

May 7, 2018

AI # 39
5/8/18

To the Clerk to the Fresno County Board of Supervisors:

Attached is a letter from the League of Women Voters of Fresno for Item #39 on the Board agenda for May 8, 2018: the General Plan Annual Progress Report (APR) for calendar year 2017.

Please distribute it as appropriate.

Thank you,

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

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League of Women Voters of Fresno
1345 Bulldog Lane, Ste. 4
Fresno, California 93710

May 7, 2018

Fresno County Board of Supervisors
2281 Tulare Street, Room 301
Fresno, CA 93721

Re: Item No. 39 on the May 8, 2018 Board Agenda: 2017 General Plan Annual Progress Report (APR)

Dear Member of the Board of Supervisors:

The League of Women Voters of Fresno (League) has great respect for the General Plan, seeing it as the County's single most important planning document, a paramount statement of land use values and priorities. Because the Annual Progress Report is a window into how well the Plan is being implemented, the League considers the annual report a planning tool of great importance.

After careful study of the proposed APR for calendar year 2017, the League offers the following comments. The 2017 APR does not demonstrate that the County is achieving General Plan goals or successfully implementation programs in accordance with directives in the General Plan. More specifically, the APR often fails to discuss the essential core attributes of the General Plan programs it purports to address. Additionally, the APR lacks key information included in previous APRs, and the report does not discuss actions undertaken in 2017 that were inconsistent with the General Plan. And finally, there are serious misstatements in County documents concerning the purpose and function of an APR.

1. Misstatement

The League of Voters of Fresno (League) respectfully requests that the County correct a serious reporting error in Planning Commission Resolution No. 12705 regarding a February 22, 2018 meeting between County planning staff and League members. The erroneous statement reads as follows:

"The issues that the League suggested to be addressed in the APR are beyond the Government Code requirements and exceed the OPR's suggested topics to be discussed in the APR."

The issues raised by the League were not beyond Government Code requirements nor did they exceed OPR's suggested topics for an APR.

At the February 22nd meeting with County staff, League members requested that in addition to reporting the "status" of the General Plan that the APR also report County "progress" toward achieving the vision and goals of the Plan. As shown below, the League's request was in line with the Government Code.

Government Code 65400

- "(a) After the legislative body has adopted...a general plan, the planning agency shall do...the following:*
(2) Provide by April 1 of each year an annual report ...that includes all of the following:
(A) The status of the plan and progress in its implementation."

Although the Government Code states that an APR must address both the status of the Plan and the progress toward implementing it, the County has opted to limit its 2017 APR to a report on the status of the Plan, as evidenced by statements found on page 2 of the staff report to the Board, reprinted below.

"Government Code, Section 65400 requires that cities and counties submit an APR on the status of implementation of their General Plans to OPR."

"The purpose of the APR is to inform your Board and the residents of Fresno County about the status of implementing the County General Plan, as well as other planning activities that occurred during the previous calendar year."

Importantly, at the February 22nd meeting, County planning staff made it clear to League members that no County APR will include an analyses of "progress" toward achieving the vision and goals of the General Plan.

Not only was the League's request in line with the Government Code, it also reflected OPR's suggested list of topics to be included in an APR. The League asked that the County include in its 2017 APR two items recommended in an OPR publication entitled *General Plan Annual Progress Report Guidance*: (1) a discussion of "the degree to which the General Plan complies with OPR's General Plan Guidelines" as updated in 2017 and (2) the review of the "implementation of mitigation measures from the General Plan Final Environmental Impact Report," which, by the way, is also as requirement of General Plan Program LU-H.D.

The League is disappointed by the mischaracterization that the issues it brought to the table were beyond Government Code requirements and OPR recommendations, and asks that the Board acknowledge that error.

