

Attachment A



Fresno County
GUIDANCE DOCUMENT *for*
UNINCORPORATED
COMMUNITY PLANS

Final | June 2023



County of Fresno

Guidance Document *for* **Unincorporated Community Plans**

June 2023

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1. INTRODUCTION & PURPOSE

California’s Planning and Zoning Law requires that each city and county adopt a general plan “for the physical development of the county or city, and any land outside its boundaries which in the planning agency’s judgement bears relation to its planning.”¹ A general plan may also include area plans, which focus on certain geographic regions or communities. Area plans are part of and carry the same weight as a general plan. The Fresno County General Plan (General Plan) includes area plans for regions, known as regional plans, and area plans for communities, known as community plans. As of the publication of this document, the County of Fresno has 31 adopted community plans: 10 unincorporated community plans, 13 incorporated community plans, and 8 Fresno-Clovis area community plans.²

This document provides guidance for updating existing community plans and establishing new unincorporated community plans. It discusses:

- The objectives of community plans,
- The relationships of the community plans with the General Plan and other planning instruments,
- The applicability of community plans,
- The content of community plans, and
- The actions required for adoption and amendment of community plans.

This document also recommends a format for updating existing unincorporated community plans and developing new unincorporated community plans, when determined appropriate by the County. It is not the intent of this document to require strict adherence to all the requirements contained in the document. Instead, this document is intended to provide a greater level of consistency in the process for guiding the updates to existing unincorporated community plans and adoption of new unincorporated community plans. Additional action will be required to identify and initiate updates to existing community plans or to initiate the preparation of new community plans.

2. COMMUNITY PLAN OBJECTIVES

As stated in the General Plan “The fundamental policy directive of this General Plan is to direct intensive development to cities, unincorporated communities, and other areas where public facilities and infrastructure are available.”³

Accordingly, community plans serve the same purpose as the general plan except that community plans function at the community level while the general plan functions at the county level. Given its scope and scale, a countywide general plan may not always adequately address the specific development and growth issues relevant to a particular area, such as an unincorporated community.

¹ Gov. Code, § 65300.

² County of Fresno, *Fresno County General Plan* (2000). The Fig Garden Neighborhood Plan is listed under Fresno-Clovis area community plans as one of the eight such plans. As discussed in section 3. *Plan Relationships*, a neighborhood plan is distinct from a community plan.

³ *Fresno County General Plan*, 2-33.

A community plan is a segment of the General Plan that provides a geographic focus. It is internally consistent with the General Plan but provides for more community-specific planning addressing the same elements as the General Plan. While community plans can be used to guide community development, they do not guarantee any development will occur nor are they a requirement for development. If an area does not meet the requirements for a community plan outlined in the Guidance Document but would still benefit from more detailed plans, there may be other options available, such as the inclusion of more detailed policies in the county-wide General Plan or the development of a neighborhood plan. Further, while a community plan is designed to facilitate development, it is not a prerequisite for development to occur. Development may still occur in areas that do not have a community plan through the County development process.

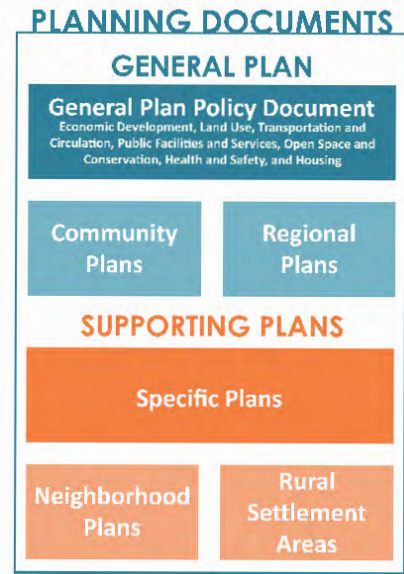
Community plans “refine policies of the general plan as they apply to a smaller geographic area.” (Governor’s Office of Research and Planning, *State of California General Plan Guidelines* (2017), 23.)

The General Plan identifies three categories of community plans: unincorporated community plans, incorporated community plans, and Fresno-Clovis area community plans.

- **Unincorporated Community Plans.** Unincorporated community plans apply to unincorporated areas of the County not located directly adjacent to a city. They cover many, but not all, of the County’s unincorporated communities. The County is the unincorporated community’s direct local government agency.
- **Incorporated Community Plans.** Incorporated community plans cover the unincorporated areas adjacent to city boundaries. Although still unincorporated and subject to the County’s jurisdiction, such areas outside the city limits may be included in the city’s general plan for two reasons: the city anticipates the area will be annexed or the city intends to communicate to the County the city’s preferences for the area’s development. Though the County’s incorporated community plan controls development while those areas remain outside the city limits, its intention through the incorporated community plan is to consider the city’s interest in the area’s future.
- **Fresno-Clovis Area Community Plans.** Fresno-Clovis area community plans include both unincorporated community plans and incorporated community plans for the Fresno-Clovis area.

