

## **Fresno COG Ag Mitigation Ad-hoc Committee White Paper**

**REQUEST FOR DIRECTION:** Ensuring the Committee understands the charge of the Board is paramount to providing deliverables that meet the expectations and desired products the Board wishes to see. In order to properly conduct integrated planning activities, and to maintain an SCS that meets the requirements set forth by the State, Fresno COG seeks to ensure that planning activities are conducted in an effective, transparent and collaborative manner. Placement of policies must give heed to respective jurisdictional authority. With several new Policy Board members now in place since the original direction was given, the Ad-hoc Committee requests that the Policy Board provide re-affirmation of the PAC Sub-Committee and full PAC recommendation to "...identify potential policies and actions to minimize the loss of farmland associated with the construction of transportation facilities."

**PURPOSE:** Provide a brief background on the formation of the Ad-hoc Committee in order to both introduce the group to newly placed Board members, and update long-standing Board members as to the progress of the group. In addition, the Committee desires to receive re-affirmation from the Board regarding the overall scope and desired deliverables of the Committee.

**BACKGROUND:** The Fresno Council of Governments (Fresno COG) operates as the federally-designated Metropolitan Planning Organization (MPO) and the state-designated Regional Transportation Planning Agency (RTPA) for the Fresno County region. As the agency that carries these designations, Fresno COG is required to maintain a comprehensive long-range transportation planning document known as the Regional Transportation Plan (RTP), which details the future network of all transportation modes in the region for a 20+ year time period. RTPs must be updated every four years, with Fresno COG's first edition being adopted in 1975. In 2008, the State of California enacted Senate Bill 375 (SB 375) which required MPOs to incorporate a Sustainable Communities Strategy (SCS) into the next timely update of their respective RTP, which serves to integrate planning discussions of land use and transportation in an effort to meet the greenhouse gas emission reductions targets set by the California Air Resources Board (CARB or ARB), which entail reductions of 5% below 2005 per capita levels by 2020 and 10% below 2005 per capita levels by 2035.

Beginning in early 2012, Fresno COG staff began the integrated planning activities associated with the formulation and adoption of the 2014 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS), including public outreach, target setting, scenario planning, and more. Government representatives from all 15 incorporated cities, the County of Fresno, the SJV Air District, LAFCo, Caltrans, and local Tribal governments; as well as parties representing the interests of public transportation, valley planning professionals, environmental advocacy, agriculture, building and development, bicycle and pedestrian, banking and finance, health, affordable housing, goods movement, and the general public at large, were all engaged throughout the process. Over a period of roughly 2 ½ years, Fresno COG staff conducted a collaborative, inclusive and technically sound process to adopt an RTP/SCS that delivered a long-range transportation plan that met the needs of our region's diverse public, while meeting the requirements of the Federal and State agencies charged with approval

of these items. Following the extensive planning process, which also included the associated products of an Environmental Impact Report (EIR), Federal Transportation Improvement Program (FTIP), Conformity findings, and addressing of the Regional Housing Needs Allocation (RHNA) program, the Fresno COG Policy Board formally adopted the 2014 RTP/SCS on June 26, 2014, with a planning horizon year of 2040.

Leading up to the selection of the preferred SCS scenario, there was significant input from a coalition of community interest groups engaged in the process, culminating in the delivery of four policy-related proposals by the coalition, one of which proposed a two-part Natural and Working Lands Conservation Policy, which would (1) create a binding policy applying to projects on the RTP transportation project list, and (2) directs Fresno COG to work with local land use jurisdictions on policies to reduce land conversion – both with the intent to “protect farmland, rangeland, and natural lands in the County while incentivizing the efficient use of land and helping transportation projects through the CEQA process.” On November 21, 2013, the Fresno COG Policy Board formally approved the preferred SCS scenario for inclusion into the RTP, and further directed the Fresno COG Policy Advisory Committee (PAC), which is comprised of the lead administrative/managerial staff from each local agency, to explore and address the four proposals presented. As such, the PAC formed a sub-committee including key stakeholders and PAC members representing both rural and urban agencies in a geographically balanced manner to appropriately address the Board’s direction over the following months, and provide recommendations for the proposals submitted.