In light of this error, the League also asks that the Board to review the accuracy of a conclusory statement also found on page 2 of the May 8, 2018 Board staff report, which reads, "The 2017 APR meets the statutory requirements of Government Code, Section 65400, and exceeds the OPR's advisory guidance for preparation of the APR." The 2017 APR does not meet the statutory requirement that the APR include a report on "progress" made in implementing the General Plan, nor does it surpass OPR's advisory guidance. As pointed out by the League, the APR does not incorporate the OPR recommendation for a discussion of the degree to which the General Plan complies with OPR's recently updated general plan guidelines, nor does it incorporate a review of the General Plan's CEQA mitigation measures.

2. Inconsistency

It is well understood that Board decisions must be inconsistent with the General Plan; however, in 2017, the Board deviated from the General Plan in these four ways.

On June 6, 2017, the Board approved an APR for 2016 without including information from the County's groundwater monitoring program, as required by General Plan Program OS-A.C and Policy OS-A.9, a CEQA mitigation measure adopted by the Board on October 3, 2000. (And it's doing it again for the 2017 APR.)

On September 12, 2017, the Board reestablished the County's Economic Development Action Team but did so in a way that contradicted the requirements of Policy ED-A.3.

On October 31, 2017, the Board dissolved the Water Advisory Committee, which is required by General Plan Policy OS-A.5, which is also a CEQA mitigation measure.

And on that same day, the Board voted to continue the suspension of public facilities impact fees – a violation General Plan Policy PF-B.1.

The 2017 APR does not report these departures from the General Plan. The APR should address whether these General Plan inconsistencies have in any way lessened the County's ability to achieve the vision and goals of the Plan, and it should explain why the County chose to violate the General Plan rather than amend it.

3. Omissions

On page 7 of the 2017 APR there is this statement:

"Appendix A provides a discussion of each of the implementation programs of the General Plan and the County's efforts and progress in implementing each of the programs."

While the APR does comment on all 121 programs in the General Plan, very often the comments are not directly applicable or dispositive of the matters under consideration. In other words, the APR frequently fails to discuss the essential components of the programs that are under review and, as a result, cannot discuss progress made toward their implementation. The three examples below are indicative of a problem that exists throughout the APR.

Program ED-A.A requires the County to *"create an economic development staff position"* to oversee economic development. And since it is apparent to everyone that the staff position does not exist, the 2017 APR should have so stated and then noted that the County made no attempt in 2017 to create that position. But rather than do that, the APR discusses matters that are altogether different: the ongoing review of the General Plan and the County's Economic Development Action Team.

Program PF-C.A requires the County to *"develop a process for resolution of water supply problems and apply the process when areas of need are identified."* This is a countywide requirement, and it should be fairly simple for the APR to indicate whether the process has been developed and whether it was applied in 2017. However, instead of doing that, the APR comments at length on two entirely different matters – on a County process for reviewing new development permits and on the County's response to the state's Sustainable Groundwater Management Act. Clearly, the APR does not address the General Plan process for resolving water supply problems – if the process exists.

Program LU-A.F is a tall order. It requires the County, in cooperation with UC Cooperative Extension, resource conservation districts and other industry agencies to develop and implement a public outreach program that informs agriculturists and the public of the advantages of participating in programs that conserve farmland, such as land trust agreements, conservation easements, dedication incentives, Williamson Act contracts and Farmland Security Act contracts. However, the 2017 APR doesn't mention an outreach program at all. Instead, it merely reports that the Board approved one conservation easement in 2017.

The 2017 APR is replete with omissions such as these. The League feels the cause may be the fact that many of the programs required by the General Plan either do not exist or are being implemented in a manner that's in opposition to directives in the General Plan.

4. Erasure

For the most part, the form and content of the County's APRs have remained the same from year to year. That said, the 2017 APR is unusual in the kind of subject matter that was not carried over from the 2016 APR.

Deleted from the 2017 APR is a section in previous APRs titled "Summary of Programs Delayed," which lists programs the County has not been able to implement. Also missing is the discussion in previous APRs as to why implementation has been delayed.

