



Board Agenda Item 6

DATE: February 20, 2024

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: General Plan Amendment Application No. 529 (Fresno County General Plan Review and Background Report), Amendment to Text Application No. 385 (Zoning Ordinance Update), Amendment Application No. 3862, and Final Program Environmental Impact Report (SCH No. 2018031066)

RECOMMENDED ACTION(S):

1. **Adopt the proposed Resolution:**
 - a. **Certifying that the Program Environmental Impact Report (PEIR) prepared for the Fresno County General Plan Review and Comprehensive Zoning Ordinance Update is complete, adequate, and in conformance with the California Environmental Quality Act, as follows:**
 - i. **Find that the Final PEIR (FPEIR) was presented to, reviewed, and considered by the Board,**
 - ii. **Find that the decision to certify the FPEIR reflects the Board's independent judgement,**
 - iii. **Adopt the CEQA Findings of Fact and Statement of Overriding Considerations, approve the Mitigation Monitoring and Reporting Program included as Attachment A, and certify the Environmental Impact Report (SCH No. 2018031066) prepared for the proposed project, and**
 - iv. **Direct staff to complete and file a Notice of Determination in compliance with state law;**
 - b. **Accepting the revised General Plan Background Report included as Attachment B; and**
 - c. **Approving General Plan Amendment No. 529, adopting the proposed revised General Plan Policy Document included as Attachment C, which consists of comprehensive modifications to the existing policies and programs in the 2000 General Plan, and which was previously reviewed by the Fresno County Planning Commission as the first general plan amendment of 2024.**
2. **Adopt the proposed Ordinance, approving Amendment Application No. 3862 rezoning a 481-acre area, approximately one-half mile north of the northern boundary of the City of Fresno, bounded by Friant Road/Willow Avenue to the west, Garonne Avenue to the south, those parcels**

immediately east and adjacent to Auberry Road to the east and generally the Birkhead Road alignment to the north and encompassing those parcels immediately to the west, northeast and east of the full length of Willow Bluff Avenue from the AE (Exclusive Agricultural) to the AL (Limited Agricultural) Zone District;

- 3. Adopt the proposed Ordinance, approving Amendment to Text Application No. 385 and adopting the Comprehensive Update to the Fresno County Zoning Ordinance included as Attachment D; and**
- 4. Designate County Counsel to prepare a fair and adequate summary of the proposed ordinances described in Recommended Actions 2 and 3 above and direct the Clerk of the Board to post and publish the required summary in accordance with California Government Code, section 25124(b)(1).**

This item comes to your Board with a unanimous recommendation for approval from the Planning Commission (6 to 0, with two Commissioners absent and with one Commission vacancy) and requires final action from your Board per the Fresno County Zoning Ordinance and State planning law. A summary of the Planning Commission's action is included in Attachment E. The January 25, 2024 Planning Commission Staff Report is included as Attachment F. This item is countywide.

ALTERNATIVE ACTION(S):

If your Board determines that the recommended actions or proposed amendments are inadequate, your Board may continue the actions with direction to Department of Public Works and Planning staff regarding the necessary document improvements to be made. As an additional alternative, your Board may also reject the recommended actions and deny the project.

FISCAL IMPACT:

Preparation of the Background Report, General Plan Review, Zoning Ordinance Update, and Program Environmental Impact Report represent a Net County Cost for which you Board has allocated funding. To date, approximately \$1,160,345 has been spent on consultant services associated with the General Plan Review and Zoning Ordinance Update since direction was received to prepare an Environmental Impact Report.

Future implementation of the General Plan programs will have a fiscal impact on the General Fund. The implementation programs listed in each element of the General Plan identify a number of tasks to be carried out in the coming years, including the need to update the County's regional, community and specific plans, as well as developing programs associated with the County's new Environmental Justice policies. Much of the implementation will be done by Public Works and Planning Department staff, however, several implementation programs also include other Departments including Department of Public Health, the Sheriff's Office, the Agricultural Commissioner, Department of Social Services, and the County Administrative Office (CAO).

