



# Board Agenda Item 8

DATE: August 20, 2024

TO: Board of Supervisors

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

SUBJECT: General Plan Amendment Application No. 574; Amendment Application No. 3867  
(Applicant: County of Fresno, Department of Public Works and Planning)

RECOMMENDED ACTION(S):

- 1. Approve General Plan Amendment No. 574 re-designating an approximately 20-acre parcel (gross acreage) from Agriculture to Rural Residential with a five-acre minimum parcel size and include this parcel within the area identified by General Plan Policy LU-E.24 and General Plan Figure LU-4; and**
- 2. Adopt Resolution approving General Plan Amendment Application No. 574 as the second General Plan Amendment of the Agriculture and Land Use Element of the Fresno County General Plan for 2024.**
- 3. Approve Ordinance pertaining to Amendment Application No. 3867 thereby rezoning the subject 20-acre parcel from the AE-20 (Exclusive Agricultural; 20-acre minimum parcel) Zone District to the AL-20 (Limited Agricultural; 20-acre minimum parcel) Zone District; and**
- 4. Determine that the Recommended Actions 1 through 3 are exempt from the California Environmental Quality Act (CEQA) and direct staff to file a Notice of Exemption with the Fresno County Clerk's Office and the State of California Office of Planning and Research State Clearing House; and**
- 5. Designate County Counsel to prepare a fair and adequate summary of the proposed ordinance and direct the Clerk of the Board to post and publish the required summary in accordance with Government Code Section 25124(b)(1).**

**The subject parcel is located on the west side of Auberry Road approximately 1,205 feet north of its intersection with Reno Avenue, and 1.1 miles northeast of the nearest city limits of the City of Fresno (APN: 300-320-19S) (Sup. Dist. 5).**

This item comes before your Board with a recommendation for approval from the Planning Commission (6 to 2, one commissioner absent) 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 A. This item pertains to a location in District 5.

ALTERNATIVE ACTION(S):

If your Board determines that proposed General Plan Amendment (GPA) No. 547 and Rezoning (AA) No.

3867 are not consistent with the County General Plan, a motion to deny GPA No. 547 and concurrent AA No. 3867 would be appropriate.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. Cost for the preparation of the amendments and this agenda item is a Net County Cost accounted for within the Department of Public Works and Planning Org 4360 FY 2023-24 Adopted Budget.

There is no Net County Cost associated with the recommended actions.

DISCUSSION:

A GPA and rezoning are legislative actions requiring final approval by your Board. If approved both would become effective 30 days after adoption.

*Background*

At the February 20, 2024 Board Hearing which adopted the General Plan Review and Comprehensive Zoning Ordinance Update and certified the Final Program Environmental Impact Report No. 6245 (SCH No. 2018031066) for the project, your Board took testimony from individuals who requested the inclusion of an approximate 17.75-acre (20 acres gross) parcel into the Reno, Garonne, Willow Bluff Rural Residential Area identified by General Plan Policy No. LU-E.24 and Figure LU-4.

Representatives of the owner of the subject parcel cited concerns regarding split zoning due to a portion of the property owner's land (APN: 300-320-18S) being included in the 481-acre area while the 20-acre subject parcel was omitted.

Following public testimony, your Board included in its motion approving the General Plan Review and Comprehensive Zoning Ordinance Update the addition of the 20-acre parcel into the area identified by Policy LU-E.24 and LU-4. Your Board directed staff to return with a separate action to include this area for potential future Rural Residential five-acre development and rezone the subject parcel from the AE-20 (Exclusive Agricultural; 20-acre minimum parcel) Zone District to the AL-20 (Limited Agricultural; 20-acre minimum parcel) Zone District.

A future property-owner/applicant-initiated rezoning would be necessary to change the property's zoning designation to allow a nonagricultural use or to designate it as rural residential (RR-5), even if your Board approves the current actions recommended by the Planning Commission.

On June 27, 2024, the Planning Commission considered GPA No. 574 and AA No. 3867. A copy of the Department staff's staff report to the Planning Commission is provided as Attachment B. After receiving Department Staff's presentation and considering public testimony from the representatives of the property owner in support of the proposal, and testimony from one member of public speaking in opposition to the proposal citing potential future parcellation of the area and impacts to ground water resources, the Commission voted in favor of forwarding to your Board approval of the proposed general plan amendment and rezoning request. Staff notes that 31 property owners within a quarter mile of the subject property were provided notice of both the Planning Commission hearing and the hearing before your Board.

If your Board determines that the proposed GPA and rezoning is consistent with the County's General Plan, it would be appropriate to make a motion approving staff's finding as outlined in the Recommended Action.

*California Environmental Quality Act (CEQA) Determination*

Staff prepared an Environmental Review (ER No. 8566) for GPA 574 and AA 3867, and determined the

approval of the recommended actions are exempt from CEQA based on the following:

1. Section 15162(a) of the CEQA Guidelines provides that when an Environmental Impact Report has been certified or a Negative Declaration or a Mitigated Negative Declaration adopted for a project, no subsequent CEQA document shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more key circumstances have occurred.

On February 20, 2024, the Final Program Environmental Impact Report (State Clearing House No. 2018031066) was adopted by the Board of Supervisors in accordance with CEQA as part of approval of the General Plan Review and Comprehensive Zoning Ordinance Update.

The current proposal implements Board direction to incorporate a relatively small area of land (less than 20 net acres) currently designated for agriculture into the Reno, Garonne, Willow Bluff Rural Residential Area identified by General Plan Policy No. LU-E.24 and Figure LU-4 in the County-adopted General Plan. The land is both adjacent to the designated area and under identical ownership as property immediately adjacent to the south.

2. The recommended actions are exempt from CEQA under 14 CCR 15061(b)(3) as they lack the potential for causing a significant effect on the environment, because the recommended actions represent a comparatively small addition to the designated area, which was considered during public testimony at the February 20, 2024 Board hearing at which no objection to its inclusion was raised, and this request was circulated to reviewing agencies which did not identify significant environmental impacts which could result from the inclusion of the property. Further, the rezoning and redesignation of the property will not permit additional subdivision unless a subsequent rezoning is approved, which will be a separate discretionary action also subject to CEQA.

The Department will file a notice of exemption as provided by 14 CCR 15062.

#### Conclusion

If your Board determines that the proposed GPA and rezoning are not consistent with the County General Plan, a motion to deny both GPA No. 547 and AA No. 3867 would be appropriate, stating in the motion to deny the reasons for the inconsistency.

#### REFERENCE MATERIAL:

BAI# 6, February 20, 2024

#### ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - B

On file with Clerk - Resolution

Ordinance

On file with Clerk - Ordinance Summary

#### CAO ANALYST:

Salvador Espino