

ITEM #11
07/18/2023

From: radleyreep@netzero.net
Sent: Tuesday, July 18, 2023 12:44 AM
To: White, Steven; Clerk/BOS
Subject: Comment Letter for Agenda Item No. 11 on Board Agenda for July 18, 2023 3
Attachments: 2023 - 07-16 - Radley Reep's Comment on BOS Agenda Item No. 11 on 07-18-23 - Fresno County Guidance Document for Unincorporated Community Plans.pdf; 2022 - 09-30 - Email to Yvette Quiroga - Rad's Comments on the County's Draft 'Guidance Document for Community Plans'.pdf

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

July 17, 2023

To Mr. Steven White and Bernice Seidel,

Please find attached a 15-page comment letter for Item No. 11 on the Board of Supervisors agenda of July 18, 2023: Fresno County Guidance Document for Unincorporated Community Plans.

Also attached is a comment letter on the same subject previously submitted to the County.

Please distribute both to Board members and enter both into the record this agenda item.

Thank you,

Radley Reep
radleyreep@netzero.com
(559) 326-6227

July 17, 2023

Fresno County Board of Supervisors
Hall of Records, Room 301
2281 Tulare Street
Fresno, California 93721

**Re: Item No. 11: Fresno County Guidance Document for Unincorporated Community Plans
(Board of Supervisors Agenda, July 18, 2023)**

Chairman Sal Quintero and Members of the Board of Supervisors:

This communication addresses the County's draft 'Guidance Document for Unincorporated Community Plans.'

To fully appreciate the importance of this agenda item, it's necessary to have a clear understanding of what has transpired over the last two decades with respect to the update of the County's ten unincorporated community plans. The chart below lists, for each plan, its year of adoption, most recent revision and most recent update. (Errors in County data are noted immediately below the chart.)

Unincorporated Community	Date Adopted According to Individual Plans on the County Website	Plan Timeframe According to the 2000 General Plan Background Report	Last Revision According to Individual Plans on the County Website	Last Updated According to the 2023 General Plan Background Report
Biola	1976	→ 1996 (20 years)	1990	1990
Caruthers	1959	→ 1979 (20 years)	1993	1993
Del Rey	1976	→ 1996 (20 years)	2012	1976
Easton	1964	(data missing) ^a	1989	(data missing) ^a
Friant	1964	→ 1984 (20 years)	2011 ^b	2011 ^b
Lanare	1977	→ 1997 (20 years)	1982	1982
Laton	1969	→ 1989 (20 years)	2012	2012
Riverdale	1960	→ 1980 (20 years)	2013	1992
Shaver Lake	1978	→ 1979 (20 years)	1986	1986
Tranquillity	1967	→ 1987 (20 years)	1984	1984

Notes a. The County failed to provide data for the community of Easton in both its 2000 and 2023 Background Reports.
b. The County lists the update of the Friant Community Plan as 2011, but that approval was set aside by the courts.

The chart above shows that at the time of the update of the General Plan in 2000, all ten plans were more than 20 years old, averaging 13 years beyond their intended 20-year timeframes.¹

The age of these community plans caused the county to add to the 2000 Background Report the statement printed below:

Many of the community plans were adopted in the 1970's not long after adoption of the last comprehensive revision to the overall *Fresno County General Plan* [1976]. The target date or buildout timeframe for many of these plans has passed or is fast approaching as shown by Table 1-2, which raises concerns about whether they are still valid. [2000 General Plan Background Report, page 1-9, my underlining.]

Despite concern over the age of the plans, the County updated the General Plan in 2000 without dealing with the problem head on. We know this to be true from a statement found in the associated 2000 Environmental Impact Report (EIR), which reads as follows:

...there are a number of other special planning areas that are related to, but are not a part of, the Proposed Project [update of the General Plan in 2000]....These include airport land use plans and community plans. [2000 EIR for the General Plan Update, page 1-3, my underlining.]

Although updating antiquated community plans was not part of the update of the General Plan in 2000, nonetheless, the County did include in that update, under the heading '*Guidelines for Updating General Plan,*' Policies LU-H.10 and LU-H.11, which required the County (1) to develop format and content guidelines for the future update of community plans and (2) to update those plans to ensure their consistency with the General Plan. These two policies are printed below.

Policy LU-H.10

The County shall adopt minimum format and content guidelines for the preparation of updated and new regional, community, and specific plans to ensure consistency with the countywide General Plan.

Policy LU-H.11

The County shall periodically update regional, community, and specific plans to ensure consistency with the countywide General Plan.

But that said, while the County also included in the 2000 General Plan Program LU-C to ensure implementation of Policy LU-H.10 (the adoption of guidelines for the update of community plans), it did not include a program to ensure that the plans would actually be updated. Printed below is the program directing the County to prepare a set of guidelines.