While staff will continue to seek grant funding to offset General Plan program implementation costs, staff will work with the CAO's Office during the annual budget preparation process to identify funding necessary for implementation.

DISCUSSION:

General Plan:

The General Plan Review seeks to modernize the 2000 General Plan document and bring the document into

compliance with various state laws that have been enacted since 2000. The major themes of the current 2000 General Plan have been retained in the General Plan Review and include directing urban growth to existing communities, limiting the intrusion of development and incompatible land uses onto productive agricultural land, and limiting rural residential development.

The General Plan Review is intended to build on the major policies of the current 2000 General Plan Update but expand and strengthen them to meet the challenges and community needs and accommodate the projected growth through planning horizon year 2042. The revised General Plan continues to seek preservation of agricultural land and natural resources; conserve public spaces and recreational resources; promote the wellbeing of County residents; maintain economic vitality and balance. The revisions include only minimal changes to the land use designations and land use maps in the existing 2000 General Plan. The majority of revisions are to goals, policies, and implementation programs of the General Plan. The revision also includes addressing laws affecting the General Plan, including the addition of an Environmental Justice Element to the General Plan Policy Document. The proposed project also includes updating the Fresno County Zoning Ordinance to be consistent with the proposed revisions to General Plan Policy Document included in the General Plan Review. Components of the Zoning Ordinance update that could result in physical changes to the environment include the revisions to the regulations for accessory dwelling units, density bonus and other State-mandated changes to California Zoning law which became effective since the adoption of the 2000 General Plan.

The General Plan is built on the following thirteen major themes: Economic Development; Agricultural Land Protection; Growth Accommodation; Urban Centered Growth; Efficient and Functional Land Use Patterns; Service Efficiency; Recreation Development; Resource Protection; Health and Safety Protection; Health and Well Being; Enhanced Quality of Life; Affordable Housing; and Environmental Justice. Pages seven and eight of Attachment F (Planning Commission Staff Report) provide additional discussion on the General Plan Policy Document, the documents elements and key changes with the General Plan Review.

Key changes to the General Plan also include adding updates to address Environmental Justice (Senate Bill 1000 and Assembly Bill 1528), and an improved Safety Element to address climate hazards, vulnerability, and emergency evacuation. There is also added analysis and policies related specifically to air quality. Finally, the 2024 document as presented to the Planning Commission referenced two future study areas for a Fresno County Business and Industrial Campus, and a 7,000-acre development area in eastern Fresno County for a potential educational-based community.

Attachment F, Exhibit 6 are the proposed staff modifications to the General Plan Policy Document since its release in April of 2023.

The Background Report provides a “snapshot” in time of the County’s existing conditions. It presents the physical, social, and economic resource information required to support the preparation of the General Plan. The document is also used as the “environmental setting” section of the General Plan EIR. The Background Report is divided into 10 chapters: Introduction; Demographics and Employment; Land Use; Housing; Transportation and Mobility; Public Facilities and Services; Natural Resources; Hazards and Safety; Climate Change; and Noise.

Attachment F, Exhibit 8 are the proposed staff modifications to the Background Report since its release in April of 2023.

Zoning Ordinance:

The Zoning Ordinance Update includes a new format and provisions to implement General Plan policies. The current Zoning Ordinance, which is the principal tool for implementing the County’s General Plan, was adopted in 1960 and has been amended several times; but the document has never been comprehensively updated. It frequently requires interpretation by staff due to modern land uses and changes to state law.

Key changes to the zoning ordinance include:

- Completely reformatted and modernized the Zoning Ordinance with user-friendly tables, diagrams and graphics.
- Provided additional flexibility for the Director's determination and established Temporary Use Permits for certain uses.
- Incorporated State-mandated requirements and updated zoning practices for accessory dwelling units, objective design standards for multifamily development, and addressed prior Zoning Ordinance ambiguities.
- New industrial development standards intended to address potential impacts to adjacent non-industrial uses and disadvantaged communities.

