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Agenda Item: ID16-369 (3-D)

Date: 3/31/16

CITY CLERK, FRESNO, CA

FRESNO CITY COUNCIL



Supplemental Information Packet

Agenda Related Item(s) – ID16-369 (3-D)

Contents of Supplement: Two Letters: One from Fresno Metro Ministry and one from the League of Women Voters of Fresno

Item(s)

RESOLUTION – To initiate an amendment to Fresno General Plan Policy RC-9-C pursuant to Fresno Municipal Code Section 15-5803-C

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.



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CITY CLERK, FRESNO CA

March 29, 2016

The Honorable Esmeralda Soria, Councilmember District 1
The Honorable Steve Brandau, Councilmember District 2
The Honorable Oliver L. Baines III, Councilmember District 3
The Honorable, Paul Caprioglio, Councilmember District 4
The Honorable, Sal Quintero, Councilmember District 5
The Honorable, Lee Brand, Councilmember District 6
The Honorable, Clint Olivier, Councilmember District 7
c/o Fresno City Clerk
Fresno City Hall
2600 Fresno Street
Fresno, CA 93721

Re: Comments on Proposed Resolution to
Initiate an Amendment to Fresno General
Plan Policy RC-9-c (Farmland Preservation
Program) pursuant to Fresno Municipal
Code Section 15-5803

Dear Fresno City Councilmembers:

Thank you for your service to the residents and businesses of Fresno.

I am writing to share some concerns about what may be serious unintended consequences of the proposed resolution sponsored by Councilmember Brandau scheduled for introduction at the 3-31-16 Fresno City Council meeting, hoping you will allow more time, study, and public consultation and participation related to this proposal and all of its consequences before initiating the General Plan amendment it recommends.

We know each of you care about the circumstances and challenges facing our city's most disadvantaged residents, and that you work diligently to maintain the City's authority, financial resources, and necessary legal options and defenses to ensure protection of the long-term health and safety of all the city's residents.

Data confirm that 24.9% of the city's population now confronts food hardships each week and that through local on-the-ground surveys conducted in 2014 it was determined that disadvantaged communities in the Fresno-Clovis urban area are experiencing an annual deficit of healthy food to eat of approximately 26 million

pounds¹. There is evidence that food insecurity is at an epidemic scale in Fresno, and would only be further worsened and exacerbated in the future by the systematic conversion of nearby food producing farmland without replacement through developer provided conservation easements as is called for in current General Plan policy.

Our brief evaluation of the proposed resolution made public with the City Council agenda late last week, is that it abrogates the City's independent authority to act to require developers converting prime and other important farmland to urban uses to permanently protect an equal amount of similar farmland elsewhere through easement, in favor of an essentially unenforceable substitute requirement that the City work (specifically) with the County of Fresno and the Fresno Local Agency Formation Commission to establish a Regional Farmland Preservation Program. This approach eliminates General Plan consistency for the City using developer exactions for these purposes, and thus substantially reduces the City's defense of independently enacted laws to act to preserve local food system productive capacities and its capacity to address one of the sources of Fresno's food insecurity through developer exactions to permanently preserve important farmland in equal amounts to that converted to urban use.

We do not believe the proposed resolution to amend the General Plan is prudent, nor do we believe it is consistent with an array of interrelated goals and implementing policies contained in multiple elements of the adopted General Plan. The impact of the proposed amendment called for by the resolution would measurably undermine the City's future abilities to defend laws that require General Plan policy consistency and that are clearly necessary now and in the future to meet the City's long-term obligations and responsibilities to protect the health and safety of its citizens. The new policy language suggested should be added to the exiting adopted policy language in the General Plan to focus the coordination it now calls for with regional partners— and not be used to replace it.

