



Addendum

to the

City of Visalia 2030 General Plan
Environmental Impact Report
(SCH No. 2010041078)

for

General Plan Amendment No. 2021-01

May 2021

Prepared for:

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Abbreviations and Acronyms

ACEP	Agricultural Conservation Easement Program
AMP	Agricultural Mitigation Program
CEQA	California Environmental Quality Act
DEIR	Draft Environmental Impact Report
EIR	Environmental Impact Report
FEIR	Final Environmental Impact Report
GPA	General Plan Amendment
GSP	Groundwater Sustainability Plan
PRC	Public Resources Code
SCH	State Clearinghouse
SGMA	Sustainable Groundwater Management Act
UDB	Urban Development Boundary

Chapter 1 Introduction

Provost & Pritchard Consulting Group has prepared this Addendum on behalf of the City of Visalia to address the environmental effects of the proposed General Plan Amendment No. 2021-01 (Project). This document has been prepared in accordance with the California Environmental Quality Act (CEQA; Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (CEQA Guidelines; California Code of Regulations, Title 14, Chapter 3, Section 15000, et seq.). The City of Visalia is the CEQA Lead Agency for this Project.

The proposed Project is described in detail in [Chapter 2 Project Description](#).

1.1 Document Format

This Addendum contains five chapters. [Chapter 1 Introduction](#) provides an overview of the project history and previous environmental analysis, confirms the action triggering the Addendum, and outlines the document format. [Chapter 2 Project Description](#) provides a detailed description of the proposed Project. [Chapter 3 CEQA Addendum Applicability and Scope](#) discusses the purpose and need for the Addendum, identifies the public review conducted for the document, and confirms the scope of the evaluation completed under the Addendum. [Chapter 4 Impact Evaluation](#) presents the comparative evaluation checklist for the applicable impact area and includes a brief discussion of the outcomes of the analyses. [Chapter 5 Determination](#) includes the Lead Agency’s determination based upon the analyses contained within the Addendum.

1.2 Project History

The City of Visalia adopted the Visalia 2030 General Plan and certified the associated Program Environmental Impact Report (EIR) (SCH No. 2010041078) in October 2014. The General Plan established an urban growth strategy that identified three tiers of development in the community. The growth strategy was intended to “guide sustainable physical and economic growth, while conserving natural and cultural resources and maintaining community character.” The General Plan established criteria, dependent upon land use type, for when development may advance from the first tier (Tier I) to subsequent tiers (Tiers II and III), which are contained in Policy LU-P-21 of the General Plan. For residential uses, the threshold is the issuance of permits for 5,850 housing units within Tier 1 since April 1, 2010. As of September 2020, the City was over 88 percent toward meeting the residential permit threshold.

General Plan Policy LU-P-34 contains a supplemental requirement for development within the Tier II and Tier III growth boundaries: specifically, establishment of an agricultural mitigation program. As the City approaches the permit threshold that would allow Tier II residential development, the City Council in early 2020 initiated the process of establishing an agricultural mitigation program to ensure this supplemental requirement would be satisfied prior to the permit threshold being met.

The agricultural mitigation program identified in Policy LU-P-34 is intended to support regional efforts to prevent urban development of agricultural land beyond the City’s urban development boundary and address the conversion of Prime Farmland and Farmland of Statewide Importance in Tiers II and III by requiring a 1:1 ratio of conserved to converted agricultural land. The General Plan policy also specifies that

the conserved land be equivalent to the converted land and that all land conserved through the program have adequate water supply and the appropriate agricultural zoning.

Recognizing the evolution of regulatory and economic conditions since adoption of the General Plan in 2014 and the intent to “conduct additional investigation of the efficacy of agricultural conservation easements,”¹ the City Council directed staff to research the feasibility of agricultural mitigation programs prior to establishment of a program in Visalia. Changes in circumstances identified included new legislation intended to reduce the State of California housing shortage, case law that changed the appropriateness of conservation easements as mitigation under CEQA, and new water sustainability efforts. The Council also directed staff to explore the potential fiscal impact of an agricultural mitigation program on residential construction. A Feasibility Study was prepared and presented to City Council for consideration in February 2021 (see [Appendix A](#)).