3. PLAN RELATIONSHIPS

The General Plan references and defines four types of plans: regional plans, community plans, specific plans, and neighborhood plans. The General Plan also references and defines rural settlement areas. All have their own purpose and authority, which means that the relationships among the plans vary.



- Community Plans.** As mentioned above, community plans are a type of area plan with a geographic focus at the community level.⁴ 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. Community plans also have the same authority as the General Plan. Zoning, subdivisions, specific plans, conditional use permits, and other tools must be consistent with the General Plan, and therefore must also be consistent with an applicable community plan.⁵
- Regional Plans.** Like community plans, regional plans are a type of area plan and are also part of the General Plan. Regional plans have a wider geographic focus than community plans but must still be consistent with the General Plan. Zoning, subdivisions, specific plans, conditional use permits, and other tools that must be consistent with the General Plan must also be consistent with an applicable regional plan. 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.
- Specific Plans.** A specific plan is not part of the General Plan—it is a tool authorized by the Planning and Zoning Law to implement a general plan.⁶ Specific plans must be consistent with the General Plan, and therefore must also be consistent with applicable community plans and regional plans. Zoning, conditional use permits, and other tools must be consistent with a specific plan.
- Neighborhood Plans.** A neighborhood plan establishes the vision and implementation strategies for a specific neighborhood. Unlike community plans and regional plans, neighborhood plans are not part of the General Plan and therefore do not carry the same regulatory weight as community plans, regional plans, or specific plans.

⁴ The community plan under the Fresno County General Plan is not the community plan defined in the Planning and Zoning Law at Government Code section 65458. Instead, the community plan under the Fresno County General Plan (1) is an area plan as identified and described by the Governor’s Office of Planning and Research in the State of California General Plan Guidelines (2017) (p. 23) and in The Planner’s Guide to Specific Plans (2001) (p. 6) and (2) may serve as a community plan defined California Environmental Quality Act at Public Resources Code section 21083.3 for purposes of environmental review.

⁵ Applicable code sections and case law are as follows: zoning (Gov. Code, § 65860), subdivisions (Gov. Code, § 66473.5), specific plans (Gov. Code, §§ 65450, 65451, subd. (b)), conditional use permits (*Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1184).

⁶ Gov. Code, § 65450, et seq.

- Rural Settlement Areas.** As provided in the General Plan, rural settlement areas apply “only to those areas where a small concentration of housing and commercial or industrial uses serve the surrounding agricultural area.”⁷ A rural settlement area is akin to a land use designation, but with special policy features and standards outlined in General Plan policies LU-E.22 to LU-E.26. A rural settlement area includes a set of policies and standards contained within the General Plan and regulates the land but is not a separate regulatory document.
- Disadvantaged Unincorporated Communities (DUCs).** In response to Senate Bill (SB) 244, Section E (Non-Agricultural Rural Development) of the Agriculture and Land Use Element of the General Plan was amended to include reference to the 36 legacy DUCs⁸ identified within Fresno County. No specific policies were included; however, the County completed an analysis of water, wastewater, stormwater drainage, and structural fire protection needs or possible infrastructure deficiencies for the identified communities, which is contained in Appendix B-2 of the General Plan. Although the presence of a DUC does not necessitate a separate planning policy area, they often overlap with one of the plan area boundaries identified above, such as a community plan, and the presence of a DUC is a consideration in land use and infrastructure planning.

4. APPLICABILITY

As noted above, community plans provide a mechanism to refine the policies of the countywide general plan for a specific sub-area, such as an unincorporated community. However, not all unincorporated communities require a community plan to provide for the level of direction desired or needed to effectively guide development for the area. Instead, a neighborhood plan may be more appropriate to articulate a vision for the area without the regulatory control of a community plan. Specific amendments to the General Plan may also be appropriate, such as a specific change to the land use diagram or the addition of a special policy for the area, rather than establishing a community plan.

The following considerations provide guidance for considering whether a community plan is advisable or appropriate for a certain area. The first consideration concerns the area itself and the second consideration concerns the relationship to the General Plan. Please note that the considerations provided below are intended specifically to determine whether an unincorporated community plan is appropriate for a given area.

