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Staff Report

ITEM 5

To: Lemoore City Council
From: Steve Brandt, City Planner *SB*
Date: September 17, 2013
Subject: Continued Participation with Countywide Climate Action Plan

Discussion

The City Council requested a discussion on whether or not Lemoore should continue participating in the preparation of a Countywide Climate Action Plan.

In 2011 the California Strategic Growth Council awarded a Proposition 84 Planning Grant to be used for the preparation of a Countywide Climate Action Plan (CAP) in Kings County. The grant is being facilitated by the Kings County Association of Governments (KCAG). In 2012, as part of the CAP preparation process, the San Joaquin Valley Air Pollution Control District prepared a Greenhouse Gas Emission Inventory for all of Kings County (a copy of the report is attached).

At the most recent Advisory Committee meeting in June a number of the jurisdictions expressed concern about whether or not the adoption of the CAP would be mandatory. There was a concern that requirements ultimately put into the CAP would be overly burdensome to the business community and to each of the local jurisdictions. In a conference call that Lemoore staff participated in, the grant providers clearly stated that adoption of the CAP by each city is not a requirement of the grant. Since that time, the Kings County and the City of Corcoran have stated they will no longer participate in the CAP preparation process. The Cities of Hanford and Avenal intend to continue participating.

Adoption of the CAP is not mandatory, even if Lemoore continues to participate in the process. However, compliance with the California Environmental Quality Act (CEQA) and the long term provisions of AB 32 (the CA Global Warming Solutions Act of 2006) is required. The CAP could serve as a tool to help meet the provisions of CEQA and AB 32. The CAP could also serve as a background document for development projects needing CEQA review, thereby reducing CEQA requirements for developers to prepare their own individual greenhouse gas emissions study.

Budget Impact

The City can submit expenses from participating in the Plan preparation to KCAG for reimbursement. This would include reimbursement for City staff and contract planning staff hours spent on the preparation of the Plan. Therefore, continued participation in the preparation of the CAP will not affect the City's budget. The costs of adopting the CAP would be evaluated once a draft Plan is completed. These estimated costs would be provided to the Council when the Plan is brought to the Council to consider adoption.

Recommendation

Staff recommends that the Council direct staff to:

1. Continue to represent Lemoore's best interests in the process of preparing a Countywide CAP on the CAP Advisory Committee;
2. Inform KCAG that the City of Lemoore's participation is not an indication that the City of Lemoore will ultimately adopt the CAP; and
3. Provide updates to the Council on the process of the CAP preparation once every two months, with first update on November 19.

If the Council instead desires to not continue with the CAP preparation process, then the alternative recommendation would be to direct City staff to inform KCAG that Lemoore is choosing to withdraw from the process, and to further direct City staff to require developers to provide individual greenhouse gas assessments when necessary to comply with CEQA.

Background and Further Discussion

Climate Action Plans are a relatively new type of planning document in California. They typically take the form of a set of written strategies that a city or county plans to undertake to do their part in reducing greenhouse gas emissions. A climate action plan usually has four parts:

- 1) A quantified inventory of the existing greenhouse gas emissions
- 2) A greenhouse gas reduction target that is set as a goal
- 3) A plan describing the measures and strategies that will be used to try to meet the target
- 4) A set of implementation policies that will be used to implement the measure and policies

Note that a draft of the first part of the Countywide CAP, a quantified inventory of greenhouse gas emissions, has been completed and is included herein as an attachment.

The adoption of AB 32 in 2006 forced cities and counties to confront greenhouse gas emissions more directly. Then in 2007, the State amended the provisions of CEQA to require that, beginning in 2010, a project's effects on climate change must be evaluated in CEQA documents (EIRs and Negative Declarations). A number of cities, especially

those who have updated their General Plans since 2010, have used Climate Action Plans as a tool to meet their obligations under AB 32 and CEQA.

A Climate Action Plan is a separate document from the Sustainable Communities Strategy (SCS) that is being prepared by KCAG. The SCS is a document that KCAG is required to prepare under the provisions of SB 375. SB 375 is one of the implementing laws under AB 32, and it only focuses on strategies that would reduce the vehicles miles traveled by passenger cars and light duty trucks. While there may be some overlap between the SCS and a Climate Action Plan, the Climate Action Plan would focus on a much broader set of strategies.

Most of the California cities and counties that have adopted Climate Action Plans are located in the Bay Area, Los Angeles, San Diego, or Sacramento regions. Cities in the San Joaquin Valley that have adopted CAPs included Fresno, Stockton, and Tulare. Visalia is in the process of preparing a CAP in conjunction with their General Plan Update.

At this time a Climate Action Plan is not required by the State. However, other State actions add regulations that do require local government action to reduce greenhouse gases and to evaluate a development project's greenhouse gas emissions in CEQA documents. The adoption of a Climate Action Plan is a strategy to organize Lemoore's efforts to meet these State requirements into a single document. The following is a list of potential advantages of continuing with the current effort now and then later considering the adoption of a Climate Action Plan in Lemoore:

1. Lemoore is already taking actions to address climate change. A CAP would document and quantify those actions so that Lemoore could take credit for them.
2. Having a CAP in place would streamline the greenhouse gas portion of a developer's requirements under CEQA. This would save developers time and money. Without it, the City would need to require developers to prepare individual greenhouse gas analyses for each development project in order to meet CEQA requirements, adding to developer costs. (A quick check of a few sources found that individual greenhouse gas analyses for a development project ultimately requiring a Negative Declaration cost in the range of \$8,000 to \$15,000. Analyses of larger projects requiring EIRs would be more expensive.)
3. Developers coming to Lemoore would know in advance what the City would require of their project. This increases developer certainty and thereby reducing their risk. Without a plan, they would not know what requirements they would have to meet until an individual analysis is done, the results of which would likely not be known until they have
4. Having a Climate Action Plan in place would make it more likely that Lemoore would be successful in efforts to obtain grant funding related to climate goals.

5. Continuing with the current effort through KCAG would mean that Lemoore would not have to pay for a Climate Action Plan. It is already funded through a Sustainable Communities Grant.
6. Continuing with the current effort through KCAG would mean that Lemoore staff would be able to guide the Plan preparation toward something more likely to be acceptable to Lemoore than if Lemoore was not involved. Lemoore would get to decide for itself how it will deal with the State's climate change requirements.
7. If the draft Climate Action Plan prepared by KCAG is not acceptable to Lemoore, the Council is not obligated to adopt it. The Council could reject it completely, or modify it before adopting it.

The main detriment to having a Climate Action Plan in place would be that the City, for financial or other reasons, may not be able or willing to implement some of the measures in the Climate Action Plan. However, since this is a self-imposed Plan there is always the possibility that the Plan can be amended to reflect current realities. Meeting the goals of the Plan is not an end in itself; it is a strategy to comply with the other laws and regulations that the State has imposed.

If a Climate Action Plan is not in place, the City is still responsible to find another way to meet its obligations under AB 32 and CEQA. Choosing to not have a Climate Action Plan does not relieve the City of those obligations. There are other ways to do that, although it is likely that the alternative methods could be more costly in the long run.

Attachment: Community-Wide Greenhouse Gas Emission Inventory for County of Kings