At the conclusion of the Feasibility Study process, City Council directed staff to remove the requirement for an agricultural mitigation program from Policy LU-P-34. Accordingly, the City initiated General Plan Amendment No. 2021-01 to revise General Plan Policy LU-P-34.

1.3 Previous Environmental Analysis

Policy LU-P-34 was established by the City of Visalia 2030 General Plan adopted in October of 2014. To analyze effects from and facilitate implementation of the Visalia 2030 General Plan, the City prepared a Draft Environmental Impact Report (EIR) in March 2014, as well as a Final EIR, which was certified in October 2014 (SCH No. 2010041078). Several environmental topic areas including Transportation; Air Quality; Agriculture; Noise; and Hydrology, Flooding, and Water Quality were found to have impacts that would be significant and unavoidable. For these impacts the required Findings of Fact and a Statement of Overriding Considerations were adopted with the certification of the Final EIR.

1.4 CEQA Addendum Purpose

The City of Visalia is proposing General Plan Amendment No. 2021-01 (GPA), which would amend General Plan Policy LU-P-34 to remove the requirement to establish an agricultural mitigation program for development within the Tier II and Tier III growth boundaries. This proposal is considered a “Project” under CEQA Guidelines Section 15378(a)(1) and is therefore subject to requirements of CEQA and the CEQA Guidelines. The City, as the Project proponent, is the designated Lead Agency under CEQA since it holds the primary authority to approve and carry out the GPA.

For streamlining purposes, the CEQA Guidelines encourage the preparation of later environmental documents to be “tiered” from previously certified EIRs under prescribed circumstances. Section 15164 provides that a lead agency shall prepare an *addendum* to a previously certified EIR if only some changes or additions are necessary but none of the conditions described in Section 15162(a), calling for preparation of a *subsequent EIR*, have occurred. As this Addendum states in additional detail, the proposed amendment of Policy LU-P-34 does not result in the occurrence of any of the conditions found in Section 15162(a).

¹ Per General Plan Policy LU-P-34.

Section 15162(a) states that “when an EIR has been certified...for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental impacts or a substantial increase in the severity of previously identified significant impacts;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental impacts or a substantial increase in the severity of previously identified significant impacts; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant impacts not discussed in the previous EIR or negative declaration;
 - (B) Significant impacts previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant impacts of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant impacts on the environment, but the project proponents decline to adopt the mitigation measure or alternative.”

1.5 Action Triggering the Addendum

This Addendum has been triggered by the GPA process initiated by the City of Visalia to revise General Plan Policy LU-P-34. The GPA proposes to remove the requirement to establish an agricultural mitigation program, while retaining the policy language that would encourage coordination with other agencies to prevent urban development of agricultural land outside of the current growth boundaries. As the Lead Agency under CEQA, the City of Visalia has determined that, in accordance with Section 15164 of the CEQA Guidelines, the proposed changes to Policy LU-P-34, which was cited as a policy that reduces an identified impact, warrants preparation of an Addendum.

See [Chapter 2 Project Description](#) for specific proposed changes to Policy LU-P-34.

Chapter 2 Project Description

2.1 Project Location

The GPA proposes to modify Policy LU-P-34 and would apply to the City of Visalia Planning Area as adopted under the Visalia 2030 General Plan. The City of Visalia is located in the southern portion of the San Joaquin Valley, between the cities of Fresno and Bakersfield. Visalia is the largest city in and the county seat of Tulare County, and is located in the northwest portion of the County.

2.2 Project Description

General Plan Policy LU-P-34, as adopted, requires the establishment of an agricultural mitigation program to be applied to all projects that would convert Prime Farmland or Farmland of Statewide Importance within the Tier II and Tier III growth boundaries. The GPA proposes to remove the requirement to establish an agricultural mitigation program, while retaining the policy language that would encourage coordination with other agencies to prevent urban development of agricultural land outside of the current growth boundaries, where such efforts will promote orderly development and preservation of farming operations within Tulare County, and support regional efforts to prevent urban development of agricultural lands, specifically at the county level.