After several months of research and discussion by the sub-committee – including reference to Section 3.3 (Agricultural Resources) of the Draft EIR prepared in conjunction with the RTP/SCS – on May 7, 2014, the PAC Sub-Committee provided formal recommendations on each of the four proposals. Included in this set of actions was language specific to the Natural and Working Lands Policy, in which the Sub-Committee recommended that “the Fresno COG Policy Board not approve the policy as submitted, but that the Board direct staff to establish an ad hoc committee to assist member agencies in identifying potential policies and actions to minimize the loss of farmland associated with the construction of transportation facilities.” Members of the PAC sub-committee expressed their support for this recommendation to ensure the proper vetting of proposed policies and activities contained in the submitted proposal and additional attachments, given the major role that agriculture plays in the region. Members of the sub-committee also pointed to past and on-going activities associated with farmland and conservation, such as the Valleywide Greenprint, the Model Farmland Conservation Program, and the Landscape of Choice, as materials to be referenced during future Ad-hoc Committee discussions. Following the PAC Sub-Committee’s actions, on May 9, 2014, the full PAC provided formal recommendations regarding the four proposals; which included unanimous support for the recommendation provided by the PAC Sub-Committee in regards to the Natural and Working Lands Conservation Policy.

On May 29, 2014, the Fresno COG Policy Board considered the four proposals, including the recommendations made by the PAC Sub-Committee and full PAC, and unanimously voted to support the recommendation made by both the PAC Sub-Committee and the full PAC (the Fresno COG Policy Board did not approve the policy as submitted, but the Board directed staff to establish an ad hoc committee

to assist member agencies in identifying potential policies and actions to minimize the loss of farmland associated with the construction of transportation facilities), with the addition that staff return to the Policy Board with the recommendations of the established Ad-hoc Committee concerning potential mitigation policies, for their consideration. Along with this action, there was considerable additional discussion by the Board on items and topics associated with agriculture, including jobs, water, housing, and social equity. As such, the complete final direction given by the Board was broad in nature, and lacked the specificity needed to ensure delivery of the final product(s) the Board intended. At current, the Committee is wrangling with the potential parameters of the scope.

Outreach for committee inclusion began in October of 2014, with the first committee meeting taking place on February 26, 2015. During this meeting, there was considerable discussion relating to the overall charge and scope of the Committee. Specifically, the question has been posed: does the Policy Board wish for the Committee to look at potential mitigation policies relating to only transportation projects, as recommended by PAC Sub-Committee and full PAC; or to address potential mitigation policies from a broader SCS context? At current, this fundamental questions remains.

**THE CHALLENGE:** As the region's transportation planning agency, Fresno COG has the responsibility to work with each jurisdiction to assist in the planning and delivery of the transportation projects that each agency's governing body has identified as needed and desired within their community, while also being mindful of how each project integrates into the current system region-wide. Due to the regional nature of the work, and additional responsibilities introduced with SB 375, Fresno COG discussions must also take into account related issues and items that interface with transportation; this is referred to as integrated planning. Amongst the largest challenge to integrated planning as required by SB 375 is the need to discuss policies and programs that involve multiple jurisdictions and levels of authority. Regulations that detail the region's transportation planning and programming process are overseen by the Fresno COG Policy Board. The authority to make land use policy decisions, however, belongs to local land use agencies, i.e. the cities and county. Policies relating to land use, including those that may relate to the preservation of resource/agricultural lands, are found within a respective jurisdictions general plan. Each of these respective plans have gone through an environmental review, a public approval process, and have been properly vetted by that jurisdictions governing board to ensure the items contained within it are administratively accurate, and amenable to the local elected officials placed to oversee that jurisdiction. These plans address ag/resource lands in varying degrees.