the planning horizon due to lack of resources. This means that the County expects that new development proposals will be received that are more likely to develop before existing lots are developed because the rural community, landowner, or developer has the resources to provide all improvements and services required for the site. As a rough estimate, this analysis assumes that 40 percent of the development will occur on existing lots and 60 percent will occur in new developments. Development occurring on existing lots will be subject to existing conditions of the approved subdivision and zoning standards. Development occurring in new subdivisions and projects [after 2012] would be subject to additional measures required to mitigate significant impacts. The County will encourage developers of existing lots [established prior to 2012] to implement measures that reduce greenhouse gas emissions, but it has no authority to require additional reductions beyond those required by State regulation, the building code, and local ordinance.”<sup>38</sup>

“Commercial and industrial development in Tulare County during the 2020 and 2030 planning timeframes will comply with increasingly stringent State energy efficiency regulations in most projects. For industrial projects where the SJVAPCD is a Responsible Agency, the project will be expected to implement Best Performance Standards included in the SJVAPCD Guidelines for Addressing Greenhouse Gas Emissions on the processes and stationary equipment that emit greenhouse gases to levels that meet or exceed State targets and may be subject to Cap-and-Trade Program requirements.”<sup>39</sup>

There are no specific development projects (such as residential, commercial, or industrial uses) proposed with the Community Plan Update. However, as the Community Plan is implemented and the communities are built out, the future development projects would generate GHG emissions that could directly or indirectly have a significant impact of the environment. As indicated in **Table 1**, anticipated future growth based on the County’s 1.3% annual growth rate is approximately 616 residential units, 385,000 sf of commercial space,

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<sup>37</sup> Op. Cit. 73

<sup>38</sup> Op. Cit. 76

<sup>39</sup> Op. Cit. 76

224,000 square feet of retail space, and 268,000 sf of industrial space. Future developments within the Project study area must comply with applicable General Plan, Community Plan, and CAP policies; as such, the Community Plan update is consistent with the CAP and therefore, is considered to have a Less Than Significant impact on the environment. However, consistent with Air District guidance, Project-related emissions have been quantified using CalEEMod, Version 2016.3.2, and are summarized and provided below for informational purposes only. **Table 12** provides the construction-related GHG emissions and **Table 13** provides the operations-related GHG emissions that could occur if the buildout of the Community Plan is fully realized.

The Air District does not have a recommendation for lead agencies in assessing the significance of construction related GHG emissions. Emissions from construction would be temporary; however, to account for the long-lasting life of GHG emissions, the emissions were amortized based on the average life of all future development (30 years) and added to the operational emissions. These emissions represent a conservative estimate as the Complete Streets and Road Maintenance emissions were assessed as if they were completely new roads rather than as improvements to existing roadways.

<b>TABLE 12. CONSTRUCTION-RELATED GHG EMISSIONS (mitigated)</b>	
Emissions Source	CO <sub>2e</sub> Emissions (metric tons per year)
Community Buildout	19,636
Streets/Road Maintenance	651
<b>Total Construction Emissions</b>	<b>20,287</b>
<b>Amortized Annual Emissions</b>	<b>676</b>
<i>Note: Amortized emissions are based on an average 30-year life for all development types. Source: See Attachment "A".</i>	

<b>TABLE 13. OPERATIONS-RELATED GHG EMISSIONS (metric tons per year)</b>			
Emissions Source	CO <sub>2e</sub> Emissions (unmitigated)	CO <sub>2e</sub> Emissions (mitigated)	% Reduction
Total Operations	27,047	25,451	5.9
Amortized Construction Emissions	676	676	0.0
<b>Total Project Emissions</b>	<b>27,723</b>	<b>26,128</b>	<b>5.8</b>
<i>Note: Amortized emissions are based on an average 30-year life for all development types. Source: See Attachment "A".</i>			