Program LU-H.C

The County shall prepare and adopt minimum format and content guidelines for the preparation of updated and new regional, community, and specific plans to ensure consistency with the countywide General Plan. (See Policy LU-H.10)

¹ The average year for the intended update of the ten community plans was 1987. That date is calculated by averaging the nine years listed in column three. The result is 1987, which is thirteen years prior to 2000 — the year in which the General Plan was last updated.

But two years later, on June 18, 2002, as part of the third cycle update of the County's General Plan Housing Element (March 2003), the failure to ensure the update of community plans was rectified with the addition of a program directing the County to update all regional and community plans. That was Program H-A.A, and it's printed below.

Program H-A.H

The County shall establish a plan, with time frames, for the update of regional and community plans of the Fresno County General Plan with priority given to the update of plans that will address areas with housing production needs as defined in the inventory of residential land resources.

Responsibility: Board of Supervisors
Planning Commission
Planning & Resource Management Department

Timeframe: FY 02-03
Establish plan in conjunction with annual review of General Plan in Fall 2002.
Initiate work on plan update in early 2003
[2002 Housing Element, page 7-79.]

The 2003 Housing Element also included statements explaining (1) that adoption of the 2003 Housing completed the update of the 2000-2020 General Plan and (2) that the lack of progress in updating community plans from 1991 to 2003 was due to the County focusing on the update of the General Plan, which took place over a four-year period from 1996 to 2000. Those two statements are printed below.

This [2003] Housing Element was prepared by the Fresno County Planning & Resource Management Department. It completes Fresno County's updated General Plan *Policy Document*, the other elements of which were adopted by the Board of Supervisors on October 3, 2000. [2003 Housing Element, page 7-1.]

The [former] 1991 Housing Element anticipated the update of community plans. The County's emphasis on the update of its General Plan accounts for community plan updates not being completed as scheduled. [2003 Housing Element, page 7-13.]

And so, in compliance with Policy LU-H.10, Policy LU-H.11, Program LU-H.C and Program H-A.H, on June 10, 2003, the Board of Supervisors approved the 'Format and Content Guidelines' for the update of regional and community plans and a schedule for the update of those same plans.

The Guidelines appeared in Appendix D of the County's 2002 Annual Progress Report (APR) on the implementation of the General Plan. Appendix D contained a section titled 'The Update Process,' which read in part as follows:

The Development Services Division of the Department of Public Works and Planning will take the lead in the preparation of the plan updates, drawing on other staff resources as needed and depending on the unique character and needs of the area. Similarly, the location and environmental setting of the area will dictate the type and extent of special work needed. Public meetings will be incorporated into the process for regional and unincorporated community plans and for the FCMA community plans that include larger unincorporated islands.

Depicted on the next page is a portion of the opening page of the 'Format and Content Guidelines.'

**APPENDIX D
Format and Content Guidelines
for**

Preparation of Updated and New Regional, Community and Specific Plans

Two policies and a program of the Agriculture and Land Use Element and a program of the Housing Element of the General Plan direct the update of the various plans within the General Plan. This Appendix provides information to implement the programs and move forward with the prioritization of plans to be updated.

Policies and Programs

- | | |
|-----------------------------|--|
| Policy LU-H.10 | The County shall adopt minimum format and content guidelines for the preparation of updated and new regional, community, and specific plans to ensure consistency with the countywide General Plan. |
| Policy LU-H.11 | The County shall periodically update regional, community, and specific plans to ensure consistency with the countywide General Plan. |
| Program LU-H.C | The County shall prepare and adopt minimum format and content guidelines for the preparation of updated and new regional, community, and specific plans to ensure consistency with the countywide General Plan. |
| Program H-A.I. ² | The County shall establish a plan, with time frames, for the update of regional and community plans for Fresno County General Plan with priority given to the update of plans that will address areas with housing production needs as defined in the inventory of residential land resources. |

Background

The update regional, community, and specific plans is proposed to ensure consistency with the General Plan. The forty plans were, for the most part, adopted twenty to forty years ago. (A list of the plans is contained on pages 7 and 8 of the General Plan Policy Document.) Adoption dates range from 1959 to 1989.

While there have been amendments to these plans, most amendments were changes to land use designations in conjunction with development applications so the data in the plans has not been updated.

A timeline for updating community plans appeared in Appendix E of that same 2002 Annual Progress Report. Appendix E was titled 'Prioritization for Updating of Plans.'

Appendix E contained two tables. Table E1 ranked each plan using numbers 1 to 5, 1 signifying the greatest need for a plan update. Table E1 also contained staff comments with regard to the update of each plan. Table E2 had a different purpose. It listed a potential time frame for the update of plans based on the prioritization shown in Table E1.

Printed on the next page is a facsimile of the portion of Table E1 that pertained to the ten unincorporated community plans.

² I could find no explanation as to why the County's 2002 Annual Progress Report on the implementation of the General Plan labeled Program H-A.H as Program H-A.I. I assumed it was a simple error.

