

Mayor
Willard Rodarmel
Mayor Pro Tem
John Plourde
Council Members
John Gordon
John Murray
William Siegel



**Planning
Department**

210 Fox Street
Lemoore ♦ CA 93245
Phone ♦ (559) 924-6740
FAX ♦ (559) 924-6743

STAFF REPORT

Item # 4

To: Lemoore Planning Commission
From: Holly Smyth, Planning Director
Review Date: December 13, 2010
Subject: Continue Discussion on Draft General Plan Amendment to Chapter 7:
Conservation and Open Space Element to incorporate Air Quality per AB 170

Background:

At the November 22, 2010 Planning Commission meeting, staff reviewed the draft General Plan Amendment which would modify Chapter 7 – Conservation and Open Space Element, the public hearing was opened and closed, and Commission continued the item to the December 13, 2010 meeting. Commission asked staff to get a legal opinion from the City Attorney if they could choose to not include the following statements in the proposed document:

COS-G-15The SJVAPCD has developed a school program for schools wishing to add air quality education to their curriculum which includes District speakers, student workbooks and teaching aids. More information on the District's school curriculum can be found on the District website at <http://www.valleyair.org/kids/KidsElemCurr.htm>. Additionally,

COS-I-53 The SJVUAPCD has a variety of publications available to the public, including compliance assistance bulletins and brochures on the District's grant and incentive and Healthy Air Living programs. For more information on District publications and the availability of reference materials, please contact the District's Outreach and Communication Department staff by phone at (559) 230-6000 or e-mail at public.education@valleyair.org.

COS-I-54 Work with the Lemoore Union Elementary School District, Lemoore Union High School District, West Hills Community College and other local school districts to provide information to students on air pollution, public health effects and climate change, and on our collective responsibility for improving our quality of life

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When staff spoke with Dale Bacigalupi at the City Attorney's office about these modifications, he stated that the air district cannot mandate that we include the information above. However, if we do not include, the air quality board may challenge the adequacy of the amendment therefore it is better to include staff's proposed language (but nothing says you have to include). He said that the paragraphs in questions are informational only, and in no way do they interfere with the school districts' authority.

Mr. Bacigalupi went on to state that if the Commission does not want to include the above language, the resolution should change one of the declarations to state "WHEREAS, the San Joaquin Valley Air Pollution Control District has reviewed the proposed contents and proposed changes to Chapter 7.6 of the General Plan relating to air quality amendments pursuant to the provisions of Government Code 65302.1 and has made certain recommendations which are substantially included in the proposed air quality amendments found in General Plan Amendment # 2010-02".

Recommendation:

Staff recommends the passage of Resolution #2010-09, which recommends that the City Council adopt the proposed General Plan Amendment, as proposed on November 22, 2010.