



Board Agenda Item 15

DATE: March 28, 2023

TO: Board of Supervisors

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

SUBJECT: 2022 General Plan Annual Progress Report

RECOMMENDED ACTION(S):

Consider and Adopt Resolution accepting the 2022 General Plan Annual Progress Report and authorize the Department of Public Works and Planning to submit the 2022 Annual Progress Report to the Governor's Office of Planning and Research and the California Department of Housing and Community Development.

Approval of the recommended action will accept the 2022 General Plan Annual Progress Report (APR), and authorize staff with the Department of Public Works and Planning (Department) to submit the APR to the Governor's Office of Planning and Research (OPR) and the California Department of Housing and Community Development (HCD). The General Plan APR informs your Board regarding implementation of the policies and programs of all elements (including the Housing Element) of the General Plan during the 2022 calendar year. The APR is due to OPR and HCD by April 1st of each year.

The item comes to your Board with a recommendation for acceptance by the Planning Commission (Commission). The summary of the Commission's February 23, 2023 action is included as Attachment A. The Commission's Staff Report is included as Attachment B, which includes as an attachment the entire 2022 APR. This is a countywide item.

ALTERNATIVE ACTION(S):

Your Board may determine not to accept the APR and direct Department staff to modify the report with specific direction regarding those modifications and return to the Board for reconsideration. As stated above, the APR is due to the OPR and the HCD by April 1st of each year.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action.

DISCUSSION:

Government Code section 65300 et. Seq. requires that cities and counties prepare and adopt a comprehensive, long-term General Plan to guide the physical development of their jurisdictions. The Fresno County General Plan was adopted in October 2000 to guide development of land and accommodate growth while preserving the County's natural resources. As the basis for local government decision making, the General Plan includes goals and policies which guide the analysis of all projects including County initiated projects and those initiated by the public. Actions taken by the decision-making bodies must be consistent

with the General Plan policies.

Government Code section 65400 requires that the County prepare an APR annually to address several statutorily enumerated topics. Among other things, the General Plan APR is required to address implementation of the General Plan for the previous calendar or fiscal year and to inform the legislative body and public of the progress in implementing the General Plan policies. The Housing Element part of the APR fulfills statutory requirements to report certain housing related activities, including the housing development applications submitted and total units that were approved or denied, report on housing units approved for various income groups, and the County's progress toward meeting its share of the Regional Housing Needs Allocation (RHNA) for the Fifth-Cycle update. Staff has combined reporting on the General Plan and the Housing Element into a single document. The 2022 General Plan APR is included as part of Attachment B.

The 2022 APR provides a summary of notable land use activities for the calendar year including a summary of discretionary land use permits processed in 2022, the status of large-scale projects and ongoing planning activities, a status of General Plan program implementation activity, and responses to State-mandated reporting on the County's Housing Element. The APR has been prepared in conformance with County General Plan Policy LU-H.12, which requires the County to review the General Plan annually and revise it as deemed necessary.

The OPR's updated General Plan Annual Progress Report Guidance (October 6, 2022) is provided to assist local governments with the development of the APR and states that their guidance is intentionally general to allow maximum flexibility in the form and content of APRs. The guidance includes suggested topics to be included in the APR but states that each jurisdiction should determine what locally relevant issues are important to include in the APR. Although the County need not follow the OPR's guidance as if were law, County staff did utilize the guidance in the preparation of the 2022 APR.

There are two appendices attached to the 2022 APR, with one providing status of implementation of the Housing Element prepared per HCD's requirements.

The 2022 APR meets the statutory requirements of Government Code Section 65400 and those of Fresno County General Plan Program LU-H.D. The Housing Element part of the APR provides the status of implementation of the Housing Element programs, including progress toward meeting the County's share of the Fifth-Cycle update RHNA.

Planning Commission Hearing and Action

The 2022 APR was presented to the Commission on February 23, 2023. During the Commission hearing, a member of the public submitted ("commenter") correspondence dated February 23, 2023, which was distributed to the Commission detailing purported APR non-compliance. A copy of this correspondence is included as Attachment C. Commenter also provided an oral statement to the Planning Commission.

Following the commenter's statement, the Planning Commission voted unanimously to approve a resolution (Attachment A) recommending that your Board accept the 2022 APR.

Staff's Responses to Public Comments

The written correspondence provided by commenter criticizes discussion in the APR relating to several General Plan programs and asserts that the County is out of compliance with the requirements of California Assembly Bill No. 170 (AB 170). During his presentation before the Commission, commenter cited these as examples of program reporting in the APR that do not address the status of implementation. The commenter's criticism appears to be based on a belief that section 65400, subdivision (a)(2)(F), of the Government Code requires the County to compile a comprehensive laundry list of each way in which the 2000 General Plan does not meet the OPR Guidelines. Commenter's criticism was similar to his criticism made of the 2021 APR presented to the Board last year.

AB 170, signed into law in 2003, requires local governments within the San Joaquin Valley Air Pollution Control District to amend certain general plan elements to address feasible implementation strategies to improve air quality with a mandated timeline for completion no later than one year from the next revision of the jurisdiction's Housing Element. While some provisions of AB 170 were not incorporated in the 2000 General Plan, the APR is not deficient for lacking separate reference to AB 170. Furthermore, the Environmental Impact Report (EIR) being prepared for the General Plan Review project will address both AB 170 and subsequent laws related to air quality.

Another criticism made by commenter is that the County has not developed a groundwater monitoring program per General Plan Program OS.A-C and provide annual updates to the Board. It is correct that a comprehensive program has not been developed, in part because legislation passed by the state following adoption of the 2000 General Plan, namely the Sustainable Groundwater Management Act, imposed new statewide regulations and requirements for groundwater monitoring, obviating local programs like the one contemplated in Program OS.A-C. Staff proposes deletion of Program OS.A-C in the Draft General Plan Policy Document as part of the General Plan Review. In its place are policies and that require coordination with Groundwater Sustainability Agencies and other water resource management agencies to identify and protect lands sustainable for groundwater recharge.

The last criticism of the current and prior APRs is that the report did not include a mitigation monitoring program for the General Plan. As staff has explained in the responses to APR criticism from prior years, the Environmental Impact Report (EIR) prepared for the 2000 General Plan stated that the 2000 General Plan is "self-mitigating." Specifically, the County adopted a "Program" EIR, which was not intended to provide project-specific analysis for individual development proposals, although future projects may tier off of information in the EIR. Therefore, because all non-exempt discretionary development proposals and other projects must individually satisfy the California Environmental Quality Act and because the 2000 General Plan itself is self-mitigating, the 2022 APR meets the requirements of Program LU-H.D without the need for additional discussion.

SUMMARY

Staff has determined that the APR satisfies the requirements of Government Code, Section 65400 regarding APR preparation and the Fresno County General Plan Program LU-H.D. to serve as mitigation monitoring under Public Resources Code Section 21081.6. The 2022 APR details the continued implementation of 122 General Plan programs as well as implementation of the programs of the Housing Element.

REFERENCE MATERIAL:

BAI #16, March 22, 2022
BAI #10, March 23, 2021
BAI #15, November 24, 2020
BAI #16, June 4, 2019
BAI #39, May 8, 2018
BAI #49, June 6, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A - C
On file with Clerk - Resolution

CAO ANALYST:

Salvador Espino