CONSIDERATIONS

1 AREA CRITERIA

- Is the area a census designated place?
- Does the area have a significant presence and mix of community-supportive land uses?
- Does the area present a feasibility for infrastructure and in-fill development?

2 GENERAL PLAN REFINEMENT

- Does the community require more specificity than the County General Plan provides in one of the following areas?
 - Land use
 - Circulation
 - Public facilities
 - Floods, fires, or other Hazards

⁷ County of Fresno 2000, Policy LU-E.21.

⁸ A DUC is defined in Senate Bill (SB) 244 to include “an inhabited and unincorporated community that includes 10 or more dwelling units in proximity or where 12 or more registered voters reside and has an annual median household income that is 80 percent or less of the statewide median housing income.” A legacy community is further defined as a “geographically isolated community that is inhabited and has existed for at least 50 years.”

CONSIDERATION NO. 1: THE AREA

The area must present certain characteristics that together demonstrate suitability for a community plan. The following criteria provide objective standards for evaluating whether a community plan is appropriate for an unincorporated area; however, the criteria still provide some level of discretion to allow for flexibility in application.

Criterion 1. Is the area a census designated place? Criterion 1 is a categorical matter of whether the area is identified by the U.S. Census Bureau as a census-designated place. As determined by the Bureau, “Census designated places (CDPs) are statistical geographic entities representing closely settled, unincorporated communities that are locally recognized and identified by name. They are the statistical equivalents of incorporated places, with the primary differences being the lack of a legally defined boundary and an active, functioning governmental structure, chartered by the state and administered by elected officials.”⁹

Criterion 2. Does the area have a sufficient presence and mix of community-supportive land uses? While Criterion 1 concerns whether the area is a statistical equivalent to an incorporated place and whether the area is locally recognized as a named community, Criterion 2 concerns the land use composition of the area. The question here is whether the area is sufficiently supported by its land uses (e.g., retail, employment, and/or public uses). One consideration is whether the area has an identifiable and viable node of nonresidential activity or central district, which may take the shape of a downtown, commercial center, or main street.

Criterion 3. Does the area present a feasibility for infrastructure and in-fill development? Criterion 3 concerns the pattern of development in the area and how proximity of development relates to feasibility for provision of community-serving infrastructure. The pattern of development may already support existing community-serving infrastructure, or the area may demonstrate the opportunity, through in-fill development, to support community-serving infrastructure. One consideration is whether the area has a circulation network that supports, or could facilitate, meaningful connectivity throughout the area.

CONSIDERATION NO. 2: THE GENERAL PLAN

As discussed above, the purpose of community plans is to “refine” the General Plan’s policies for targeted geographic areas. Whether an area warrants a community plan is a matter of whether the General Plan should be refined for that area. As discussed below in **Section 5. Community Plan Content**, community plans are required to reference each of the adopted elements of the General Plan.

⁹ Bureau of the Census, U.S. Dept. of Commerce, Census Designated Places (CDPs) for the 2020 Census—Final Criteria, Federal Register, vol. 83, no. 219, p. 56290 (Nov. 13, 2018).

To determine whether an unincorporated community plan is necessary or appropriate, the County should consider whether additional policies or a greater level of detail than are included in the countywide General Plan are necessary to adequately address issues for the area. Typical issues that may warrant additional detail or refinement could include:

- Land use designations;
- Circulation classifications or network;
- Public facilities (e.g., water, wastewater, storm drainage);
- Floods, fires, or other hazards; and/or
- Provision of housing to satisfy the County’s regional housing needs allocation.

If the countywide General Plan policies adequately address development and growth issues for the area, then a community plan is not advisable as it may serve to only duplicate, not refine, existing General Plan policies.

The **Agriculture and Land Use, Transportation and Circulation, and Public Facilities and Services** elements present the greatest opportunity for refinement for a targeted geographic area.

The **Economic Development, Open Space and Conservation, Health and Safety, and Housing** elements are typically more appropriately applied at the countywide level. For example, the Health and Safety element addresses hazards that, if not countywide, are shared across areas.

5. COMMUNITY PLAN CONTENT

A community plan should be composed of three parts: background, authority, and elements, as described below and reflected in a recommended format for unincorporated community plans (see **Appendix A: Sample Community Plan Format & Guide**).

It is not the intent of this document to require that unincorporated community plans strictly adhere to the content requirements discussed below or outlined in the recommended Community Plan Format. Instead, this document is intended to guide updates to existing unincorporated community plans and to guide adoption of new unincorporated community plans, to provide consistency in how such plans are structured.