Attachment F, Exhibit 7 are the proposed staff modifications to the Zoning Ordinance Update since its release in April of 2023.

Program Environmental Impact Report:

The Draft Program Environmental Impact Report (DPEIR) has been included as Attachment G to this Agenda Item. The Final Program Environmental Impact Report (FPEIR) is included in Attachment F, Exhibit A. As previously noted in the Recommended Action, Attachment A to this Agenda Item contains the CEQA Findings of Fact and Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program. The FPEIR primarily consists of a response to comments made on the DPEIR. Staff should emphasize that the DPEIR, released on April 28, 2023, was circulated for a 60-day comment period, which exceeds the 45-day circulation and comment period required by state law.

As stated in CEQA Guidelines §15121(a), “[a]n EIR is an informational document which will inform public agency decision-makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. An EIR is not intended to recommend either approval or denial of a project. Rather, an EIR is a document whose primary purpose is to disclose the potential environmental impacts associated with an action or project.”

The Draft PEIR determined that the Project would have a less than significant impact to the following areas: Aesthetics; Energy; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Noise; Population and Housing; Public Services; and Biological Resources (with mitigation). Nevertheless, it was determined that the Project would have significant and unavoidable impacts in the following areas of: Agriculture and Forestry Resources; Air Quality; Cultural Resources; Geology and Soils; Greenhouse Gas Emissions; Transportation and Traffic Quality; Tribal Cultural Resources; Utilities and Service Systems; and Wildfire.

This EIR examined alternatives to the General Plan and studied alternatives consisted of:

- Alternative 1: No Project (Continuation of the 2000 General Plan)
- Alternative 2: Moderately Increased Density
- Alternative 3: Substantially Increased Density

Based on the alternatives analysis, Alternative 3 was determined to be the environmentally superior alternative.

CEQA requires that an environmentally superior alternative be identified among those analyzed. It further states that if the No Project Alternative is identified as environmentally superior, the next most

environmentally superior alternative must also be identified. When considering every environmental impact area, Alternative 3 is the environmentally superior alternative, followed by Alternative 2, and Alternative 1. As noted in the DPEIR while Alternative 2 would also reduce impacts, Alternative 3 would further reduce these impacts with a more compact residential growth pattern. Alternative 3 would meet project objectives and would accomplish the same goals as the proposed GPR/ZOU. However, the County doesn't control the annexation process, and projects within these areas would likely be dependent on urban services from the cities of Fresno and Clovis; therefore, Alternative 3 may be infeasible.

Public and Planning Commission Workshops and Public Comments:

Since Board direction to prepare an Environmental Impact Report, there have been several workshops and community meetings that have occurred since 2018. Specifically, 30 meetings or workshops have occurred including workshops associated with the Disadvantaged Unincorporated Community analysis as required by Senate Bill 244 in addition to the September 14, 2023 Planning Commission workshop.

Public comments are noted in Attachment F, Exhibit Nos. 1, 4 and 5 relating to the FPEIR, General Plan comments from April 2023 to June of 2023, and prior comments received from 2018 through 2022. Additional written public comments submitted at the January 25, 2024, Planning Commission Hearing are included in Attachment H.

Planning Commission Hearing and Commission Action:

On January 25, 2024, Department staff presented the Project including the history of the General Plan Review and the general scope of the Project. Staff also included in their presentation a corrected Exhibit 6 to the Planning Commission staff report and an updated Figure TR-2 (Rural Bikeways Plan) to replace the figure that was included in the General Plan Policy document.

