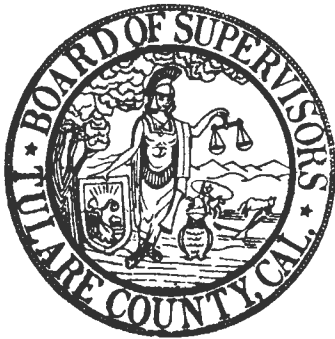


**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF GENERAL PLAN )  
AMENDMENT (GPA) NO. 20-009, AMENDING ) **RESOLUTION NO. 2020-0431**  
THE 2017 TULARE COUNTY ANIMAL )  
CONFINEMENT FACILITIES PLAN SET OUT )  
IN CHAPTER 12 OF THE TULARE COUNTY )  
2030 GENERAL PLAN UPDATE, AND AN )  
ACTION AMENDING THE 2017 DAIRY AND )  
FEEDLOT CLIMATE ACTION PLAN )

UPON MOTION OF SUPERVISOR TOWNSEND, SECONDED BY SUPERVISOR CROCKER, THE FOLLOWING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD JULY 21, 2020, BY THE FOLLOWING VOTE:

AYES: SUPERVISORS CROCKER, VANDER POEL, SHUKLIAN, VALERO AND TOWNSEND  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE



ATTEST: JASON T. BRITT  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY:   
DEPUTY CLERK

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Resolution of the Board of Supervisors of the County of Tulare ("Board") accepting the Tulare County Planning Commission ("Planning Commission") recommendations and adopting General Plan Amendment No. 20-009 for the proposed first Amendment ("2020 ACFP Amendment") to the 2017 Animal Confinement Facilities Plan ("2017 ACFP") set out in Chapter 12 of the Tulare County General Plan 2030 Update, and approving an amendment (2020 Dairy CAP Amendment") to the 2017 Dairy and Feedlot Climate Action Plan ("2017 Dairy CAP").

WHEREAS, on December 12, 2017, after notice and hearing, this Board adopted the 2017 ACFP as the updated Chapter 12 of the Tulare County 2030 General Plan Update, approved and adopted the 2017 Dairy CAP, and approved and certified a Final Environmental Impact Report ("2017 FEIR") pursuant to the California Environmental Quality Act ("CEQA"); and

WHEREAS, the Sierra Club, Association of Irrigated Residents and the Center for Biological Diversity ("Petitioners") challenged the adoption proceeding in Court; and

WHEREAS, after mediation and considered negotiations, the County of Tulare (the "County") and Petitioners determined that it was in the best interest of the parties and the people of Tulare County to resolve this litigation through a stipulated settlement agreement ("Settlement Agreement") without further court proceedings; and

WHEREAS, the parties to the Settlement Agreement agreed that the County should consider an amendment to the 2017 ACFP to allow any dairy to use the 2017 ACFP "streamlining" provisions for expansions (Policy 2.5-3 of the 2017 ACFP) no more than once every five years; and

WHEREAS, parties to the Settlement Agreement agreed that the County consider amendments to the 2017 ACFP and 2017 Dairy CAP to reduce the 2017 ACFP "streamlining" screening level for dairy expansions listed in the Conformance Checklist criteria set forth in Appendix A to the 2017 ACFP from 25,000 MT CO<sub>2</sub>e per year to 15,000 MT CO<sub>2</sub>e per year; and

WHEREAS, the parties to the Settlement Agreement agreed that the County should consider an amendment to the 2017 Dairy CAP to move certain GHG emission reduction strategies from Category B to Category A as those Categories were established in the 2017 Dairy CAP for environmental review purposes under CEQA; and

WHEREAS, in order to comply with the Settlement Agreement, the Board on July 21, 2020 initiated an action (General Plan Amendment No. GPA 20-009) to amend the 2017 ACFP pursuant to Title 7, Chapter 3, Articles 5 and 6, of the California Government Code; and

WHEREAS, the County has given notice of the 2020 ACFP Amendment as provided in Government Code sections 65353, 65355 and 65090, and included the 2020 Dairy CAP Amendment, on July 8, 2020; and