BACKGROUND

As part of the General Plan, community plans should reference background information that may already be included in the General Plan document. Community plans should not include an extensive discussion of the area covered by the community plan.

The background section of the community plan should include:

- A brief profile of the community;
- A map of the community;
- The vision statement; and
- Explanation as to why the community warrants a community plan.

AUTHORITY

Each community plan should establish its authority relative to the General Plan and other planning documents, policies, and ordinances.

Community plans should state that:

- The community plan is part of the General Plan;
- The community plan is consistent with the General Plan;
- The community plan carries the same weight as the General Plan;
- Specific plans, zoning ordinances, subdivisions, conditional use permits, and other tools must be consistent with the community plan; and
- Where the community plan is silent, the General Plan controls.

Standard language has been included in the Community Plan Format document to satisfy the intent of the authority of community plans.

ELEMENTS

Given that community plans carry the same weight as the General Plan and refine the General Plan for a focused area, community plans should be composed of the same elements of the General Plan, as reflected in the Community Plan Format (see Appendix A). Following are the elements currently contained in the adopted Fresno County General Plan.¹⁰ However, as revisions are made to the General Plan, this list of elements may change and should be updated to align with the General Plan elements in place at the time, including all state-mandated elements.

- Economic Development
- Agriculture and Land Use
- Transportation and Circulation
- Public Facilities and Services
- Open Space and Conservation
- Health and Safety
- Housing

The housing element is a special case. Housing should be included so that the community plan aligns with all adopted elements of the General Plan and meets the requirements for the streamlining provisions specific to community plans under CEQA in Public Resources Code Section 21083.3. However, creating new policies or refining existing housing element policies is not advisable. The County's housing element is updated cyclically and certified by the California Department of Housing and Community Development per Government Code Section 65580, et seq.

¹⁰ County of Fresno 2000.

For each element, the community plan may identify some or all of the following components. To avoid redundancy, the community plan should not restate existing policies and action items already contained in the General Plan.

- **New policies** that are not already in the General Plan.
- **Refined Policies** that take existing General Plan policies and focus in on the community.
- **Action Items** for implementation (e.g., review and revise the zoning ordinance; update improvement standards).
- **Figures** that contain refinements or a greater level of detail than contained in the General Plan figures (e.g., land use diagram, circulation diagram).

The countywide General Plan may sufficiently address the community’s needs regarding a particular element. In that case, the community plan element will not include new or refined policies, action items, or figures and should instead note that the area is covered by the countywide General Plan.

Standard language has been included in the Community Plan Format document (Appendix A) to refer to the countywide General Plan for those elements of the community plan that do not require area-specific content.

6. APPROVAL ACTIONS REQUIRED

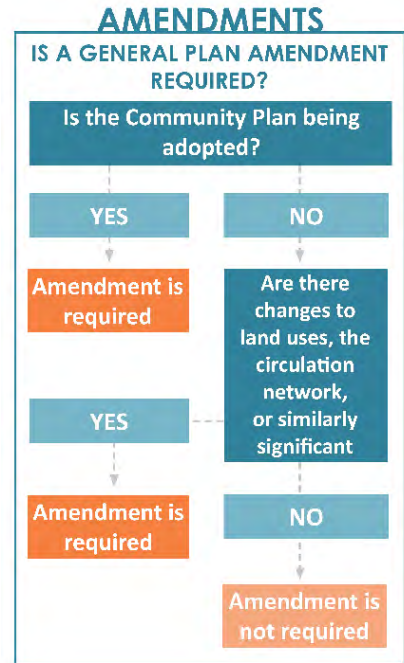
Adoption and amendment of a community plan follow similar procedures. Both are to be accomplished by resolution of the Board of Supervisors following noticed public hearings of the Planning Commission and the Board. Adoption of a new community plan also requires an amendment to the General Plan. However, 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.

Adoption of a new community plan, at a minimum, requires the establishment of a community plan area boundary, requiring amendment to the General Plan to reflect the newly established plan area. The General Plan may also integrate additional policies and discussion to establish the community plan area in the context of the General Plan, further underscoring the need to amend the General Plan.

AMENDMENT TO THE GENERAL PLAN

The determination as to whether an amendment to a community plan also necessitates an amendment to the General Plan depends on the scope of changes proposed. An amendment to a community plan may only further refine existing policies, such as adding detail necessary for implementation, that is consistent with and does not redirect policies of the community plan and the General Plan. Such changes would not constitute an amendment to the General Plan. However, should the proposed amendments to the community plan require changes to a policy or figure contained in the General Plan, an amendment to the General Plan would also be required. Common amendments to a community plan that would likely result in the need to amend the General Plan relate to changes proposed to the land use or circulation diagrams.