TABLE E1 PRIORITIZATION RATING AND RANKING FOR PLAN UPDATES			
PLAN NAME	COMMENTS	Rank -ing # *	HOUSING **
Biola Community Plan	<ul style="list-style-type: none"> Community leadership program completed. The community is reported to be anxious for plan update Westside North Market Area housing need 	1-	+
Caruthers Community Plan	<ul style="list-style-type: none"> Westside North Market Area housing need No known development pressure 	3	+
Del Rey Community Plan	<ul style="list-style-type: none"> Community leadership program completed. Rec'd infrastructure grant for sewage treatment facility upgrade East Valley Market Area housing need 	2	+
Easton Community Plan	<ul style="list-style-type: none"> SP: residential on 19 acres Limited by lack of community sewer and water system service capacity 	4	
Friant Community Plan	<ul style="list-style-type: none"> 3 SPs (comm devel/arterial/res development) 3 other SPs for major development adjacent to Friant Millerton Lake Chamber request for plan update, potential financial assistance Priority of Board in '00 Key policy issue regarding expansion of the planning area because that will significantly affect the plan update. Limited development potential due to lack of community sewer capacity. Don't know interest of residents in expansion of the community. Could provide housing opportunities for high density to serve local workers and address lower income housing needs in the FCMA market area. 	2	
Lanare Community Plan	<ul style="list-style-type: none"> Westside North Market Area housing need No known development interests No community sewerage system 	3	+
Laton Community Plan	<ul style="list-style-type: none"> 3 SPs Follow-up on service district amendment land trade designation East Valley Market Area housing need May be a good plan to test the process on 	1	+
Riverdale Community Plan	<ul style="list-style-type: none"> Westside North Market Area housing need No known development interest 	4	+
Shaver Lake Community Plan	<ul style="list-style-type: none"> 2 SPs (168 alignment and So Cal Edison) Priority of Board in '00 (Sup. Case) Probably would need to work on standards for the commercial area and address circulation for commercial area. So. Cal Edison was reported to be committed to do some of this work effort. Water and sewer issues 	2-	
Tranquility Plan	<ul style="list-style-type: none"> Community leadership program completed. Some community interest in update has been reported. Westside North Market Area housing needs. 	2-	+

- * Ranking numbers are applied to the plans as a priority level for updating of the plan based on the comments (criteria) in the previous column. The minus is a sub-ranking to indicate the priority relationship to other plans with the same ranking number, also based on the comments.
- ** The pluses assigned in the Housing column define the plans where additional particular attention is needed to address housing needs as defined in the Housing Element.
- *** SP denotes a proposal on the Special Projects list developed in conjunction with the 2000 General Plan Update. These projects were for the most part amendments requested by property owners or other interested parties.

And printed below is a facsimile of the portion of Table E2 that pertained to the ten unincorporated community plans. It provided a potential timeline for the update of these same plans.

TABLE E2 Potential Timeline for the Update of Regional, Community and Specific Plans			
Timeline *	Plan Name	Ranking	Comments
2003	Laton Community Plan (unincorporated)	1 +	
2004	Biola Community Plan (unincorporated)	1- +	
2005-06	Friant Community Plan (unincorporated)	2	Consultant services may be needed
2006	Del Rey Community Plan (unincorporated)	2 +	
2006	Tranquility Plan (unincorporated)	2- +	
2006	Shaver Lake Community Plan (unincorporated)	2-	Timing could be effected by So. Cal Edison's potential Specific Plan, consultant services may be needed
2007	Caruthers Community Plan (unincorporated)	3 +	
2007	Lanare Community Plan (unincorporated)	3 +	
2008	Riverdale Community Plan (unincorporated)	4 +	
2008	Easton Community Plan (unincorporated)	4	

- * Ranking numbers are applied to the plans as a priority level for updating of the plan based on the comments (criteria) in the previous column. The minus is a sub-ranking to indicate the priority relationship to other plans with the same ranking number, also based on the comments.
- ** The pluses assigned in the Housing column define the plans where additional particular attention is needed to address housing needs as defined in the Housing Element.
- *** SP denotes a proposal on the Special Projects list developed in conjunction with the 2000 General Plan Update. These projects were for the most part amendments requested by property owners or other interested parties.

So how was it that none of the plans were updated by 2008? Well, the last sentence of the first paragraph in Appendix E may hold a clue. That paragraph is replicated below.

Annual Report Appendix E

APPENDIX E

PRIORITIZATION FOR UPDATING OF PLANS

Once the guidelines for format and content are accepted, work on the update of the plans can be initiated. It is recommended that five plans be selected for the initial priority list. Ideally smaller plans could be selected to afford the opportunity to refine the format, content and process. The priority list as well as a progress report on work on the designated plans will be presented for review by the Planning Commission and Board of Supervisors each year, as a part of the Annual Report.

