

## **RESOLUTION NO. 2022-50**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA, RESCINDING RESOLUTION NO. 2021-44, WHICH APPROVED GENERAL PLAN AMENDMENT NO. 2021-01, A REQUEST TO BY THE CITY OF VISALIA TO AMEND LANGUAGE TO GENERAL PLAN LAND USE POLICY LU-P-34 BY REMOVING THE REQUIREMENT FOR PROPERTIES CONVERTING FARMLAND WITHIN GROWTH TIERS II AND III TO ENTER INTO AN AGRICULTURAL MITIGATION PROGRAM (AMP).

**WHEREAS**, General Plan Amendment No. 2021-01 was a request by the City of Visalia to amend language to General Plan Land Use Policy LU-P-34, removing a requirement for the establishment of an agricultural mitigation program associated with the conversion of certain farmlands in Growth Tiers II and III. The project applies city wide, to properties within the Urban Growth Boundaries established by the Visalia 2030 General Plan; and

**WHEREAS**, General Plan Amendment (GPA) No. 2021-01 was initiated by the City of Visalia in response to direction provided by the Visalia City Council on February 16, 2021, supported by a Feasibility Study that researches the feasibility of an Agricultural Mitigation Program (AMP) within the Visalia planning area prior to the establishment of a City-wide program; and

**WHEREAS**, the Planning Commission of the City of Visalia, after ten (10) days duly published notice, held a public hearing before said Commission on July 12, 2021; and,

**WHEREAS**, the Planning Commission of the City of Visalia considered the General Plan Amendment in accordance with Sections 17.54.060 and 17.54.070 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff report and testimony presented at the public hearing and recommended approval of the General Plan Amendment, and adopted Resolution No. 2021-34 recommending approval of General Plan Amendment No. 2021-01; and

**WHEREAS**, the City Council of the City of Visalia, after ten (10) days published notice, held a public hearing before said Council on August 2, 2021; and

**WHEREAS**, the City Council of the City of Visalia, through adoption of Resolution No. 2021-44, approved General Plan Amendment (GPA) No. 2021-01 and certification of the addendum for GPA No. 2021-01; and

**WHEREAS**, the Sierra Club and Central Valley Partnership challenged the amendment by filing a petition for writ of mandate, with the Superior Court of the State of California, County of Tulare; and

**WHEREAS**, on July 21, 2022, the Superior Court of the State of California, County of Tulare ruled that the City failed to comply with the disclosure requirements under CEQA in its use of an addendum for the removal of the AMP and directed the City to rescind the resolution and certification of the addendum for GPA No. 2021-01.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Visalia rescinds the adoption of Resolution No. 2021-44 thereby invalidating the City of Visalia's approval to General Plan Amendment (GPA) No. 2021-01 and the related certification of an addendum to a previously certified environmental impact report.