



June 27, 2023

Chris Motta  
Principal Planner  
County of Fresno, Department of Public Works and Planning  
2220 Tulare Street, Sixth Floor  
Fresno, California 93721

**Re: Draft PEIR on Fresno County General Plan Review and Zoning Ordinance Update**

Dear Mr. Motta:

I am writing on behalf of Sequoia Riverlands Trust (SRT) to comment on the Draft Programmatic Environmental Impact Report (“Draft PEIR”) regarding the Fresno County General Plan Review and Zoning Ordinance Update, including the Public Review Draft of the General Plan Policy Document (“Draft Policy Document”) released for review in April 2023. SRT is a regional, accredited land trust that has partnered with willing landowners to conserve over 44,000 acres of habitat and agricultural land, including multiple properties in Fresno County and elsewhere in the Southern San Joaquin Valley. Our land protection work includes holding mitigation easements, and we have extensive experience helping local jurisdictions to develop and implement farmland mitigation programs.

As the Draft Policy Document notes, Fresno County “has been the leading agricultural county in the United States in the value of farm products” since the mid-20<sup>th</sup> Century, but “most of the [C]ounty’s highly productive agricultural soils could be easily developed by urban, rural residential, and other non-agricultural uses.”<sup>1</sup> SRT shares the County’s view that “careful land use decision-making is essential” to prevent this from happening.<sup>2</sup> We also recognize the importance of achieving long-term sustainability in the use of water resources on which farms, cities and habitat alike depend. To that end, we are grateful to see policies supporting water conservation, including commitments to “ensure that new development does not limit the capacity or function of groundwater recharge areas,” to inventory those areas and direct available

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<sup>1</sup> Draft Policy Document, 2-27.

<sup>2</sup> Draft Policy Document, 2-27.

water resources to them, and to consult with Groundwater Sustainability Agencies prior to significant General Plan Amendments.<sup>3</sup>

But as noted in our comments on the 2021 Draft, we are concerned about the proposal to alter General Plan Policy LU-A.1, which calls for “direct[ing] urban growth away from valuable agricultural land to cities, unincorporated communities, and other areas planned for such development where public facilities and infrastructure are available.”<sup>4</sup> In both the 2021 and 2023 Draft Policy Documents, the last clause now reads “other areas planned for such development where public facilities and infrastructure are available *or can be provided consistent with the adopted General or Community Plan*”<sup>5</sup>—a change that could significantly expand the areas where urban development is permitted. If the General Plan is going to call for new infrastructure, it should distinguish between existing communities (including disadvantaged communities) where such infrastructure is needed, and new towns, which are inconsistent with the goal of directing growth away from agricultural land.

We are also concerned about the potential weakening of the County’s commitment to accept Williamson Act contracts, which can help to reduce the economic pressure on farmers to sell viable agricultural land to developers. In the 2000 General Plan, Policy LU-A.17 states that “[t]he County *shall* accept California Land Conservation [Williamson Act] contracts on all designated agricultural land subject to location, acreage, and use limitations. . .”<sup>6</sup> The 2023 Draft Policy Document states that the County “should” accept such contracts subject to the same limitations, provided that the County receives subvention payments for foregone property tax revenue.<sup>7</sup> While we do not object to the language on subvention payments, we would respectfully recommend restoring mandatory language (“shall” rather than “should”) to this policy.

We are encouraged by the addition of Policy LU-A.23 (included within Draft PEIR Mitigation Measure AG-1), which takes a step toward establishing a county-level farmland mitigation program.<sup>8</sup> But given the County’s stated concern that “most of the [C]ounty’s highly productive agricultural soils could be easily developed by . . . non-agricultural uses,”<sup>9</sup> we believe that Policy LU-A.23 needs to be strengthened considerably. Other agricultural mitigation programs (both in the San Joaquin Valley and around the state) provide examples worth following. The City of Tulare’s highly successful Farmland Mitigation Ordinance, for example, protects more of the agricultural land vulnerable to development by setting a threshold of one acre (rather than forty

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<sup>3</sup> Draft Policy Document, Policies OS-A.6 - OS-A.8; Policy OS-A.10.

<sup>4</sup> 2000 Policy Document, Policy LU-A.1.

<sup>5</sup> Draft Policy Document, Policy LU-A.1 (emphasis added).

<sup>6</sup> 2000 Policy Document, Policy LU-A.17 (emphasis added).

<sup>7</sup> Draft Policy Document, Policy LU-A.17.

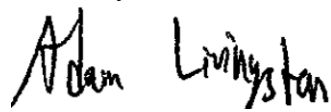
<sup>8</sup> Draft Policy Document, Policy LU-A.23.

<sup>9</sup> Draft Policy Document, 2-27.

acres).<sup>10</sup> At the same time, it protects a wider range of land types, requiring mitigation not only for prime farmland, but also for farmland of statewide importance, unique farmland and grazing land.<sup>11</sup> Many jurisdictions set a specific ratio of acres to be conserved for each acre converted (generally at least 1:1),<sup>12</sup> and most make mitigation mandatory, rather than permissive. With these changes, Policy LU-A.23 could play a significant role in mitigating impacts to Fresno County’s agricultural land. As a regional, accredited land trust with extensive experience informing and implementing agricultural mitigation programs, SRT would welcome the chance to assist in this effort.

We appreciate the opportunity to comment, and look forward to your response.

Sincerely,

A handwritten signature in black ink that reads "Adam Livingston". The signature is written in a cursive, slightly slanted style.

Adam J. Livingston  
Director of Planning and Policy  
Sequoia Riverlands Trust

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<sup>10</sup> City of Tulare Municipal Code § 10.222.050(F) (setting the threshold for the mitigation requirement at one acre).

<sup>11</sup> City of Tulare Municipal Code § 10.222.040 (defining “Critical Farmland” subject to the Tulare Farmland Mitigation Ordinance to include areas designated by the California Department of Conservation as prime farmland, farmland of statewide importance, unique farmland and grazing land).

<sup>12</sup> See, e.g., Yolo County Zoning Code § 8-2.404(c)(1) (3:1 ratio for prime farmland and 2:1 ratio for non-prime farmland); City of Davis Municipal Code § 40A.03.025 (2:1 ratio); City of Tulare Municipal Code § 10.222.050(A) (1:1 ratio); City of Visalia Ordinance 2023-02, to be codified at Municipal Code § 18.04.070(A) (1:1 ratio). See also Stanislaus LAFCO Policy 22(A)(2) (requiring any municipality seeking a sphere of influence expansion to prepare a Plan for Agricultural Preservation, and stating that one acceptable strategy for such plans is “[a]n adopted policy or condition requiring agricultural mitigation at a ratio of at least 1:1”).