

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

September 2015

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, ranchland, 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 the first meetings, there was considerable discussion relating to the overall charge and scope of the Committee. Specifically, the question was 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 the April 30, 2015 Fresno COG Policy Board Meeting, after individual review of the March 2015 version of the "Fresno COG Ag Mitigation Ad-hoc Committee White Paper" with their respective staff and administrations, provided unanimous re-affirmation of their original direction (from May 2014), in-line with the Pac Sub-Committee and full PAC recommendations for such, that the Ad-hoc Committee's scope is to "...identify potential policies and actions to minimize the loss of farmland associated with the construction of transportation facilities," for consideration by individual local agencies.

With the above clarification given by the Board, the Committee moved forward with the formulation of proposed policies and actions. On July 22, 2015, the Committee took action on seven individual items, containing a recommended policy, implementation activities, and additional general recommendations to direct COG assistance efforts and future activities, all of which are listed below. All attending agencies, minus the County, voted in support of Items 1 through 6; and complete consensus amongst all attending agencies was given for Item 7.

#### Policy

1. It is recommend that FCOG adopt the following policy: It is the policy of the Fresno Council of Governments that the construction of transportation projects minimize the loss of farmland.

#### Implementation

2. It is recommended that member agencies submitting projects for inclusion in the Regional Transportation Plan (RTP) shall indicate that the agency will address the recommended FCOG policy at the project level.
3. It is recommended that member agencies be responsible for addressing the above recommended policy in their project specific environmental review.
4. It is recommended that at the scoring/programing level of project review, Fresno COG shall address agricultural land impacts by establishing scoring criteria (established within the appropriate scoring committee) to minimize the loss of prime farmland, unique farmland, farmland of statewide importance and farmland of local importance consistent with the recommended policy.

#### General Recommendations

##### *COG Assistance*

5. It is recommended that the Fresno COG assist member agencies, when requested, with mapping resources related to agricultural lands.

6. It is recommended that Fresno COG shall assist member agencies by maintaining, through resources such as the Planners Tool Kit or county data bases, information about agricultural land preservation best practices.

The Committee delivers the above recommendations for the Policy Board's consideration, which are intended to directly address the agricultural resource mitigation measure identified in the 2014 RTP/SCS EIR, which reads:

- Develop a methodology to help implementing agencies quantify the conversion of prime farmland, unique farmland, farmland of statewide importance, and farmland of local importance associated with their proposed projects; and

#### *Future Activities*

7. It is further recommended that Fresno COG staff make a presentation at both the TTC and PAC (tentatively scheduled for November 2015) to discuss current methodologies, ratios, policies and efforts utilized by local agencies within Fresno County, and further work to identify specifics with member agency technical and administrative staff, to analyze and further address the additional language found within the certified 2014 RTP/SCS EIR regarding agricultural resources, which reads:

- Develop a methodology for implementing agencies to consider preservation ratios to minimize loss of prime, unique, and statewide importance farmland; and coordinate efforts to provide a mechanism for preservation activities.

Following the presentation, the PAC may elect to convene the member agencies to further discuss preservation ratios and/or preservation activities considered to be best practices, or may elect for the presentation to be given to the Policy Board as is. Following the PAC's direction, staff will then report back to the Policy Board concerning the Committee's overall activities, including methodologies discussed, and present them for individual agency consideration.

**ADDITIONAL BACKGROUND:** 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 jurisdiction's general plan. Each of these respective plans have gone through an environmental review, a public approval process, and have been properly vetted by that jurisdiction's 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.