General Plan Policy LU-P-34, as currently adopted, states:

Work with Tulare County and other state and regional agencies, neighboring cities, and private land trust entities to prevent urban development of agricultural land outside of the current growth boundaries and to promote the use of agricultural preserves, where they will promote orderly development and preservation of farming operations within Tulare County. Conduct additional investigation of the efficacy of agricultural conservation easements by engaging local, regional, and state agencies and stakeholders in order to further analyze their ongoing efforts and programs that attempt to mitigate impacts from the conversion of agricultural lands through the use of agricultural conservation easements. The City will support regional efforts to prevent urban development of agricultural lands, specifically at the county level. Tulare County's General Plan 2030 Update Policy contains two policies (AG-1.6 Conservation Easements and AG-1.18 Farmland Trust and Funding Sources) that discuss establishing and implementing an Agricultural Conservation Easement Program (ACEP). The City supports the implementation of these measures by the County, in which the City may then participate. Such a regional program could include a fee to assist and support agricultural uses, and would be most feasibly and strategically developed on a countywide or other regional basis.

In addition to supporting regional efforts to prevent urban development of agricultural lands, the City shall create and adopt a mitigation program to address conversion of Prime Farmland and Farmland of Statewide Importance in Tiers II and III. This mitigation program shall require a 1:1 ratio of agricultural land preserved to agricultural land converted and require agricultural land preserved to be equivalent to agricultural land converted. The mitigation program shall also require that the agricultural land preserved demonstrate adequate water supply and agricultural zoning, and shall be located outside the City UDB, and within the southern San Joaquin Valley. The mitigation program shall, to the extent feasible and practicable, be integrated with the agricultural easement programs adopted by the County and nearby cities. The City's

mitigation program shall allow mitigation to be provided by purchase of conservation easement or payment of fee, but shall indicate a preference for purchase of easements. The mitigation program shall require easements to be held by a qualifying entity, such as a local land trust, and require the submission of annual monitoring reports to the City. The mitigation program shall specifically allow exemptions for conversion of agricultural lands in Tier I, or conversion of agricultural lands for agricultural processing uses, agricultural buffers, public facilities, and roadways.

General Plan Policy LU-P-34, as proposed for revision under the GPA, would state:

Work with Tulare County and other state and regional agencies, neighboring cities, and private land trust entities to prevent urban development of agricultural land outside of the current growth boundaries, where such efforts will promote orderly development and preservation of farming operations within Tulare County. The City will support regional efforts to prevent urban development of agricultural lands, specifically at the county level.

The proposed revisions to Policy LU-P-34, including the removal of the requirement to establish an agricultural mitigation program, would not change the land uses that have been previously adopted in the Visalia 2030 General Plan, nor would the revisions alter the thresholds that determine when development may proceed from the first growth tier (Tier I) to subsequent growth tiers (Tiers II and III). In addition, the anticipated buildout that was previously estimated under the Final EIR and the adopted urban growth tiers would not be affected.

2.3 Approvals Required

The City of Visalia has jurisdiction over the review and approval of the GPA. The City of Visalia Planning Commission would be requested to make a recommendation and the City Council would be requested to take action on the following:

- Adoption of an Addendum to the Visalia 2030 General Plan EIR, and
- Approval of General Plan Amendment No. 2021-01.

Chapter 3 CEQA Addendum Review and Scope

3.1 Review Period and Action

While circulation of the Addendum for public review is not required, the City made the Addendum available for a 10-day public review and comment period from May 19, 2021 to May 28, 2021. The Addendum was posted to the City's website, with notifications sent via email to those included on the stakeholder list.

The City will consider the Addendum with the previously certified EIR before taking action on the GPA pursuant to CEQA Guidelines Section 15164(d).

3.2 Scope of Evaluation

As summarized in **Chapter 2 Project Description**, the proposed revisions to Policy LU-P-34 would not change the land uses that have been previously adopted in the Visalia 2030 General Plan, nor would the revisions alter the building permit thresholds that determine when development may proceed from the first growth tier (Tier I) to subsequent growth tiers (Tiers II and III). In addition, the anticipated buildout that was previously estimated under the Final EIR and the adopted urban growth tiers would not be affected. Therefore, the scope of evaluation completed under this Addendum has been limited to comparing the circumstances and potential impacts resulting from the GPA with the circumstances and impacts discussed as part of the Visalia 2030 General Plan EIR only for those sections of Appendix G of the CEQA Guidelines that reference Policy LU-P-34 as a mitigating policy. Policy LU-P-34 is only referenced with regard to Agriculture and Forestry Resources.