Multiple and serious inconsistencies and negative consequences will accrue from the amendment called for by the proposed resolution, and include:

1. Inconsistencies among interrelated goals and implementing policies in The Resource Conservation and Resilience Element and State Mandated General Plan Elements adopted in the 2035 General Plan;
2. Reduction or elimination of case law supported defense by the City of future City laws that require General Plan consistency for developer exactions and related mitigations needed to preserve important farmland;

¹ Food Research and Action Center - http://frac.org/pdf/food_hardship_2014.pdf and 2014 Hunger Count Fresno - <http://www.hunger-count.org/reports.html>

3. Potential reduction of the City's wherewithal to protect and preserve local food system productive capacities and the related food security of Fresno residents in terms of proximate environmental resource availability and sustainability;
4. Potential significant and cumulative negative environmental impacts not assessed in the Master EIR prepared and certified according to CEQA in support of the December 18, 2014 adoption of the 2035 General Plan;
5. Compromises the efficacy of remaining available policy, fiscal, and other tools needed to fully implement of the 2035 General Plan; and thus
6. Placing the City's long-term ability to protect the public health and safety of all its residents in jeopardy.

The negative impacts and consequences suggested by the proposed amendment to City of Fresno 2035 General Plan Implementing Policy RC-9-c Farmland Preservation Program called out above can be immediately mitigated by not initiating the proposed amendment.

Should you decide to initiate the amendment, Metro and our constituents request that you address for the administrative record the possible negative impacts and consequences noted above and why these possibilities are not a deterrent to your action now. We also recommend the proposed amendment be fully and properly assessed in studies and reports prepared and submitted by City Staff to the City Council and the public – and include an environmental assessment of significant and cumulative impacts consistent with CEQA - and then be fully vetted with the citizens of Fresno - before considering any action to amend the General Plan as proposed.

Thank you for your consideration.

Sincerely,



Keith Bergthold, Executive Director

CC: Mayor Ashley Swearengin
Jennifer Clark, Planning Director

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THE LEAGUE OF WOMEN VOTERS OF FRESNO

1345 E. Bulldog Lane, Ste 4, Fresno 93710

2016 MAR 30 8 05
226-VOTE (8683)

March 29, 2016

CITY CLERK, FRESNO CA

Members of the Fresno City Council
Fresno City Hall
2600 Fresno Street
Fresno, CA 93721

Re: Proposed Resolution to Initiate an Amendment
To Fresno General Plan Policy RC-9-c

Dear Councilman Members:

The League of Women Voters has supported farm land mitigation for over 25 years, and our organization notes that successful protection of critical farm lands occurs when cities embrace mitigation programs. We were, therefore, very pleased that the City of Fresno, in possession of hard data documenting the economic benefits of farm land protection, and with the support of a Citizens' Advisory Committee and the participation of hundreds of citizen participants, adopted an Updated City General Plan which incorporates a farm land mitigation policy.

A major change in the City's General Plan Land Use policies invites a new CEQA analysis of air quality impacts and increased green house gas emissions, among other impact modifications.

The League of Women Voters has always stood for good government process, and we believe the proposal to amend the General Plan coming to public notice just prior to a major holiday weekend and, without a recommendation from the City's Planning Commission gives the appearance of governance without respect for the public it purports to represent. This attempt to re-design a policy that was adopted in such an open, public process over many years' time and thoughtful examination gives evidence to public perceptions that government does not work for the public but for shadowy special interests.

The Fresno City Municipal Code Article 49 says the purpose of Article 49 is to identify officials with designated responsibilities and, that, among those responsibilities, the City Council's powers and duties include consideration and adoption of amendment to the General Plan following a public hearing and recommended action by the Planning Commission.

The League hopes that this proposed amendment will go to legal counsel and affected agencies such as the Council of Governments prior to a well-publicized Planning Commission hearing, and that the Planning Commission, and Council will hear the proposed amendment at well-publicized hearing times with ample opportunity for the public and all parties to express their comments and concerns prior to any decision by the Council to amend Fresno City Farm Land Mitigation Policy.

Additionally, the League urges, you, after hearing all counsel and public testimony, not to abandon Fresno's commitment to protect our proximate farm land and our city's good health and quality of life.

Sincerely,
Nyla Zender
President