As demonstrated in **Table 13**, the Project achieves an approximately 5.8% reduction in GHG emissions through compliance with current regulation. As future development is unknown, the analysis was performed assuming a worst-case emissions scenario, that is, that all future development would be developed in one phase beginning in 2022 and operational emissions assumed 2023 emission factors. Also, as future development is unknown, incorporation of project-specific design features in that would reduce GHG emissions and in compliance with the CAP cannot be incorporated into the emissions analysis. Therefore, the emissions reductions presented above underestimate the actual reductions that would be achieved on a project-by-project basis. As such, the Community Plan Update demonstrates continued

progress towards the County achieving the 2017 Scoping Plan Update 2030 reduction requirements with an overall GHG reduction. Furthermore, the State anticipates increases in the number of zero emission vehicles operated in the State under the Advanced Clean Car Program. Compliance with SB 375 reduction targets for light duty vehicles will provide continued reductions in emissions from that source through SB 375's 2035 milestone year. The Project will provide a GHG emission reduction benefit as future buildout of the community will supply residents within the Cutler-Orosi UDB and immediate vicinity with greater shopping and employment opportunities, thereby reducing vehicle miles traveled from travelling to larger cities for such opportunities. Since future development activities requiring discretionary approvals would undergo additional CEQA review, the future developments will continue to comply with existing and future regulations, and the General Plan, Community Plan, and CAP will continue to be implemented through 2030, the growth projected for 2030 would not result in significant greenhouse gas impacts. Therefore, ***Less Than Significant Project-specific Impacts*** related to this Checklist Item will occur.

Cumulative Impact Analysis:      ***Less Than Significant Impact***

The geographic area of this cumulative analysis is the San Joaquin Valley Air Basin. This cumulative analysis is based on the information provided in the Air Quality and Greenhouse Gas Technical Memorandum prepared by RMA staff which is included as Appendix "A" of this DEIR.

Project-related emissions would be considered to have a significant cumulative impact if project-specific impacts are determined to be significant. As previously noted, there are no specific development projects (such as residential, commercial, or industrial uses) associated with the Community Plan. The Community Plan Update establishes the planning guidelines for the anticipated growth of the community through the horizon Year 2030. Future developments would be evaluated on a project-by-project basis and would implement all applicable Cutler-Orosi Community Plan, Tulare County General Plan, and Tulare County CAP policies addressing GHG emissions. The growth projections are consistent with the County CAP and therefore, the emission reduction targets established in AB 32. As such, GHG emissions from future buildout of the Community Plan Update Planning Area would not have a significant impact on the environment. Furthermore, implementation of the Complete Streets and Road Maintenance Programs will further reduce GHG emissions by providing a safer, more walkable community, thereby reducing VMT within the communities. Therefore, ***Less Than Significant Cumulative Impacts*** related to this Checklist Item would occur.

Mitigation Measure(s):      ***None Required***

Conclusion:      ***Less Than Significant Impact***

As the proposed Project is consistent with aforementioned plans, policies, and rules/regulations, ***Less Than Significant Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

**b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?**

Project Impact Analysis:            *No Impact*

Since the proposed Project is located in an unincorporated area of Tulare County, the most applicable GHG plans are the Tulare County Climate Action Plan and ARB’s 2017 Climate Change Scoping Plan. As previously noted, the CAP, initially adopted in August 2012, serves as a guiding document for County actions to reduce GHG emissions and adapt to the potential effects of climate change. The CAP is an implementation measure of the Tulare County General Plan which provides the supporting framework for development in the County. The CAP builds on the General Plan’s framework with more specific actions that will be applied to achieve emission reduction targets required by State of California legislation. The General Plan fulfills many sustainability and GHG reduction objectives at the program level. The CAP identifies the policies from the various General Plan elements that promote more efficient development, and reduce travel and energy consumption. The CAP requires projects achieve reductions in excess of the reduction identified in the Scoping Plan. The CAP identifies General Plan policies in place to assist the County in reducing GHG emissions. The 2018 CAP Update incorporates new baseline and future year inventories to reflect the latest information and updates the County’s strategy to address the SB 32 2030 target. The CAP identifies the County’s fair share of reductions required to maintain consistency with the State’s target.