WHEREAS, the County has complied with SB 18 (adopted in 2004) by notifying Native American tribes identified by the Native American Heritage Commission of the opportunity to consult on the proposed General Plan amendment by sending consultation notification letters to thirteen (13) tribal contacts for five (5) tribes on record at the time, on February 21, 2020, for pre-consultation and no requests for consultation were re-ceived as a result of these notifications; and

WHEREAS, pursuant to Government Code section 65352, the County referred the proposed 2020 ACFP Amendment, and included the 2020 Dairy CAP Amendment, to the required government entities on April 20, 2020, and provided a forty-five (45) day comment period that expired on June 4, 2020; and

WHEREAS, County staff has made such investigation of facts bearing upon the 2020 ACFP Amendment and 2020 Dairy CAP Amendment to assure action consistent with the procedures and purposes set forth in the Government Code and other elements of the Tulare County General Plan; and

WHEREAS, the County staff recommended that, as provided for in the State CEQA Guidelines Sections 15164, an Addendum to the 2017 FEIR regarding the 2017 ACFP and 2017 Dairy CAP ("Addendum to the 2017 FEIR") should be considered for the environmental review of the proposed 2020 ACFP and Dairy CAP Amendments; and

WHEREAS, the County prepared such an Addendum to the 2017 FEIR in compliance with State CEQA Guidelines Section 15164; and

WHEREAS, a Notice of a Public Hearing setting a public hearing on the proposed 2020 ACFP Amendment and 2020 Dairy CAP Amendment, and a proposed Addendum to the 2017 FEIR, before the Planning Commission at its regular meeting on July 8, 2020, was published in the Sun-Gazette on June 24, 2020; and

WHEREAS, the Planning Commission held the noticed public hearing at its regular meeting on July 8, 2020, and during that public hearing, which was recorded, County staff presented evidence regarding the proposed 2020 ACFP Amendment, 2020 Dairy CAP Amendment, and the proposed Addendum to the 2017 FEIR to the Planning Commission and answered Planning Commission questions on the matter, and during that public hearing the Planning Commission provided an opportunity for, heard, and considered public testimony and comment on the matter; and

WHEREAS, the Planning Commission reviewed the proposed 2020 ACFP and Dairy CAP Amendments and found them consistent with the Tulare County General Plan 2030 Update; and

WHEREAS, the Planning Commission is an advisory body to the Board with respect to the adoption of the 2020 ACFP and Dairy CAP Amendments, and after its noticed public hearing, by its Resolution No. 9746 recommended that (a) the Board approve the proposed Addendum to the 2017 FEIR, (b) adopt the proposed 2020 ACFP Amendment, and (c) adopt the proposed 2020 Dairy CAP Amendment, all as presented; and

WHEREAS, the Board is the decision-making body for the adoption of the 2020 ACFP and Dairy CAP Amendments; and

WHEREAS, a Notice of a Public Hearing setting a public hearing on the proposed 2020 ACFP Amendment and 2020 Dairy CAP Amendment, and a proposed Addendum to the 2017 FEIR, before the Board at its regular meeting on July 21, 2020, was published in the Sun-Gazette on July 8, 2020; and

WHEREAS, this Board held the noticed public hearing on the proposed 2020 ACFP and Dairy CAP Amendments and the proposed Addendum to the 2017 FEIR, at its regular meeting held on July 21, 2020, and during that public hearing, which was recorded, County staff presented evidence regarding the proposed 2020 ACFP and Dairy CAP Amendments and the Addendum to the 2017 FEIR and answered Board questions on this matter, and during that public hearing the Board provided an opportunity for, heard, and considered public testimony and comment on the matter; and

WHEREAS, the Board, by separate resolution on this same date, approved the Addendum to the 2017 FEIR, finding that none of the conditions set forth in Public Resources Code Section 21166 and State CEQA Guidelines Section 15162 would require preparation of a Subsequent or Supplemental EIR with respect to the adoption of the proposed 2020 ACFP and Dairy CAP Amendments.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Board hereby accepts the Planning Commission recommendations and amends the 2017 ACFP as shown in Attachment 1.
2. The Board hereby accepts the Planning Commission recommendations and amends the 2017 Dairy CAP as shown in Attachment 2.
3. All other terms and provisions of the 2017 ACFP and 2017 Dairy CAP shall remain unchanged and in full force and effect.