Deleted also is all references to the County being currently engaged in a "Five-Year" Review of the General Plan. Printed below are sections from the 2016 APR that were copied into the 2017 APR, but with the elimination of all reference to the ongoing Five-Year Review.

"Key planning efforts that were initiated and/or continued in 2017 include:

- *General Plan ~~Five-Year~~ Review."*

"In June 2006, the Board of Supervisors directed staff to initiate a ~~the Five-Year~~ Review of the General Plan Policy document along with the comprehensive update of the Zoning Ordinance. The purpose of the ~~Five-Year~~ General Plan Review was to evaluate the goals, policies and implementation programs of all the General Plan Elements...."

"On September 22, 2015 the Board of Supervisors accepted the scope of work and authorized the Chairman to execute a Consultant Agreement with the consulting firm of Mintier-Harnish to provide planning and environmental consulting services for the preparation of an Environmental Impact Report (EIR) for the General Plan ~~Five-Year~~ Review and Comprehensive Zoning Ordinance Update."

The League feels that the removal of this information is an attempt by the County to change the history of the review of the General Plan. Not mentioned in the 2017 APR is the fact that for all of 2017, the County removed from its website information that the County was engaged in a Five-Year Review of the General Plan. Then when the web information was restored in January 2018, it became apparent that the Five-Year review had transformed itself into a comprehensive update of the General Plan with a new 2020-2040 timeframe. In recognition of this fact, the County has removed from the 2017 APR all mention of the Five-Year Review. Unfortunately, the County has not replaced it with information that the County is now engaged in an update of the Plan.

In summary, the League finds the 2017 APR inadequate as a reporting document and requests that the Board take the following action prior to adopting it: (1) acknowledge that the League did not request that the APR address issues beyond Government Code requirements or OPR's suggested topics for inclusion in an APR, (2) add to the APR a discussion of the progress made toward implementing the General Plan, (3) discuss the effect that departure from the requirements of the General Plan may have had on the County's ability to successfully implement the Plan and (4) revise the APR so that it discusses the core attributes of each and every General Plan program.

Thank you for the opportunity to comment.

Sincerely,



Marianne Kast, President
fourkasts@gmail.com

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RECEIVED
MAY 07 2018

CLERK, BOARD OF SUPERVISORS

IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA

NOTICE OF PUBLIC HEARING FRESNO COUNTY BOARD OF SUPERVISORS

THE 2017 Fresno County General Plan Annual Progress Report

DATE AND TIME:

May 8, 2018 at 9:00 a.m.

DECLARATION OF PUBLICATION (2015.5 C.C.P.)

MISC. NOTICE

STATE OF CALIFORNIA

COUNTY OF FRESNO

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of **THE BUSINESS JOURNAL** published in the city of Fresno, County of Fresno, State of California, Monday, Wednesday, Friday, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of March 4, 1911, in Action No.14315; that the notice of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

APRIL 20, 2018

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Fresno, California,

APRIL 20, 2018

ON

Sharon Harrold

NOTICE OF PUBLIC HEARING FRESNO COUNTY BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the County of Fresno will hold a public hearing to consider the following:

The 2017 Fresno County General Plan Annual Progress Report

The Board of Supervisors will consider adopting a Resolution to accept the APR and authorize submittal of the APR to the State Office of Planning Research (OPR) and Housing and Community Development (HCD).

The public hearing will be held at 9:00 a.m. on May 8, 2018 (or as soon thereafter as possible) in Room 301, Hall of Records, Tulare & "M" Streets, Fresno, CA.

The Agenda and Staff Report for the Board of Supervisors Hearing will be posted on the Fresno County Board of Supervisors website on the Friday prior to the hearing date.

The 2017 General Plan Annual Progress Report is available for review on the Fresno County website at <http://www.co.fresno.ca.us/home/showdocument?id=23455>

For more information contact **Mohammad Khorsand** at the Department of Public Works and Planning - Policy Planning Unit at (559) 600-4022, or by email at mkhorsand@co.fresno.ca.us.
04/20/2018