As you can see, the 2002 Annual Progress Report stated that both the Planning Commission and Board of Supervisors were to have monitored the update of community plans annually. But unfortunately, the County did not prepare annual reports after 2002 — a violation of state law — until compelled to prepare annual reports beginning in 2013.

No annual reporting. No accountability. No plan updates — almost none, anyway.

I say *almost none* because in 2012 the County did manage to update one plan — the Laton Community Plan at a cost of \$100,000. There were two other efforts to update community plans after 2000, but they were not initiated by the County. Both efforts were developer-initiated, one for the community of Del Rey and one for the community of Friant. The Del Rey project collapsed when the developer pulled out of the project. And although the Friant project was completed in 2011, project approval was later overturned by the courts on environmental grounds. (The County is currently circulating a revised EIR for that project.)

Quite frankly, given this history, I don't see that the County has provided much in the way of support for the update of community plans. The County claims that the problem is a lack of funding. Text on page 14 of a March 12, 2013 staff report to the Board of Supervisors for a workshop on the review of the General Plan reads as follows, "...the primary limitation for the County to initiate and complete these updates is funding for consultants and staff."

And so it would seem that over last two or three decades, the County has relied heavily on development interests to fund community plan updates. If a developer hopes to develop a large area within or adjacent to an existing unincorporated community, the County will require, as part of the cost of doing business, that the developer bear the cost of any needed plan update. This approach to updating plans was made clear at this same March 12, 2013 Board of Supervisors workshop. Below is a transcript of a portion of that hearing. The exchange is between a supervisor and a member of the County's planning staff.

Partial Transcript of a March 12, 2013 Board of Supervisors Workshop on the General Plan

Time: 04:54:45

Staff: The top five plans that were identified by your Board to be updated were, are identified on page 12, which are Laton, Biola, Del Rey, Friant and the Sierra North [unintelligible] Regional Plan....The Laton Plan was recently adopted by your Board. The update was recently adopted, and that particular revenue source was a diversion, diverted from the General Plan review effort. We were able to complete that with consulting costs of \$100,000. There was not an additional allocation for staff time, but we were able to complete the plan and now we have a new updated Laton Community Plan. The Friant Community Plan was updated as part of the Friant Ranch effort. That was applicant paid through that effort. The Del Rey Plan, as is identified in the agenda item, was an applicant-driven project which had seen some revisions and delays and ultimately the applicant withdrew the project late last year, so—

Supervisor: Excuse me. And these estimated costs are costs that these communities...? No.

Staff: Either the county or the developer would be typically financing. So in case of, for example, [unintelligible] Del Rey was an applicant. The remaining cost, if I might, and that's a good question— The Del Rey Plan was being updated by an applicant who had a rather significant residential project that they were proposing, so significant, in fact, that the County indicated [to] that applicant that the [community] plan needs to be updated because it [the development project] was so large.

- Supervisor:** So weren't most of these— They would probably be updated when there finally is an applicant that wants to go to Biola, basically? [Biola was mentioned by way of example.]
- Staff:** Unless your Board directs staff and identifies a revenue stream. At this point— Again, Laton was money that was diverted from the General Plan review to Laton specifically.
- Supervisor:** And who makes the determination that Del Rey, the applicant had to spend that kind of money on updating the community plan?
- Staff:** Well, staff identified to them based on their, the scope of their project. It was a 500-unit, approximately 500-unit residential project, the majority of which was, actually all of it was, not within the boundaries of the community plan. So that was – that's a fairly significant addition to a community the size of Del Rey.
- Supervisor:** So this would be done in your shop. If they say no— That doesn't sound like there was any question [with respect to the 500-unit residential project], but if there is a question, do they have the opportunity to go to the Director? What's their opportunity?
- Staff:** They always have the opportunity to the Director or your Board even.
- Supervisor:** To come to the Board and say 'Hey, you know, it's Del Rey. Do we really need to do this?'
- Staff:** Certainly, absolutely. Friant Ranch was another example. The Friant Ranch folks were doing a very significant 2,500 plus-unit development. They acknowledged the need that, yes, it probably would be best for them to update the community plan as well as their specific plan that went with Friant Ranch. So the Del Rey— The remaining costs are based on— Well, what we did with regard to Del Rey was took the plan as proposed by the developer who is no longer in the picture and simplified it because of the fact that there is no specific development project now in Del Rey and moderated it based on what the growth rate would be in Del, a community like Del Rey, similarly to what we did in, in Laton. We had over a hundred units [for the Laton project] which we see with their existing reserve capacity would accommodate growth in that community for probably 20 to 30 years based on past growth even during the boom years. In Del Rey, we reduced the development potential of the area that the developer was proposing and basically squared off the boundaries of the community. The estimates identified in this agenda exhibit are based on the consultant, the existing County consultant costs, which is approximately \$98,000 plus an estimate for staff costs. Whether your Board chooses to fund that effort or not is completely up to your Board. Staff is just identifying what is, what is on the priority list and what is in progress right now.