Attachment 1

2020 ACFP Amendment

- (A) The first sentence in the last paragraph of Section 1.2 ACFP Update of the 2017 ACFP is amended to read:

"This updated ACFP also establishes a Conformance Checklist Review Procedure consistent with the California Environmental Quality Act that will apply to bovine facility expansions no more than once every five years for a given facility."

- (B) The following definition is added to Section 2 of the 2017 ACFP in the definitions under "Introduction" to read:

"Expansion: A dairy expansion is defined as a net increase above the ACFP List permitted herd sizes."

- (C) The first sentence of Policy 2.5-3 in Section 2.5 *Permitting Requirements - Bovine Facilities and Bovine Facility Expansions* of the 2017 ACFP is amended to read:

"Bovine facility expansions may be permitted once every five years through a Conformance Checklist review procedure, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15168(c)(4)."

- (D) The following is added to the end of 2.6.1 Application Contents in Section 2.6 *Applications - New Bovine Facilities and Bovine Facility Expansions* of the 2017 ACFP:

"6. For a bovine facility expansion, whether the bovine facility has previously used the streamlined Conformance Checklist Review Procedure, and if so, dates of previous expansion approval."

- (E) The following sentence in Subsection (a) of Item No. 2 in the Conformance Checklist set out in Appendix A to the 2017 ACFP is amended to read:

"(a) generate less than 15,000 metric tons per year of net Greenhouse Gas (GHG) Emissions, as set forth in the amended Dairy and Feedlot Climate Action Plan (Dairy CAP), and would otherwise comply with the Dairy CAP?" For the purpose of calculating the expected emissions from the proposed expansion, each application for expansion, at a minimum, must account for all emission sources relied upon in the ACFP and Dairy CAP Environmental Impact Report and disclose how many of each of the following categories of animals would be added to the existing herd: Dairy Cows, Dairy Heifers 0-12 months, Dairy Heifers 12-24 months, Dairy Calves.

Attachment 2

2020 Dairy CAP Amendment

- (A) The following sentence in the introductory section of the second sentence in the second paragraph of Section 5.2.2 Streamlined Analysis Level of the 2017 Dairy CAP is amended to read:

"The 2017 Dairy CAP chose 25,000 MT CO<sub>2</sub>e/yr as a streamlined analysis level because ... "

- (B) The following paragraph is added to the end of Section 5.2.2 Streamlined Analysis Level of the 2017 Dairy CAP:

"However, although these considerations still apply, the County has decided as of July 21, 2020, to use a streamlined analysis level of 15,000 MT CO<sub>2</sub>e/yr consistent with the August 2, 2019 settlement of a legal challenge to the 2017 ACFP and Dairy CAP by the Sierra Club, the Associated of Irrigated Residents and the Center for Biological Diversity."

- (C) The first paragraph of Section 5.3 Proposed CEQA Checklist of the 2017 Dairy CAP is amended to read:

"Table 5 lists the Category A reduction strategies, which new or expanding dairies or feedlots must (1) incorporate into their facility to the extent applicable based on the project specifics or (2) provide justification as to why the given strategy is impracticable or infeasible for the facility. For strategies D5, D6, D7, D8, E6, E7, E8, E9, and E10, implementation is also contingent upon: 1) adequate state or other government funding, 2) technological and economic feasibility per SB 1383, and 3) feasibility as defined by CEQA."