Chapter 4 Impact Evaluation

This impact evaluation provides the basis for determining whether the GPA would have any significant environmental impacts that were not previously addressed in the Visalia 2030 General Plan EIR certified by the City of Visalia in 2014 (SCH No. 2010041078). The following comparative evaluation determines: 1) whether there are changed conditions (i.e., circumstances, project changes, or new information of substantial importance) that may result in the conclusion of environmental impact significance different from those found in the Visalia 2030 General Plan EIR; and 2) whether any changes to adopted environmental commitments/mitigation measures or the inclusion of additional mitigation measures are warranted or required.

As detailed in [Section 3.2 Scope of Evaluation](#), this comparative evaluation and impact discussion is limited to Agriculture and Forestry Resources.

4.1 Explanation of Evaluation Categories

The Comparative Impact Evaluation checklist in Section 4.2 includes the full range of questions for Agriculture and Forestry Resources as presented in the current version of Appendix G of the CEQA Guidelines. The columns of the checklist have been modified from Appendix G to help answer required questions pursuant to CEQA Section 21166 and CEQA Guidelines Section 15162. A “no” answer does not necessarily mean that there are no potential impacts relative to the environmental category, but rather that there is no change in the condition or status of the impact as analyzed and addressed in the Visalia 2030 General Plan EIR. For instance, the environmental categories might be answered with a “no” in the checklist because the impacts associated with the project were adequately addressed in the Visalia 2030 General Plan EIR, and the conclusions about environmental impact significance from the previous EIR still apply. The purpose of each column of the checklist is described below.

Where Impact was Analyzed in Previous Analysis

This column provides a cross-reference to the pages of the Visalia 2030 General Plan Draft EIR and Final EIR where information and analysis may be found relative to the environmental issue listed.

Policies that Reduce the Impact Identified in Previous Analysis

This column identifies the General Plan policies that were identified as a mitigating policy in the Visalia 2030 General Plan Draft EIR or Final EIR relative to the environmental issue listed.

New or More Significant Impacts?

Pursuant to Section 15162(a)(2), this column indicates whether there are substantial changes in circumstances under which the Project is undertaken that have occurred subsequent to the previous EIR that would result in the current Project having new significant environmental impacts that were not considered in the prior document or having substantial increases in the severity of previously identified significant impacts.

New Information Requiring Additional Analysis?

Pursuant to Section 15162(a)(3)(A-D) of the CEQA Guidelines, this column indicates whether new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental documents were certified as complete is available, requiring an update to the analysis of the previous environmental documents to

verify that the environmental conclusions and mitigation measures remain valid. If the new information shows that any of the following conditions are met, the question would be answered “yes”, requiring the preparation of a subsequent EIR or supplement to the EIR: (A) the project will have one or more significant effects not discussed in the prior environmental documents; (B) that significant effects previously examined will be substantially more severe than shown in the prior environmental documents; (C) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects or the project, but the project proponents decline to adopt the mitigation measure or alternative; or, (D) that mitigation measures or alternatives which are considerably different from those analyzed in the prior environmental documents would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

However, if the additional analyses completed as part of this comparative evaluation indicate that the conclusions of the prior environmental documents remain the same and no new significant impacts are identified, or identified significant environmental impacts are not found to be substantially more severe, the question would be answered “no” and no additional EIR documentation (subsequent EIR or supplement to the EIR) would be required.

Does Previous Mitigation Address/Resolve Impacts?

This column indicates whether the previous EIR and adopted CEQA Findings provide mitigation measures to address effects in the related impact category. A “yes” response will be provided in this instance. If “Not Applicable” is indicated, this evaluation concludes that there was no impact, or the impact was less than significant and, therefore, no mitigation measures are needed.