“The 2018 CAP Update includes an additional method of determining project consistency with the CAP and 2030 targets. Projects subject to CEQA review could use a checklist containing design features and measures that are needed to determine consistency. Large projects (500-unit subdivisions and 100,000 square feet of retail or equivalent intensity for other uses) and new specific plans should provide a greenhouse gas analysis report quantifying GHG emissions to demonstrate that the project emissions are at least 31 percent below 2015 levels by 2030 or 9 percent below BAU emissions in 2030. These are the amounts currently required from development related sources to demonstrate consistency with SB 32 2030 targets. Smaller projects may also prepare a GHG analysis report if the checklist is not appropriate for a particular project or is deemed necessary by the project proponent or County staff. The GHG analysis should incorporate as many measures as possible from the CalEEMod mitigation component as described in Table 15 and can take credit for 2017 Scoping Plan measures that have not been incorporated into CalEEMod but that will be adopted prior to 2030 such as 50 percent RPS.

Table 17 [of the 2018 CAP] lists the overarching consistency requirements for all projects based on consistency with County land use plans that apply to the project location. Reviews for consistency with land use plans require planning staff to review projects to determine if they comply with applicable plan policies and implementation measures.”<sup>40</sup>

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<sup>40</sup> .Op. Cit. 73.

**Table 14** presents the CEQA requirements for project consistency with the County’s CAP.

<b>TABLE 14. CEQA PROJECT REQUIREMENTS FOR CONSISTENCY WITH CAP</b>	
<b>Item</b>	<b>Required</b>
Project helps to meet the density goals from the Tulare Blueprint	Yes
Consistency with General Plan policies	Yes
Consistency with Rural Valley Lands Plan or Foothill Growth Management Plan development criteria	Yes
Consistency with Urban Growth Boundary expansion criteria	Yes
Consistency for development within Rural Community Urban Development Boundaries (UDB) and Hamlet Development Boundaries (HDB), and Legacy Development Boundaries (LDB)	Yes
Note: Criteria as identified in the General Plan Planning Framework Source: 2018 CAP Update, Table 17, page 73	

“A more detailed review for compliance with CAP measures is required to ensure that a project is doing its part in reducing emissions. Table 18 [of the 2018 CAP] provides a checklist containing measures that will provide reductions necessary to achieve CAP consistency. A project checklist that can be used by staff is provided as Appendix C.”<sup>41</sup>

**Table 15** presents the CAP consistency checklist.

<b>TABLE 15. CAP CONSISTENCY CHECKLIST</b>	
<b>CAP Measure</b>	<b>Compliance</b>
<b>Land Use:</b> Project is consistent with the Tulare County General Plan policies listed in the CAP applicable to GHG emissions and sustainability.	Review for compliance during project review process.
<b>Land Use—Residential:</b> Subdivisions and multifamily projects propose densities consistent with County commitments for the Tulare Blueprint. Densities in subdivisions within the boundaries of Valley rural communities must be at least 5.0 units per acre. (County R-1 zoning has a 6,000 square foot minimum lot size or 7.26 units per gross acre). Overall residential density is 5.3 units per acre for the entire County including the cities. Mountain subdivisions over 50 lots require review to determine if they are consistent with the Blueprint.	Review development plans during project review to determine if densities are consistent with Blueprint.
<b>Land Use—Non-Residential:</b> Retail and office projects should be constructed within the boundaries of Rural Communities, HDB, UDB, LDB, and in designated transportation corridors to provide needed local goods services to residents and the traveling public. Agricultural industrial projects may be constructed in rural locations as long as consistent with the General Plan.	Review development plans to ensure locations are appropriate for type of project that is proposed and consistent with County plans.
<b>Land Use Design:</b> Projects that require construction of new roads or major intersection improvements provide a fair share of improvements such as sidewalks and pedestrian friendly	Include roadway improvements as conditions of approval of subdivision or commercial site plan

