

Seidel, Bernice

From: BOSComments
Sent: Monday, April 13, 2020 3:28 PM
To: Seidel, Bernice
Subject: FW: Written Testimony for Item #37 on the April 14, 2020 Board of Supervisors Agenda, Request to Pull Item #37 from the Consent Calendar
Attachments: 2020 - 04-13 - League Letter to BOS re Item #37 on BOS Agenda for 04-14-20 - Modified Consultant Agreement for Update of the General Plan.pdf

From: radleyreep@netzero.net <radleyreep@netzero.net>
Sent: Monday, April 13, 2020 3:23 PM
To: BOSComments <BOSComments@fresnocountyca.gov>; Motta, Chris <CMotta@fresnocountyca.gov>
Subject: Written Testimony for Item #37 on the April 14, 2020 Board of Supervisors Agenda, Request to Pull Item #37 from the Consent Calendar

CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK

April 13, 2020

Fresno County Board of Supervisors
2281 Tulare Street, Room 301
Fresno, CA 93721

Dear Board Chairman Mendes,

Re. April 14, 2020 Agenda Item #37: Amended and Restated Consultant Agreement

I would like to have agenda Item #37 pulled from the Consent Calendar for April 14, 2020 for separate consideration by the Board of Supervisors.

Attached is a 3-page letter from the Marianne Kast, President of the League of Women Voters of Fresno. Please have the first page read aloud to the Board. Pages 2 and 3 contain requested changes to the text of the Amended and Restated Consultant Agreement.

Thank you,

Radley Reep
League of Women Voters of Fresno
Natural Resources Committee
radleyreep@netzero.com
(559) 326-6227



League of Women Voters of Fresno
1345 Bulldog Lane
Fresno, California 93710

April 13, 2020

Fresno County Board of Supervisors
2281 Tulare Street, Room 301
Fresno, CA 93721

SENT VIA EMAIL

Re: April 14 Board Agenda Item #37: Consultant Agreement for the Update of the General Plan and Zoning Ordinance

Dear Board Chairman Buddy Mendes and Members of the Board of Supervisors:

The League is pleased that the EIR Notice of Preparation (NOP) will be recirculated and that the County has directed that the overall approach to the environmental analysis will change from a plan-to-plan comparison to an analysis that will focus on buildout of the proposed General Plan compared to existing baseline conditions. League members feel that the modified Scope of Work is a substantial improvement over the prior Scope of Work and that it will yield a more thorough and robust environmental assessment.

That said, the League has identified the need to make four changes to the text of the modified consultant agreement. The recommended changes are not superfluous; they are essential to the success completion of the Project.

1. Add text to Task 4.1 stating that the NOP will contain an Initial Study based on CEQA Guidelines Appendix G.
2. Add text to Task 4.6 stating that the Mitigation Monitoring and Reporting Program will be prepared for all mitigation measures identified in the EIR and adopted by the Board of Supervisors."
3. Absent a Work Schedule, restart the process of publishing a newsletter. New Task 6.3 addresses this need.
4. Amend the consultant agreement to clarify that the General Plan is being comprehensively updated.

The League's recommended changes to text are shown on the next two pages.

To ensure the successful update of the General Plan and Zoning Ordinance, the League respectfully requests that your Board approve these changes to the text of the modified consultant agreement.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Kast".

Marianne Kast, President of the League of Women Voters of Fresno

Recommended Changes to Text of the Amended and Restated Consultant Agreement

1. The previous NOP failed include a list of probable environmental effects of the project as required by CEQA Guidelines §15082. The added text will ensure that this oversight does not recur.

Text to be added to Task 4.1

"Task 4.1 — Notice of Preparation

Under Amendment 1, a Notice of Preparation (NOP) was prepared and circulated for public input, and the original task was considered complete.

Under Amendment 2, the County has directed that the overall approach to the environmental analysis in the EIR will change from a plan-to-plan comparison to an analysis that will focus on buildout of the proposed General Plan compared to existing conditions (in other words, a baseline comparison). This will require recirculation of the NOP to change the existing baseline used for impact analysis.

The Consultants will draft a revised project description providing information on the new analysis methodology and prepare a new/updated draft NOP pursuant to CEQA Guidelines. The NOP will contain an Initial Study based on Appendix G in the CEQA Guidelines. The Consultants will include in the NOP an explanation of the probable environmental effects of the project. The Consultants will prepare and submit a new/updated NOP for review and approval by County staff. Based on County staff comments, the Consultants will prepare the final NOP for distribution. The Consultants assume the County will provide a list of contacts for the NOP distribution. The Consultants will assist with noticing and distribution, including hand-delivering the NOP to the State Clearinghouse."