4.2 Comparative Impact Evaluation Checklist

4.2.1 Agriculture and Forestry Resources

Would the Project:	Where Impact Was Addressed in Previous Analysis	Policies that Reduce the Impact Identified in Previous Analysis	New or More Significant Impact?	New Information Requiring Additional Analysis?	Does Previous Mitigation Address/Resolve Impacts?
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	DEIR: Impact 3.5-1, pgs. 3.5-11 to 3.5-16 FEIR: Revisions to Chapter 3.5, pgs. 4-20 to 4-23	LU-P-14 LU-P-19 LU-P-21 LU-P-24 LU-P-25 LU-P-26 LU-P-27 LU-P-30 LU-P-31 LU-P-32 LU-P-33 LU-P-34 LU-P-44 LU-P-45	No	No	Yes, impact remains significant and unavoidable

Would the Project:	Where Impact Was Addressed in Previous Analysis	Policies that Reduce the Impact Identified in Previous Analysis	New or More Significant Impact?	New Information Requiring Additional Analysis?	Does Previous Mitigation Address/ Resolve Impacts?
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	DEIR: Impact 3.5-2, pgs. 3.5-16 to 3.5-17	LU-P-14 LU-P-19 LU-P-21 LU-P-24 LU-P-25 LU-P-26 LU-P-27 LU-P-30 LU-P-31 LU-P-32 LU-P-33 LU-P-34 LU-P-44 LU-P-45 OSC-P-1	No	No	Yes, impact remains significant and unavoidable
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? ^a	Not Addressed	Not Addressed	No	No	Not Applicable
d) Result in the loss of forest land or conversion of forest land to non-forest use? ^a	Not Addressed	Not Addressed	No	No	Not Applicable
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	DEIR: Impact 3.5-3, pgs. 3.5-17 to 3.5-18 FEIR: Revisions to Chapter 3.5, pg. 4-23	LU-P-14 LU-P-25 LU-P-30 LU-P-31 LU-P-32 LU-P-33 LU-P-35 LU-P-36 LU-P-45 OSC-P-27 OSC-P-28	No	No	Yes, impact remains significant and unavoidable

^a Subsections c and d were not required environmental topics for evaluation in the CEQA Guidelines at the time of preparation of the Draft EIR.

Impact Assessment

- a) **Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

Impact 3.5-1 of the Draft EIR evaluated potential effects of the Visalia 2030 General Plan regarding the conversion of farmland and determined the impact to be significant. General Plan policies as listed in the above table were identified in the EIR analysis, including General Plan Policy LU-P-34, that would reduce the impact; however, it was concluded that the impact would be significant and unavoidable.

The GPA would amend General Plan Policy LU-P-34, removing the requirement for an agricultural mitigation program but retaining coordination with Tulare County and other agencies to prevent urban development of agricultural land outside of the current growth boundaries, where such efforts will promote orderly development and preservation of farming operations within Tulare County. As no changes in land use or associated buildout projections, urban growth tiers, or the associated threshold requirements for moving from the Tier I growth boundary to subsequent growth tiers are proposed as part of the GPA, no new significant impacts or substantially more severe impacts would occur from those previously identified. Therefore, the conclusions and findings of the Visalia 2030 General Plan EIR remain valid, and no further analysis is required.

- b) **Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?**

Impact 3.5-2 of the Draft EIR evaluated potential conflicts of the Visalia 2030 General Plan with existing zoning for agricultural use or with a Williamson Act contract and determined the impact to be significant. General Plan policies as listed in the above table were identified in the EIR analysis, including General Plan Policy LU-P-34, that would reduce the impact; however, it was concluded that the impact would be significant and unavoidable.

The GPA would amend General Plan Policy LU-P-34, removing the requirement for an agricultural mitigation program but retaining coordination with Tulare County and other agencies to prevent urban development of agricultural land outside of the current growth boundaries, where such efforts will promote orderly development and preservation of farming operations within Tulare County. As no changes in land use or associated buildout projections, urban growth tiers, or the associated threshold requirements for moving from the Tier I growth boundary to subsequent growth tiers are proposed as part of the GPA, no new significant impacts or substantially more severe impacts would occur from those previously identified. Therefore, the conclusions and findings of the Visalia 2030 General Plan EIR remain valid, and no further analysis is required.

- c) **Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

The Draft EIR did not address conflicts with existing zoning for forest land, timberland, or timberland zoned Timberland Protection, as no forestry resources were present within the Planning Area and the issue of forestry resources was not a required environmental topic for evaluation in the CEQA Guidelines at the time of preparation of the Draft EIR.

d) Would the Project result in the loss of forest land or conversion of forest land to non-forest use?