Seven individuals, most of which represented local advocacy organizations, provided testimony expressing comments or concerns with the Project, and their testimony has been summarized in Attachment E, Exhibit A. In addition, five letters were submitted to the Commission at the hearing and have been included with this Agenda Item as Attachment H. Four of these letters expressed concerns similar to testimony given by speakers at the hearing. A fifth letter, from an organization advocating for agricultural land preservation, submitted a letter but did not have a representative speak at the hearing. That organization cited concerns with the wording of particular General Plan policies which they believe would weaken protection of agricultural lands and provided examples of other jurisdictions within the region that have either administered conservation easements or created agricultural preservation ordinances.

After considering staff's presentation, public testimony and staff's clarifications to Commission questions, the Commission made a motion to approve staff's recommended actions and recommend approval of the project with the exception that proposed General Plan Policy LU-E.25 (State Route 180/Trimmer Springs Road Special Study Area) be removed. The motion passed unanimously (6 to 0).

City of Fresno Correspondence:

The County received comments in response to the release of the DPEIR from the City of Fresno on June 27, 2023. The County provided responses to these comments in both the FPEIR (Attachment F, Exhibit 1) and General Plan Response to Comments (Attachment F, Exhibit 6).

On October 24, 2024, the City submitted additional comments beyond the 60-day comment period, with these late comments resubmitted into the record by City staff at the January 25, 2024 Planning Commission Hearing. This January 25, 2024 letter with the October 24, 2023 letter attached contained comments regarding the project description, using policies as mitigation, and provided comments on various EIR topics and alternatives. Copies of this correspondence are included with this Agenda Item in Attachment H-5. Department staff has provided a response to these City comments in Attachment I and has reflected the

minor clarifications made to the FPEIR as a result of these responses in an errata sheet which is included with Attachment J.

Conclusion:

Approval of the recommended action will bring both the General Plan and Zoning Ordinance into compliance with changes to state law, address Environmental Justice, and adopt a Zoning Ordinance document with modernized formatting and additional flexibility for certain land use matters. Staff recommends your Board approve the Project as outlined in the recommend action, with consideration given to the Planning Commission's recommendation to remove General Plan Policy LU-E.25.

Due to file size, thumb drives containing several large Attachments were provided to the Clerk of the Board for distribution to each member of your Board on February 14, 2024.

REFERENCE MATERIAL:

BAI #58, March 22, 2022
BAI #74, December 14, 2021
BAI #8, September 21, 2021
BAI #37, April 14, 2020
BAI #8, August 21, 2018
BAI #15, May 16, 2017
BAI #11, October 13, 2015
BAI #7, June 2, 2015
BAI #6, December 9, 2014
BAI #7, December 9, 2014
BAI #14, September 30, 2014
BAI #15, March 12, 2013
BAI #13, December 4, 2012
BAI #25, September 23, 2008
BAI #19, July 22, 2008
Special Hearing, December 15, 2006
BAI #89, June 13, 2006
Special Hearing, December 9, 2005

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A - CEQA Findings and Statement of Overriding Considerations
On file with Clerk - Attachment B - General Plan Background Report
On file with Clerk - Attachment C - General Plan Policy Document
On file with Clerk - Attachment D - Zoning Ordinance (Updated)
Attachment E - Planning Commission Resolution - January 25, 2024
On file with Clerk - Attachment F - Planning Commission Staff Report - January 25, 2024 with Exhibits 1 through 8
On file with Clerk - Attachment G - Draft Program Environmental Impact Report
On file with Clerk - Attachment H - Planning Commission Late Correspondence - January 25, 2024
Attachment I - Response to City of Fresno Comments
On file with Clerk - Attachment J - Errata/Corrections to FPEIR
On file with Clerk - Resolution
On file with Clerk - Ordinance Pertaining to Amendment Application No. 3862
On file with Clerk - Ordinance Pertaining to Amendment to Text Application No. 385
On file with Clerk - Memo
Staff PowerPoint Presentation
Additional Information

CAO ANALYST:

Salvador Espino