2. Text to be added to Task 4.6

"Task 4.6 — Mitigation, Monitoring, and Reporting Program

Work under this task from Amendment 1 remains to be performed. The Mitigation Monitoring and Reporting Program will be prepared for all mitigation measures identified in the EIR and adopted by the Board of Supervisors."

3. New Task 6.3

Unlike the previous consultant agreements for this project, the modified agreement lacks a Work Schedule (timeline) for the completion tasks. If the lack of a Work Schedule is not an oversight, then to keep the public informed as to progress being made, the County needs to restart the process of publishing a newsletter. The public greatly appreciated the County newsletter published November 14, 2018.

Task 6.3 — Monthly Newsletter

County staff will publish a monthly newsletter dedicated to keeping the public informed about the processes underway to update the General Plan and Zoning Ordinance. The newsletter will inform the public of progress toward the completion each task and contract deliverable; of any Director-approved changes to the Project, Scope of Work or Work Schedule; of the posting of legal notices; and of the scheduling of public workshops, study sessions, and hearings.

4. Changes to the text of the Modified Agreement to clarify that the General Plan is being comprehensively updated

RECITALS:

WHEREAS, the Consultant has been selected to prepare an Environmental Impact Report (EIR) on behalf of the County for a proposal submitted by the County of Fresno. The **Review Update** of the General Plan and the Update of the Zoning Ordinance hereinafter referred to as the Proposed Project consists of expanding the current **comprehensive** General Plan **Review** and **comprehensive** Zoning Ordinance Update process to address recent policy direction given by the Board of Supervisors, address recent changes to State planning law and provide an update to the 2000 General Plan Background Report, prepare a Program Environmental Impact Report (PEIR), and conduct additional public meetings with the Planning Commission and Board of Supervisors; and *(Amended and Restated Consultant Agreement, pdf page 1/49)*

EXHIBIT A

Revised Project Description

The County of Fresno is conducting a **Review comprehensive update** of its 2000 General Plan and **is initiating a comprehensive update to its** Zoning Ordinance. The County, with assistance from Mintier Harnish, has prepared preliminary revisions to the goals, policies, and implementation programs of the General Plan and published a Public Review Draft Policy Document. The County has also prepared, with the assistance of Mintier Harnish and Jacobson & Wack, an Administrative Draft Zoning Ordinance.

The County is expanding the current General Plan and Zoning Ordinance Update process to address recent policy directions provided by the Board of Supervisors, State planning laws and update the 2000 General Plan Background Report, prepare a Program Environmental Impact Report (PEIR), and conduct additional public meetings with the Planning Commission and Board of Supervisors. The General Plan **Review Update** will extend the planning period for the General Plan beyond its current planning horizon of 2020 to 2040. The Background Report will be updated to reflect current conditions and trends and to address required State planning laws and serve as the existing setting section of the PEIR. The PEIR will be prepared for the General Plan Update and Zoning Ordinance Update.

(Amended and Restated Consultant Agreement, pdf page 23/49)

Fresno County General Plan **Review Update**, Zoning Ordinance Update, and PEIR Amendment 2: Scope of Work
(Header in Exhibit B-2, pdf pages 33/49 through 40/49)

EXHIBIT B-2

FRESNO COUNTY

GENERAL PLAN **REVIEW UPDATE, ZONING ORDINANCE UPDATE, AND PEIR**

AMENDMENT 2: SCOPE OF WORK ADDITIONS

(Amended and Restated Consultant Agreement, pdf page 32/49)

EXHIBIT C

TABLE – REVISED CONTRACT DELIVERABLES

GENERAL PLAN **REVIEW UPDATE, ZONING ORDINANCE UPDATE, AND PEIR**

(Amended and Restated Consultant Agreement, pdf page 41/49)

EXHIBIT D

FRESNO COUNTY GENERAL PLAN **REVIEW UPDATE, ZONING ORDINANCE UPDATE, AND PEIR**

Current Approved Budget, by Firm (Including Billing Status), Revised February 6, 2020

(Amended and Restated Consultant Agreement, pdf pages 43/49, 44/49, 45/49)