- (D) Table 5 of Section 5.3 Proposed CEQA Checklist of the 2017 Dairy CAP is amended to read as set out below:

<b>Table 5. Category A Reduction Strategies for Implementation at New or Expanding Facilities Consistent with the Dairy CAP</b>		
<b>Checklist #</b>	<b>Reference # (Appendix C)</b>	<b>Reduction Strategies</b>
<b>Dairy Operations</b>		
D1	C9.1.5	Implement environmentally responsible purchasing of feed

**Table 5. Category A Reduction Strategies for Implementation at New or Expanding Facilities Consistent with the Dairy CAP**

Checklist #	Reference # (Appendix C)	Reduction Strategies
		additives (i.e. use locally sourced materials and/or agricultural by-products such as citrus pulp and almond hulls, when available). This measure must be consistent with Total Mixed Ration (TMR) or other efficient feeding strategies, as well as animal health and efficient milk production requirements.
D2	C9.1.5	Use a TMR or other efficient feeding strategy intended to maximize feed-to-milk production efficiency in lactating cows.
D3	C9.1.4	Comply with nutrient management plans to reduce fertilizer requirements (i.e., GHG emissions associated with fertilizer production and transportation)
D4	C9.1.4	Comply with air and water quality plans to achieve GHG benefits (e.g., less water usage)
<u>D5*</u>	<u>S9(3)</u>	<u>Use a digester, designed and operated per applicable standards, and the captured methane for energy use to displace fossil fuel use. Approaches include participation in centralized co-digestion facilities for processing dairy manure and landfill waste or in a digester project utilizing biomethane as a transportation fuel or for injection into natural gas pipelines or for electrical energy use on-site or off-site.</u>
<u>D6*</u>	<u>O(1)</u>	<u>Use scrape systems to divert manure from lagoon to another part of the storage system, including composting for on-site or off-site use.</u>
<u>D7*</u>	<u>O(2)</u>	<u>Increase solids separation to reduce loading.</u>
<u>D8*</u>	<u>11</u>	<u>Use pasture-based management practices. May be feasible for individual dairies or feedlots, but not as a Countywide approach.</u>
<b>Energy</b>		
E1	C2.1.1	The farm must meet or exceed Title 24 standards in climate-controlled buildings (e.g., not barns)
E2	C2.1.3	Provide verification of energy savings (e.g., electric bills or third-party verification)
E3	C2.1.5	Install energy efficient boilers

**Table 5. Category A Reduction Strategies for Implementation at New or Expanding Facilities Consistent with the Dairy CAP**

<b>Checklist #</b>	<b>Reference # (Appendix C)</b>	<b>Reduction Strategies</b>
E4	C2.1.4	Install energy efficient appliances (e.g., for milk cooling)
E5	C2.2.1	Install energy efficient area lighting
<u>E6*</u>	<u>C2.3.1</u>	<u>Establish onsite renewable or carbon-neutral energy systems – generic</u>
<u>E7*</u>	<u>C2.3.2</u>	<u>Establish onsite renewable energy systems – solar power</u>
<u>E8*</u>	<u>C2.3.3</u>	<u>Establish onsite renewable energy systems – wind power</u>
<u>E9*</u>	<u>C2.3.4</u>	<u>Utilize a combined heat and power system</u>
<u>E10*</u>	<u>C2.3.6</u>	<u>Establish methane recovery on digester</u>
<b>Transportation [20 or more new employees]</b>		
T1	C3.2.6	Provide bike parking if requested by employees
T2	C3.4.5	Provide end of trip facilities if requested by employees (e.g., shower for people biking)
<b>Water, Solid Waste, and Recycling (if available and not prohibited by USDA, CDFA, or other government agencies)</b>		
R1	C4.2.2	Adopt a water conservation strategy
R2	C4.2.3	Design water-efficient landscapes (decorative landscaping only)
R3	C4.2.4	Use water-efficient landscape irrigation systems (decorative landscaping only)
R4	C4.2.5	Reduce turf in landscapes and lawns (decorative landscaping only)
R5	C4.2.6	Plant native or drought-resistant trees and vegetation (decorative landscaping only)

\*For measures D5, D6, D7, D8, E6, E7, E8, E9, and E10, implementation is also contingent upon: 1) adequate state or other government funding, 2) technological and economic feasibility per SB 1383, and 3) feasibility as defined by CEQA.