The Draft EIR did not address potential loss or conversion of forest land, as no forestry resources were present within the Planning Area and the issue of forestry resources was not a required environmental topic for evaluation in the CEQA Guidelines at the time of preparation of the Draft EIR.

e) Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Impact 3.5-3 of the Draft EIR evaluated the potential for other changes in the existing environment that could result in farmland conversion resulting from the Visalia 2030 General Plan and determined the impact to be significant. General Plan policies as listed in the above table were identified in the EIR analysis as those that would reduce the impact; however, it was concluded that the impact would be significant and unavoidable. Conversion of forest land was not addressed as no forestry resources were present within the Planning Area and the issue of forestry resources was not a required environmental topic for evaluation in the CEQA Guidelines at the time of preparation of the Draft EIR.

As no changes in land use or associated buildout projections, urban growth tiers, or the associated threshold requirements for moving from the Tier I growth boundary to subsequent growth tiers are proposed as part of the GPA, no new significant impacts or substantially more severe impacts would occur from those previously identified. Further, General Plan Policy LU-P-34 was not identified as a policy that would reduce this impact. Therefore, the conclusions and findings of the Visalia 2030 General Plan remain valid, and no further analysis is required.

Mitigation Measures

No mitigation measures were included in the Visalia 2030 General Plan EIR for the environmental issues evaluated under Agricultural Resources. However, several General Plan policies were cited to reduce Impacts 3.5-1, 3.5-2, and 3.5-3, as discussed in the Draft EIR, including General Plan Policy LU-P-34 for Impacts 3.5-1 and 3.5-2.

The establishment of an agricultural mitigation program, as required by General Plan Policy LU-P-34, was identified to reduce the impacts on the conversion of farmland and conflicts with agricultural zoning or with a Williamson Act contract, as discussed under Impacts 3.5-1 and 3.5-2 of the Visalia 2030 General Plan EIR. Amendment of General Plan Policy LU-P-34 to remove the requirement for establishment of an agricultural mitigation program, as proposed under the GPA, would affect the efficacy of the Policy to reduce the identified impacts, as evaluated at the time of the Draft EIR, and public agencies are required to mitigate or avoid significant effects on the environment of projects that it carries out or approves whenever it is feasible² to do so.

However, recent case law out of the 5th District Court of Appeal has since established that agricultural easements, as would be required under the agricultural mitigation program, do not mitigate in whole or in part, for the loss of agricultural land as follows:

² "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors, according to CEQA Guidelines Section 15364.

“Entering into a binding agricultural conservation easement does not create new agricultural land to replace the agricultural land being converted to other uses. Instead, an agricultural conservation easement merely prevents the future conversion of the agricultural land subject to the easement. Because the easement does not offset the loss of agricultural land (in whole or in part), the easement does not reduce a project’s impact on agricultural land.”³

Accordingly, the use of agricultural conservation easements to mitigate or offset the loss of farmland, which would be required through the establishment of an agricultural mitigation program, is no longer considered mitigation. Further, the Statement of Overriding Considerations and associated Findings of Fact confirmed that impacts to farmland, agricultural zoning, and Williamson Act contracts would be significant and unavoidable.

While the above cited case law challenges the use of agricultural conservation easements as appropriate mitigation, additional evidence is provided addressing the infeasibility of implementing such a requirement. As cited in the Statement of Overriding Considerations and Findings of Fact adopted with the certification of the Visalia 2030 General Plan EIR in 2014 (see [Appendix B](#)), the City documented the following reasons that an AMP would be infeasible mitigation at that time:

- There was evidence suggesting that a local City-wide AMP may result in a patchwork of easements not contiguous enough to sustain economic viability or that the easements could frustrate orderly development in the future;
- That an AMP could only provide a speculative mitigation benefit due to the variability in the cost of conservation easements compared to the fees that would be established, thereby rendering the effectiveness of such a program questionable;
- That the cost of purchasing easements would be cost-prohibitive to development; and
- That economic realities tend to guide the purchase of agricultural easements towards properties not subject to development pressures in the first place, thereby again rendering the mitigation benefits speculative at best.

While Policy LU-P-34 was subsequently adopted as part of the General Plan in 2014, requiring the AMP be established, the policy language continued to recognize that additional study of the efficacy of agricultural mitigation programs was still necessary. Specifically, that the City would “conduct additional investigation of the efficacy of agricultural conservation easements by engaging local, regional, and state agencies and stakeholders in order to further analyze their ongoing efforts and programs that attempt to mitigate impacts from the conversion of agricultural lands through the use of agricultural conservation easements.”