<sup>41</sup> Op. Cit. 73

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<b>TABLE 15. CAP CONSISTENCY CHECKLIST</b>	
crossings, and bike lanes/paths connecting to schools, shopping, and other uses consistent with County development standards.	
<b>Energy Efficiency:</b> Project complies with current version of Title 24. (Current version is 2016 Title 24)	Provide copy of the Title 24 Report demonstrating compliance with the applicable standards with Building Permit application.
<b>Renewable Energy:</b> Project includes solar panels or other alternative energy source meeting County Solar Ordinance or new Title 24 standards whichever is more stringent.	Include solar on building plans and provide Title 24 compliance reports with Building Permit applications.
<b>EV Charging:</b> Project meets charging installation/charging ready requirements of the CalGreen Code.	Include charging in building plans
<b>CalGreen Building Code Water:</b> Project complies with indoor and outdoor water conservation measures.	Provide copy of report showing code compliance.
<b>Water Conservation Landscaping:</b>	Project complies with County water conservation ordinance requirements for landscaping.
<b>Solid Waste:</b> Project has access to recycling service for homes and businesses meeting CalRecycle requirements.	County verify that providers are in compliance with CalRecycle regulations regarding recycling and diversion of solid waste.
<b>Large Employment Projects:</b> Projects that will have large numbers of employees (over 100) are required to comply with Rule 9410 Employee Trip Reduction Plans (ETRIP). Provide a copy of the ETRIP plan to the County after approval of the plan by the SJVAPCD.	Employer is responsible for compliance with Rule 9410
<b>Industrial Projects:</b> Industrial projects that are large employers will comply with Rule 9410. Industrial process related GHG emissions are not under the County's regulatory authority but will require permits from the SJVAPCD and may be subject to Cap-and-Trade.	Employer is responsible for compliance with Rule 9410
Note: Criteria as identified in the General Plan Planning Framework	
Source: 2018 CAP Update, Table 18, pages 73-74	

As the County CAP requires projects to achieve reductions in excess of the reductions required in the Scoping Plan and by State legislation, projects that are consistent with the County CAP would not conflict with any applicable plan, policy or regulation adopted for reducing GHG emissions. There are no specific development projects (such as residential, commercial, or industrial uses) associated with the proposed Community Plan. Future developments will be required to comply with the requirements of the Tulare County CAP. Therefore, the Project does not conflict with the reduction strategies included in the Scoping Plan. **No Project-specific Impacts** related to this Checklist Item will occur.

Cumulative Impact Analysis:     **No Impact**

The geographic area of this cumulative analysis is the San Joaquin Valley Air Basin. The Project is consistent with the applicable Scoping Plan reductions measures and the Air District's CCAP. The Project will implement applicable Tulare County General Plan and Tulare County CAP policies. As such, the Project will not conflict with applicable state,

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regional, and local plans, policies or regulation adopted for the purpose of reducing the emissions of greenhouse gases. ***No Cumulative Impacts*** related to this Checklist Item will occur.

Mitigation Measure(s): ***None Required***

Conclusion: ***No Impact***

As the proposed Project is consistent with aforementioned plans, policies, and rules/regulations, ***No Project-specific or Cumulative Impacts*** related to this Checklist Item will occur.

## **DEFINITIONS/ACRONYMS**

### Definitions

**Achieved-in-Practice** - Any equipment, technology, practice or operation available in the United States that has been installed and operated or used at stationary source site for a reasonable period of time sufficient to demonstrate that the equipment, technology, practice or operation is reliable when operated in a manner that is typical for the process. In determining whether equipment, technology, practice or operation is Achieved-in-Practice, the District will consider the extent to which grants, incentives or other financial subsidies influence the economic feasibility of its use.