While more refined maps can be included in the community plan, new additions or other changes to the land use or circulation diagrams should be in the General Plan. For example, a more detailed street network may be shown in a community plan map but realigning or adding arterials should be reflected on the General Plan circulation diagram, necessitating a General Plan amendment concurrent with the amendment to the community plan.



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.

Appendix A
Sample Community Plan Format & Guide

Sample Community Plan Format & Guide

Text in brackets is directive to guide preparation of community plans. Text not in brackets, including headings, is recommended content for all community plans. Note that the subsections identified below (A, B, C, etc.) within each numbered section are intended as a guide to ensure specific topics are addressed within community plan section. The order and structure of the subsections may change, as appropriate, for each specific community.

1 BACKGROUND

A. Purpose of the Community Plan

[Text here would confirm the reasons the community plan was necessary and would align with the rationale outlined in the Community Plans Chapter (i.e., not all communities need a community plan). This section would also include any discussion of specific issues applicable to the community plan area. The planning history of the community may also be included, as appropriate.]

Anticipated length of this section is 1-2 pages.

B. Community Location and Setting

[Text would be brief and focus on key geographic features that may be relevant to the community plan area. A map would be included to define the boundaries of the community plan area.]

Anticipated length of this section is 1-3 pages

C. Community Profile

[Community profile would generally be limited to demographics information for the community plan area and potentially a comparison to the larger County. This section is not intended to include a description or reiteration of the Countywide profile.]

[This section may also reference the Regional Plan setting discussions, should the County proceed with formalizing those documents.]

Anticipated length of this section is 1-3 pages

D. Community Vision [May be combined with A]

[A vision statement for the community plan area would be included here. Should a refined vision statement not be necessary, reference may be made to the General Plan Policy Documents' Vision

Statement. There may also be a summary of the outreach conducted in the establishment or update of the community plan.]

Anticipated length of this section is less than 1 page, 2 pages with summary of outreach conducted

2 AUTHORITY

A. Subset of the General Plan

As defined in the General Plan, a community plan is a subset of the General Plan and carries the same weight as the General Plan. Therefore, specific plans, zoning ordinances, subdivisions, conditional use permits, and other actions, which must be consistent with the General Plan, must also be consistent with this community plan.

B. Consistency with the General Plan

This community plan is consistent with the General Plan. The content in this community plan has been identified to refine the intent of the General Plan as it applies to the community to address issues of local importance. The content in this plan complements, and does not conflict with, the General Plan. Where the community plan is silent on a matter, the General Plan controls.

3 ELEMENTS

[The following elements reflect those currently contained in the adopted Fresno County General Plan.¹ As revisions are made to the General Plan, this list of elements should be updated to align with the General Plan elements in place at the time, including all State-mandated elements.]

Like the General Plan, this community plan is composed of the following elements:

- Economic Development;
- Agriculture and Land Use;
- Transportation and Circulation;
- Public Facilities and Services;
- Open Space and Conservation;
- Health and Safety; and
- Housing.

These elements may consist of new or refined policies specific to the community plan area, as well as action items to implement the policies. All policies and action items of this community plan are in addition to the applicable General Plan policies. Where no additional policies or action items are identified, the policies of the General Plan apply.

¹ County of Fresno, *Fresno County General Plan* (2000).

A. Economic Development

[For elements that have no additional or refined policies, the following language can be used:

“The policies of the General Plan’s Economic Development Element apply to this community.”]

B. Agriculture and Land Use

[The goals, policies, and action items are named with the initials of the community plan then the initials of the element as used in the General Plan. Note that goals are optional at the community plan level. Should no goals be included, the policy and implementation program numbering structure may be simplified.]

Goals

[**Goal SCP-LU-1 Goal for Land Use.** Ensure that new development in the community plan area occurs according to this goal.]

Policies and Implementation Programs

[**SCP-LU-1.1 New or Refined Land Use Policy.** The County shall apply this new or refined land use policy in addition to the policies in the General Plan.]

[**SCP-LU-1.1a Action Item Implementing the Policy.** The County shall take this action to implement the policy. Actions should include a specific action or deliverable, timing, and responsible party.]

C. Transportation and Circulation

D. Public Facilities and Services

E. Open Space and Conservation

F. Health and Safety

G. Housing

The policies of the General Plan’s Housing Element apply to this community. The General Plan’s Housing Element is subject to review and certification by the California Department of Housing and Community Development per Government Code section 65580 et seq. and updates are required on a prescribed schedule.