The Board did not provide the funding needed to complete the update of the Del Rey Community Plan.

And so what does this history tell us?

It tells us that prior to the update of the General Plan in 2000, the County was well aware that unincorporated community plans needed updating, and that despite this fact, the County nonetheless proceeded to update the General Plan in 2000 without providing a meaningful resolution to the problem. It also tells us that despite action taken in 2003 to develop guidance for the update of these plans by 2008, none of the ten plans were updated by that year and the County chose not to prepare the state-required reports that would have brought annual attention to the matter.

It also tells us that the County is reluctant to fund plan updates and relies almost entirely on private development interests to do so. No interest by developers; ergo, no plan updates.



I now draw attention to the specific matter before your Board on July 18, 2023, which is to once again approve guidelines for the update of community plans and prioritize their update. I have five comments about the proposal before your Board.

1. Board action would enable staff to alter the Guidance Document and the prioritization criteria for updating community plans without Board approval or public review.

Approval of Recommended Board action No. 4 would authorize the Director of the Department of Public Works and Planning to make periodic updates and revisions to the Guidance Document as deemed necessary so that it remains consistent with the Fresno County General Plan and/or provisions of state law. Board approval of this particular action would be inappropriate.

If the Board were to grant the Planning Director authority to amend the Guidance Document, including the prioritization criteria for updating community plans, then the Director could singlehandedly alter the approved guidelines so as to change the prioritization of community plan updates. I feel that would not be good. Amending the Guidance Document must remain a public process, and your Board should not approve Recommend Board Action No. 4.

2. The need for a Guidance Document is based on a General Plan program that no longer exists.

The staff report to your Board states that adoption of the Guidance Document, together with prioritization criteria, is consistent with the County's General Plan and would assist in the implementation of General Plan policies and programs, including Program H-A.H.

Well, I'd rather not be the bearer of bad news, but that ship has already left port and sunk. In fact, with the adoption of the 4th cycle update of the Housing Element on December 8, 2015, Program H-A.H — requiring the County to “establish a plan, with time frames, for the update of regional and community plans” — was removed from the General Plan.

This deletion from the General Plan is noted in the text of the current Housing Element. Page B4 of Appendix B to the 4th Cycle update of the Housing Element reads, "Continued Appropriateness: The actions identified in this program [Program H-A.H] constitute standard County planning actions and procedures; they will not be included in the 2008-2015 Housing Element as a separate housing program."

I would think your Board would be embarrassed to have your planning staff cite, as the main reason for preparing a Guidance Document, a General Plan program that no longer exists.

3. Absent the establishment of a reliable funding source, community plans will not be updated in a timely manner, if at all.

Page 1 of the staff report to your Board for this agenda item states that the County has funding sufficient to "begin updating...various community plans." That particular portion of the staff report reads as follows:

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions for this item. On February 23, 2021, your Board authorized the Department to file a grant application to the 2019-2020 Regional Early Action Planning Grant Program (REAP), which the County was successful in receiving \$292,950 in grant funding. A portion of the awarded REAP funding (approximately \$50,000) has been used to fund consulting services and Department staff time to prepare the Guidance Document and develop the recommended criteria and community plan update priority order. The balance of the REAP grant funding will be used to begin updating the various community plans.

[July 18, 2023 staff report for Board agenda Item No. 11, page 1, my underlining.]

This statement sounds good, but it is far from true. There is, in fact, only enough in the way of funding to update a single plan — not to begin updating various plans. Complete honesty would be good here, especially since your staff has told the public at various public meetings and workshops that the County may have secured funding sufficient to update a single plan — and no more. Your Board needs to clarify for the public that the County does not, in fact, have funds needed to "begin updating the various community plans."

There is second statement in the staff report that also needs clarification. On page 2 of the staff report, the text reads, "Staff has and will continue to seek grant funding to fund the cost of future community plan updates along with requesting funding allocation through the annual Department budget process." [My underlining.]

While it may be true that County staff has sought grant funding over a number of years, staff has recently informed the public at various public meetings and workshops that, for the present anyway, community plans will be updated using grant funding only.

I think most people would agree that requesting funding allocations annually through a Department budget process is a meaningfully exercise if your Board has not made it publicly known that the County will use its own discretionary funds to update community plans.

4. The County's revision of the draft Guidance Document contains a significant error.

On September 30, 2022, I submitted comments on the County's first draft Guidance Document for Unincorporated Community Plans (August 19, 2022). The letter is attached.

I raised eight concerns. While I can't be certain, I believe the County revised the Guidance Document in response to the last of my concerns, which questioned the accuracy of two statements in the draft Guidance Document. What I'm bringing to your attention now is that part of the revised Guidance Document that speaks to whether an amendment to a community plan also necessitates an amendment to the General Plan.