**Approved Alternate Technology** - Any District approved, Non-Achieved-in- Practice GHG emissions reduction measure equal to or exceeding the GHG emission reduction percentage for a specific BPS.

**Baseline** - The three year average (2002-2004) of GHG emissions for a type of equipment or operation within an identified class and category, expressed as annual GHG emissions per unit.

**Best Performance Standard** - For a specific Class and Category, the most effective, District approved, Achieved-In-Practice means of reducing or limiting GHG emissions from a GHG emissions source, that is also economically feasible per the definition of Achieved-in-Practice. BPS includes equipment type, equipment design, and operational and maintenance practices for the identified service, operation, or emissions unit class and category.

**Business-as-Usual** - The emissions for a type of equipment or operation within an identified class and category Projected for the year 2020, assuming no change in GHG emissions per unit of activity as established for the baseline period

**Category** - A District approved subdivision within a “class” as identified by unique operational or technical aspects.

**Class** - The broadest District approved division of stationary GHG sources based on fundamental type of equipment or industrial classification of the source operation.

**Global Warming** - Global warming is an increase in the temperature of the Earth's troposphere. Global warming has occurred in the past as a result of natural influences, but the term is most often used to refer to the warming predicted by computer models to occur as a result of increased emissions of greenhouse gases.

**Greenhouse Gas** - Greenhouse gas (GHG) emissions are the release of any gas that absorbs infrared radiation in the atmosphere. Generally when referenced in terms of global climate they are considered to be harmful. Greenhouse gases include, but are not limited to, water vapor, carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrochlorofluorocarbons (HCFCs), ozone (O<sub>3</sub>), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>).

**Operational Boundaries** - Operational boundaries are defined as “[t]he boundaries that determine the direct and indirect emissions associated with operations owned or controlled by the reporting company. This assessment allows a company to establish which operations and sources cause direct and indirect emissions, and to decide which indirect emissions to include that are a consequence of its operations” (GHG Protocol, 2008).

### **Acronyms and Abbreviations**

AB	Assembly Bill
ARB	Air Resources Board (Short for CARB)
BAU	Business As Usual
BPS	Best Performance Standards
CAA	Clean Air Act
Cal EPA	California Environmental Protection Agency
CARB	California Air Resources Board
CERF	Compost Reduction Emission Factor
CH <sub>4</sub>	Methane
CO <sub>2</sub>	Carbon Dioxide
GHG	Greenhouse Gases
HFCs	Hydrofluorocarbons
MSW	Municipal Solid Waste
N <sub>2</sub> O	Nitrous Oxide
OPR	Governor’s Office of Planning and Research
PFCs	Perfluorocarbons
SF <sub>6</sub>	Sulfur Hexafluoride
AIR DISTRICT	San Joaquin Valley Air Pollution Control District

### **REFERENCES**

California Air Pollution Control Officers Association, <http://www.capcoa.org/>, accessed July 14, 2017.

California Air Pollution Control Officers Association, <http://www.ghgrx.org/>, accessed July 14, 2017.

California Air Resources Board, <http://www.arb.ca.gov/desig/desig.htm>

California Environmental Quality Act (CEQA) Guidelines, Sections 15064.4, 15183.5, and Appendix G Item VIII. Accessed September 2021 at:  
[https://resources.ca.gov/-/media/CNRA-Website/Files/Programs-and-Projects/CEQA/CEQA-Homepage/2019\\_CEQA\\_Statutes\\_and\\_Guidelines.pdf?la=en&hash=28D5D3CF051762486FC0A43BB50921F85E30E8CC](https://resources.ca.gov/-/media/CNRA-Website/Files/Programs-and-Projects/CEQA/CEQA-Homepage/2019_CEQA_Statutes_and_Guidelines.pdf?la=en&hash=28D5D3CF051762486FC0A43BB50921F85E30E8CC)

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San Joaquin Valley Air Pollution Control District,  
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