During preparation of the AMP Feasibility Study, additional research was conducted regarding the efficacy and feasibility of agricultural conservation easements, specifically related to recent changes in legislative requirements and the potential fiscal impact of implementing agricultural conservation easements on home pricing. As informed by this most recent research effort conducted as part of the Feasibility Study, implementing an AMP will not likely offset the loss of farmland caused by the City of Visalia’s growth in a successful manner when taking into account the relevant factors. The measure should be considered infeasible based on the adopted Statement of Overriding Considerations and further supported by the results of the Feasibility Study.

³ *King & Gardner, LLC v County of Kern* (2020) 45 Cal.App.5th 875.

An AMP would not adequately ensure that easements be located in a unified geographic area such that continued economic viability of agriculture would be guaranteed.

Should the AMP require a 1:1 ratio of land conserved to land converted within Tier II and Tier III, as currently required per General Plan Policy LU-P-34, 6,257 acres would be required to be placed under agricultural conservation easements. Without specific criteria established as part of the AMP directing the location and/or minimum size of agricultural conservation easements, the establishment of those easements may not occur in a contiguous pattern thus resulting in a patchwork of disparate easements. Comments received noted that land near city boundaries is often purchased for the purpose of future development not long-term agricultural use. Agricultural mitigation programs placing lands near Visalia under long-term restrictions could create patches of agricultural uses surrounded by development as Visalia continues to concentrically grow as called for in the current General Plan. While the acquisition of easements would be managed and coordinated through a local land trust, which may provide some consistency and coordination in determining where conservation easements are established, easement locations would be largely reliant on the participation of willing landowners, which is beyond the City of Visalia's authority to ensure.

Easement location would be further dictated by the suitability of the land to be placed in the easements. Suitability would be determined based on such criteria as zoning consistency, equivalent land quality to the converted land (e.g., Prime Farmland, Farmland of Statewide Importance), and adequate water availability. Groundwater regulatory changes required under the Sustainable Groundwater Management Act (SGMA) are aimed at achieving a sustainable water balance, likely resulting in constraints on predictable water supply and availability. There is potentially an inherent conflict between the objectives of SGMA, as implemented through the adopted Groundwater Sustainability Plans (GSPs), and the establishment of permanent agricultural easements, which are committing land to permanent, productive agricultural use requiring an adequate, continued water supply. With the added layer of regulations enacted under SGMA and adopted in the applicable GSPs, and uncertainty about how those regulations will impact water availability, the number and availability of properties that would reliably meet the criteria of an AMP would be a limiting factor, particularly if the AMP restricts the scope of eligible properties within a smaller geographic area (e.g., within Tulare County or within specific proximity to Visalia). Scarcity of land with sufficient water rights will be a factor in the costs of easements as well.

Further, with the degree of uncertainty associated with SGMA's impacts to ongoing agricultural operations, lower participation rates from willing landowners interested in encumbering their land is likely to result. Such concerns were raised by the Tulare County Farm Bureau noting that "Farming remains a business with a great degree of risk, uncertainty, and financial speculation that can change from year to year."⁴ The recent adoption of GSPs and the limited understanding of how the various programs, projects, and policies of the GSPs will be implemented and enforced presents a degree of uncertainty in maintaining adequate water availability to ensure continued, productive agricultural uses.

The cost of purchasing easements would place a higher cost burden on a majority of residential projects, impeding implementation of recent State legislative directives to increase housing accessibility and affordability.

Housing affordability continues to be an issue for many Californians, and the State is vigorously encouraging action by local jurisdictions to facilitate residential development to improve housing affordability and

⁴ Tulare County Farm Bureau, public comment submittal email to Brandon Smith, City of Visalia Senior Planner, January 27, 2021.

increase the housing stock at all levels. These efforts are most evident in the passage of the 2017 California Housing Package and the Housing Crisis Act of 2019. Each of these legislative packages contained several bills intended to reduce barriers to housing and increase production. In total, recent State legislation serves to highlight a new focus on housing production, in particular constructing accessible, affordable housing.