Reprinted below is my concern as expressed in my comment letter of September 30, 2022.

8. There are two statements in the draft Guidance Document that I would like staff to review. The statements are these:

"An amendment to a community plan, including updates to existing community plans, may or may not require an amendment to the General Plan, depending on the scope of change."

"Although the area covered by a regional plan may surround the area covered by a community plan, the community plan area is carved out from the regional plan area. This means that the regional plan does not apply to the community plan area."

I do not understand how a community plan, which is part and parcel of the General Plan, can be amended without also amending the General Plan, and I don't understand how regional plan policies are not applicable to a community plan that lies within it. Surely, all components of a General Plan must align with one another. Therefore, I ask that the County either revise these two statements or provide more in-depth discussions of these matters in the Guidance Document.

In response to my assertion that amending a community plan necessitated an amendment to the General Plan, the County added to the Guidance Document the text shown in red:

Consideration should also be made as to how the General Plan discusses community plans in determining whether an amendment to the General Plan would also be required. Although each update will require a determination from County staff as to whether an amendment is required, the following provides direction on when an amendment would typically be required or not.

- A General Plan amendment would typically be required when changing the land use designation for a property on the General Plan land use map or adding or removing main roads on the General Plan circulation map.
- A General Plan amendment would typically not be required when adding quantitative standards consistent with an existing General Plan policy, adding more detail to the General Plan circulation map to reflect existing local streets, or adding implementation measures for General Plan policies specific to the community plan area.

I maintain that the text underlined above is inaccurate, and I ask that it be corrected.

The text added to the Guidance Document asserts that it's possible to amend a community plan without also amending the General Plan. But community plans are not separate from the General Plan; they are part of it, just as the Housing Element and the Background Report are part of the General Plan. This fact is plainly stated on page 5 of the Introduction to the 2000 General Plan. There is reads...

The Fresno County General Plan consists of multiple documents: the countywide General Plan Background Report, the countywide General Plan Policy Document, and over 40 regional, community, and specific plans.

Since community plans are part and parcel of the General Plan, I would like your Board to explain to the public at the July 18, 2023 hearing just how it's possible to revise a community plan without amending the General Plan.

5. The update of community plans must be part of the concurrent review of the General Plan.

Various County documents from 2016, 2021 and 2022 stated that this Guidance Document would be incorporated into the General Plan.

The first reference to incorporating the Guidance Document into the General Plan is from 2016. The County's General Plan Housing Element, approved March 15, 2016, explained the benefit of having the Guidance Document as a chapter in the General Plan. Text in the Housing Element reads as follows:

As part of the 2015 General Plan Annual Report to the Board of Supervisors, staff is including a proposal for the Board's consideration about updating the unincorporated community plans as part of the General Plan Review and Zoning Ordinance Update process. The General Plan would include a "Community Plan Chapter" which would include countywide policies and policies unique to the community plan area and would be modified to insure internal consistency and consistency with countywide General Plan policies. This process would also provide the opportunity to address irrelevant /outdated existing Community plan policies. The proposed process would allow the County to make significant process toward updating the unincorporated community plans and would streamline the existing community plan process by incorporating them as a chapter in the General Plan Policy document rather than stand-alone plans.

[5th Cycle of the General Plan Housing Element, pages 2A-5 and 2A-6, my underlining.]

A second reference is from 2021. That year the County applied for a grant to create the Guidance Document now under consideration by your Board. Funding to prepare the document was made possible through a Regional Early Action Planning (REAP) grant administered by the Fresno Council of Governments (Fresno COG). In its March 5, 2021 application to Fresno COG, the County wrote that grant funding would be used to add a chapter to the General Plan.

Below is a portion of the County's cover letter for that grant application.

March 5, 2021

Meg Prince
 Fresno Council of Governments
 2035 Tulare Street Suite 201
 Fresno, CA 93721

Dear Ms. Prince:

Subject: Fresno COG Housing Planning Grants Application

Please find the enclosed County of Fresno resolution and application for the Fresno Council of Governments Housing Planning Grant. The County proposes to add a chapter to the County of Fresno General Plan that would address the County numerous community plans. The creation of this chapter will result in a streamlined process that would expedite the updates of community plans in the future. The County desires to update as many community plans in the near future to expand the residential capacity of several communities in Fresno County. We hope this will allow us to update community plans as soon as 2022. [My underlining.]

With respect to adding a chapter to the General Plan, the wording of the grant application is unambiguous. Further evidence of the County's plan to add the Guidance Document to the General is seen in two images from that same application to Fresno COG.