(E) Table 6 of Section 5.3 Proposed CEQA Checklist of the 2017 Dairy CAP is amended to read as set out below:

<b>Table 6. Category B Reduction Strategies for Consideration at New or Expanding Facilities (may be used as substitutes for Category A Strategies)</b>		
<b>Checklist #</b>	<b>Reference # (Appendix C)</b>	<b>Measure</b>
<b>Dairy Operations</b>		
D5	S9(3)	Use a digester, designed and operated per applicable standards, and the captured methane for energy use to displace fossil fuel use. Approaches include participation in centralized co-digestion facilities for processing dairy manure and landfill waste or in a digester project utilizing biomethane as a transportation fuel or for injection into natural gas pipelines or for electrical energy use on-site or off-site.
D6	0(1)	Use scrape systems to divert manure from lagoon to another part of the storage system, including composting for on-site or off-site use.
D7	0(2)	Increase solids separation to reduce loading.
D8	11	Use pasture-based management practices. May be feasible for individual dairies or feedlots, but not as a Countywide approach.
<b>Energy</b>		
E6	C2.3.1	Establish onsite renewable or carbon neutral energy systems—generic
E7	C2.3.2	Establish onsite renewable energy systems—solar power
E8	C2.3.3	Establish onsite renewable energy systems—wind power
E9	C2.3.4	Utilize a combined heat and power system
E10	C2.3.6	Establish methane recovery on digester
<b>Transportation</b>		
T3	C3.4.11	Provide employer-sponsored vanpool/shuttle
T4	C3.1.5	Increase transit accessibility if adjacent to public transportation
T5	C3.4.12	Implement intra-farm bike-sharing



**Table 6. Category B Reduction Strategies for Consideration at New or Expanding Facilities (may be used as substitutes for Category A Strategies)**

<b>Checklist #</b>	<b>Reference # (Appendix C)</b>	<b>Measure</b>
T6	C3.7.2	Utilize alternative fueled vehicles on-site
T7	C3.7.3	Utilize electric or hybrid vehicles on-site
<b>Water, Solid Waste, and Recycling</b>		
R6	C6.1.1	Institute or extend recycling and composting services
R7	C4.1.3	Use locally sourced water supply
R8	C4.2.1	Install low-flow water fixtures (decorative landscaping only)
R9	C6.1.2	Recycle demolished construction material
<b>Miscellaneous</b>		
M1	C7.1.1	Plant trees
M2	C8.1.1	Use alternative fuels for construction equipment (construction only)
M3	C8.1.2	Use electric and hybrid construction equipment (construction only)
M4	C8.1.3	Limit construction equipment idling beyond regulation requirements (construction only) or limit idling by delivery and other operational vehicles
M5	C8.1.4	Institute a heavy-duty off-Road vehicle plan (construction only)
M6	C8.1.5	Implement a construction vehicle inventory tracking system (construction only)
M7	C9.1.3	Use local and sustainable building materials (construction only)
M8	C9.1.4	Additional BMPs in agriculture and animal operations
M9	C9.1.5	Environmentally responsible purchasing
M10	C9.1.6	Implement an innovative strategy for GHG reductions
M11	C9.1.7	Implement within the existing portion of a facility a Category A strategy or a Category B strategy to the same or