Approximately 85 percent (4,339 acres) of all land planned for residential use within Tier II and Tier III is designated as Prime Farmland or Farmland of Statewide Importance and would require establishment of an agricultural conservation easement. Pricing considerations for the purchase and management of agricultural conservation easements can vary widely depending on how an AMP is designed and how in-lieu fees are established, and would be influenced by market fluctuations. Research conducted as part of the Feasibility Study focused primarily on the impact of an AMP and the related cost of easement acquisition on home pricing. While the average cost per unit varies based on density, the average per-unit cost could increase by approximately \$350 for high density development to \$2,930 for very low density development. Further, the Feasibility Study was limited in scope to estimating purchase costs of conservation easements and did not include the additional cost of ongoing management for the easements, which would further increase the average per-unit cost burden. Research has shown that a \$1,000 increase in the price of a home excludes an additional 174 to 259 households from qualifying for a home mortgage, depending on home price range.⁵ While the actual cost to conserve land will fluctuate based on project-specific factors, the AMP will add cost to a majority of residential projects proposed within Tier II and Tier III, further limiting accessibility of home ownership in an already impacted market.

Therefore, the proposed revisions to General Plan Policy LU-P-34 removing the requirement for establishment of an agricultural mitigation program would not result in a change in the outcome of the impact and does not represent the removal of a feasible mitigation measure that would minimize significant adverse impacts to the identified resources.

Conclusion

No new circumstances or changes have occurred nor has any new information been identified requiring new analysis or verification. Therefore, the conclusions of the Visalia 2030 General Plan EIR remain valid, and approval of the GPA would not result in new or substantially more severe significant impacts to agricultural resources.

⁵ California Association of REALTORS, *Price Increase Impact on Affordability, Tulare County, 2nd Quarter*. September 1, 2020.

Chapter 5 Determination

As discussed in Chapters 1.0 through 4.0 above, this Addendum to the Visalia 2030 General Plan EIR (SCH No. 2010041078, certified by the City of Visalia in October 2014), supports the conclusion that the proposed revisions to General Plan Policy LU-P-34, as proposed under General Plan Amendment No. 2021-01, constitute only minor changes to the Visalia 2030 General Plan previously evaluated and that no further environmental analysis is required. This determination is appropriate because only minor changes or additions to said EIR are needed to consider the modifications proposed under the GPA, and these changes or additions do not require preparation of a subsequent EIR for the reasons set forth below. The reasons set forth correspond to items 1-3 as enumerated in [Section 1.4 CEQA Addendum Purpose](#) and pursuant to Section 15162(a) of the CEQA Guidelines.

(1) The Project would not change the land uses adopted under the Visalia 2030 General Plan or the manner by which those land uses are implemented. The anticipated buildout previously analyzed under the Final EIR would not be affected by the GPA. Pursuant to Section 15162(a)(1) no substantial changes are proposed that would require major revisions of the previous EIR due to the involvement of new significant environmental impacts or a substantial increase in the severity of previously identified significant impacts.

(2) The circumstances (or baseline conditions) under which the GPA will be undertaken have not substantially changed from those described in the Visalia 2030 General Plan EIR, and therefore major revisions of the previous EIR baseline conditions are not required due to involvement of new significant impacts or a substantial increase in the severity of previously identified significant impacts.

(3) There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete.

(A) The GPA will not result in any new significant impacts beyond those evaluated in the previous EIR.

(B) The GPA will not result in any impacts that would be substantially more severe than those evaluated in the previous EIR.

(C) There were no mitigation measures or alternatives found by the previous EIR to be infeasible that would in fact be feasible that would substantially reduce one or more significant impacts of resulting from the GPA.

(D) There are no mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR that would substantially reduce one or more significant impacts on the environment that the City of Visalia declines to adopt for the GPA.

Based upon the statements above, and in conjunction with the evaluation further described in **Chapter 4 Impact Evaluation**, none of the conditions described in Section 15162(a) calling for the preparation of a subsequent EIR have occurred.

Pursuant to the provisions of CEQA (PRC Section 21000, et seq.) and the State CEQA Guidelines (CEQA Guidelines; California Code of Regulations, Title 14, Chapter 3, Section 15000, et seq.) and specifically Section 15164 regarding preparation of Addendums to an Environmental Impact Report or Negative Declaration, the City of Visalia has determined that General Plan Amendment No. 2021-01 constitutes a minor change to the Visalia 2030 General Plan previously evaluated and that none of the conditions described in Section 15162 of the Guidelines would require the preparation of a subsequent EIR.