Applicant Information

Project Title	General Plan-Community Plans Chapter
Total Funding Request	\$82,950-\$292,950
Administrative Preference	<input checked="" type="checkbox"/> Option A: Grantee pays consultant directly and invoices Fresno COG for reimbursement. This option is required for projects also utilizing LEAP funds. <input type="checkbox"/> Option B: Grantee sends approved consultant invoices to Fresno COG for direct payment to the consultant. (Three-party agreement required.) <input type="checkbox"/> Option C: Grantee sends approved consultant invoices to Fresno COG for direct payment to the consultant. Additionally, for local governments that have limited staff availability, Fresno COG staff assists grantee with project management, as specified in an agreement. (Three-party agreement required.)

5. Project Schedule and Scope of Work

Please outline the tasks (high level and major sub tasks), budget, timeline, and deliverables in the table template provided below. If other funding is used, please note the source and amount in the notes column.

Task	Est. Cost	Begin Date	End Date	Deliverable	Notes
General Plan Chapter (consultant)	\$52,000	05/2021	02/27/2022	Draft Chapter	
County research, meetings, outreach	\$20,000	05/2021	02/27/2022	Draft Chapter	
Criteria for Prioritizing Updates		10/2021	04/2022	Draft Criteria	
CEQA	\$5000	5/1/2021	02/2022	CEQA Report	
PC and BOS Meeting Approval of Chapter & Criteria	\$2,000		06/2022	Final Chapter and Criteria	
Admin	\$3,950	05/2021	08/1/2023		
SUBTOTAL	\$82,950	IF FUNDS PERMIT	INCLUDE BUDGET	BELOW FOR 1 COMMUNITY	PLAN UPDATE
Community Plan	\$200,000	6/1/2021	8/2023		
Admin	\$10,000	06/2021	8/2023		
TOTAL COST	\$82,950-\$292,950				

And lastly, the County's Annual Progress Report (APR) on the implementation of the General Plan for calendar year 2021, approved by your Board on March 22, 2022, confirms the County's commitment to adding such a chapter to the General Plan. Printed below from the 2021 APR are General Plan Program LU-H.C as well as the County's explanation as to the implementation of that particular program.

Program LU-H.C

The County shall prepare and adopt minimum format and content guidelines for the preparation of updated and new regional, community, and specific plans to ensure consistency with the countywide General Plan. (See Policy LU-H.10)

County's Explanation in the 2021 APR regarding the Implementation of Program LU-H.C

This program has been implemented and will be deleted [as part of the 2023 review of the General Plan].

The County has prepared a format and guideline for new plans and updates to existing plans. During the 2021 calendar year, the County was awarded funds from COG to create a new chapter in the General Plan that will establish procedures for the preparation of community plans. The work will be conducted in 2022. [Annual Progress Report for 2021, Appendix A, page 25, my underlining.]

Okay, it seems only right that your Board should explain to county residents why the County would profess in writing to take one course of action, namely, the addition of a chapter to the General Plan that addresses community plans, only to make a 180° turn and create a process that is entirely separate from the General Plan.



In bringing this comment letter to a close, I'd like your Board to know that having given a great deal of thought to the County's handling of unincorporated community plans, I'm compelled to conclude that the County's actions are highly problematic and not at all in line with good governance.

Prior to the General Plan update in 2000, County officials understood that the County's ten unincorporated community plans were old and, therefore, possibly invalid. And what did the County do about it. Did the County address the problem as part of the update of the General Plan in 2000? No, it didn't, but it certainly should have.

Then in 2003, with Board approval of 'Format and Content Guidelines' for the update of regional and community plans along with a schedule by which to update them, it appeared that the County had chosen to address the situation responsibly, having devised a plan by which to see that all ten unincorporated community plans were updated by 2008. And how many plans did the County update during those five years? Disappointingly, not one. And to make matters worse, during that same period, the County violated state law by choosing not to prepare annual progress reports on the implementation of the General Plan, which, if they have been prepared on a recurring basis, would have brought to the attention of both the Board and the public at least once each year the lack of progress in updating antiquated community plans.

Now admittedly, the situation described above might cause one to wonder whether the County was ever truly interested in updating community plans or whether the County's past actions have been, by design, all show and no go. And while it's unlikely I will ever know the past motivations of County officials and planners, this I do know: today the County is faced with having unincorporated community plans that no longer serve as useful tools for shaping healthy, sustainable communities.

And what has the County decided to do about the problem this go round? Well, sadly, just as with the update of the General Plan in 2000, the County has decided not to address the problem as part of the normal planning process. Instead, the County has created a procedure apart from the review of the General Plan and has created a Guidance Document that offers no guidance with respect to the funding of plan updates and, as well, no timeframe in which to bring plans up to date. As such, to my way of thinking, the Guidance Document is of little to no value when it comes to updating existing unincorporated community plans.

Despite my misgivings about the preparation of a Guidance Document, I strongly recommend that the County reverse course and make the development of such a document part of the current review of the General Plan, better still — a chapter within the General Plan. This is the only way to ensure that all of the components of the General Plan, community plans included, are properly aligned and timely dated.