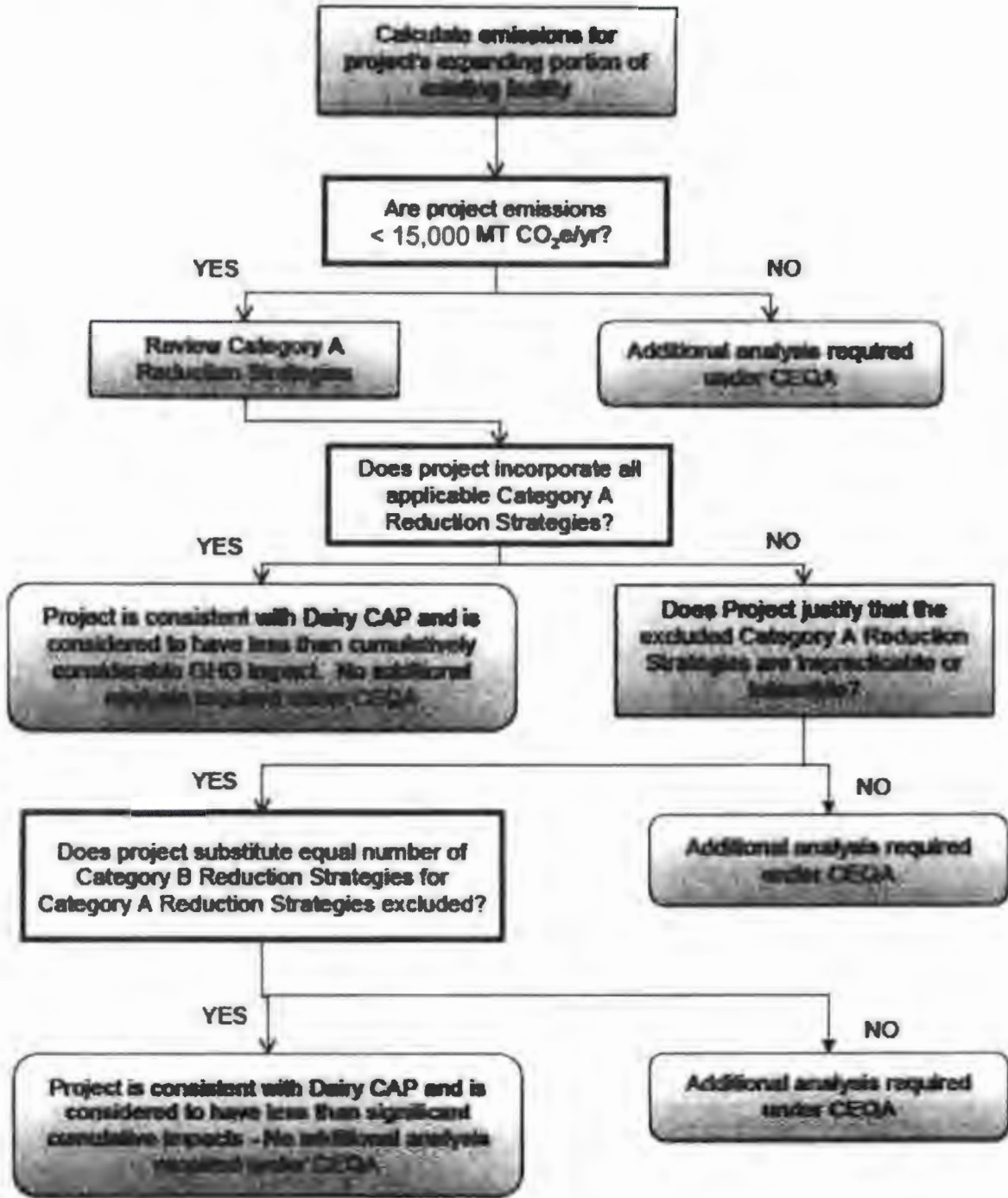
<b>Table 6. Category B Reduction Strategies for Consideration at New or Expanding Facilities (may be used as substitutes for Category A Strategies)</b>		
<b>Checklist #</b>	<b>Reference # (Appendix C)</b>	<b>Measure</b>
		greater extent as would have been done for the expanded portion

(F) The second bullet point in second paragraph of Section 7 Future Project GHG and Climate Change Evaluations of the 2017 Dairy CAP is amended to read:

- “The facility expansion has emissions above the streamlining analysis level of 15,000 MTCO<sub>2e</sub>, OR”

(G) Figure 1 of Section 7 Future Project GHG and Climate Change Evaluations of the 2017 Dairy CAP is amended to read as set out below:

Figure 1. Flow Chart Illustrating Method of Determining Required Level of Analysis for CEQA for Facility Expansions.



(H) The following sentence is added to the top of each page of Appendix C Summary of Potential

Emissions Reduction Strategies to the 2017 Dairy CAP:

"Pursuant to Board of Supervisors Resolution \_\_\_\_\_, Strategies D5, D6, D7, D8, E6, E7, E8, E9, and E10 are Category A, rather than Category Bin the "Category" column of this table. Implementation of these strategies is also contingent upon: 1) adequate state or other government funding, 2) technological and economic feasibility per SB 1383, and 3) feasibility as defined by CEQA."