Thank you,

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Yvette Quiroga, Principal Planner
Department of Public Works and Planning
Community Development Division
2220 Tulare St. 6th Floor Fresno, CA 93721

Ms. Quiroga,

This communication is comment upon the County's Guidance Document for Community Plans (Guidance Document) dated August 2022.

I have these eight requests:

1. The draft Guidance Document explains the relationship between community plans and the General Plan:

"Community plans are part of the General Plan. Since the General Plan is required to be internally consistent, the provisions of a community plan must be consistent with all other provisions of the General Plan."

This new process to review and update community plans, with the Guidance Document as its cornerstone, is entirely separate from the process now employed by the County to update the General Plan Policy Document. In practice, this means that important policy and environmental discussions pertinent to the update of community plans are separated from public review of the update of the General Plan Policy Document. The significance of this schism becomes apparent with the realization that public review of the County's land use plans for disadvantaged communities will be separate from public review of the County's Land Use Element and the County's new draft Environmental Justice Element.

Community plans must align with the General Plan Policy Document. I therefore ask that the review and update of community plans be folded into the current review and update of the General Plan Policy Document.

2. The REAP grant application enumerated the main reasons for drafting the Guidance Document. They were these:
 - To create a more streamlined and cost-effective process for updating community plans,
 - To expedite the update of several community plans, and
 - To expand residential capacity and commercial development in unincorporated communities.

The Guidance Document doesn't address these matters head-on. Instead, the document focuses more on the applicability, content, amendment and adoption of community plans and addresses, as well, General Plan consistency issues and factors supporting the creation of new community plans. I ask that the Guidance Document be revised to include a discussion of the purposes outlined in the grant application.

3. In developing the Guidance Document, it appears the County failed to satisfy some grant requirements. For example, the Guidance Document does not acknowledge that plan updates must include current sustainability standards. In addition, according to the project description in the grant application, all updated community plans must contain strategies to reduce greenhouse gas emissions. I ask that strategies for environmental sustainability be included in the Guidance Document.
4. At the Zoom meeting held September 8th for public discussion of the draft Guidance Document, County staff stated that the Board of Supervisors would simultaneously approve the *Update Prioritization Criteria* and the scoring results. This is not logical. Since the authorization of scoring criteria must precede the actual scoring of community plans, I ask that the board review the scoring criteria prior to staff scoring and ranking community plans.
5. I also ask that County staff test the workability of the scoring criteria before taking it to the board for approval.
6. I heartedly recommend that the County include in the Guidance Document a short study of the Laton Community Plan update, which took place in 2012. It is the only operational community plan update since the General Plan was updated in 2000. It would be a perfect case study for measuring how well or to what degree plan updates benefit communities. It is my understanding that while the 2012 update added a small amount of acreage to Laton for recreational and commercial uses, it added over 100 acres for future residential development. The update also brought community plan policies and objectives into alignment with those in the General Plan. Since the update has been in effect for a decade, the County would benefit greatly by studying the extent to which the update enhanced growth and improved the lives of those living in that community. It would make good sense to study the benefits and detriments that resulted from that update prior to launching into an effort update other unincorporated community plans.
7. As I understand it, County staff does not know of any funding to update more than one community plan. That's a big problem. As everyone knows, without funds, there can be no updates. Some of these plans are so old — such as the community plans for Lanare, Tranquillity and Shaver Lake, which were last updated in 1982, 1984 and 1986, respectively — that, according to the County, they may no longer be valid. Below is a statement in the County's General Plan Background report from 2000. It reads as follows:

"The target date or buildout timeframe for many of these [community] plans has passed or is fast approaching, as shown by Table 1-2, which raises concerns about whether they are still valid."

If these antiquated plans are no longer valid, then it follows, logically, that the community plan component of the General Plan is also no longer valid. Therefore, I ask that the County conduct, as part of the development of the Guidance Document, analyses of funding sources and of the validity of existing community plans.

8. There are two statements in the draft Guidance Document that I would like staff to review. The statements are these:

"An amendment to a community plan, including updates to existing community plans, may or may not require an amendment to the General Plan, depending on the scope of change."

"Although the area covered by a regional plan may surround the area covered by a community plan, the community plan area is carved out from the regional plan area. This means that the regional plan does not apply to the community plan area."

I do not understand how a community plan, which is part and parcel of the General Plan, can be amended without also amending the General Plan, and I don't understand how regional plan policies are not applicable to a community plan that lies within it. Surely, all components of a General Plan must align with one another. Therefore, I ask that the County either revise these two statements or provide more in-depth discussions of these matters in the Guidance Document.

I thank you for the opportunity to comment. I've attached a letter I sent to several county residents. It expresses in more detail some of the requests in this letter.

Should you have any questions, please feel free to contact me.

Sincerely,

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