



Board Agenda Item 11

DATE: March 19, 2024

TO: Board of Supervisors

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

SUBJECT: 2023 General Plan Annual Progress Report

RECOMMENDED ACTION(S):

Consider and Adopt Resolution accepting the 2023 General Plan Annual Progress Report (APR) and authorize the Department of Public Works and Planning to submit the 2023 APR 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 2023 General Plan Annual Progress Report (APR) and will authorize staff with the Department of Public Works and Planning (Department) to submit the 2023 APR to the Governor's Office of Planning and Research (OPR) and the California Department of Housing and Community Development (HCD). The 2023 APR informs your Board regarding implementation of the policies and programs of all elements (including the Housing Element) of the General Plan during the 2023 calendar year. The 2023 APR is due to OPR and HCD by April 1, 2024.

This item comes to your Board with a recommendation for acceptance by the Planning Commission (Commission). The summary of the Commission's February 8, 2024, action is included as Attachment A and the Commission's staff report is included as Attachment B.

Prior to the February 8, 2024, Planning Commission hearing but subsequent to the finalization of the February 8, 2024, Planning Commission staff report, Department staff discovered the following errors in the 2023 APR:

- Incorrect page numbering within the report body.
- Reporting on Environmental Impact Report (EIR) 5481 (Friant Ranch) states "*The recirculated Final EIR is anticipated to be completed and presented to the Planning Commission in May of 2023*" whereas this reporting should state "*The recirculated Final EIR is anticipated to be completed and presented to the Board of Supervisors in 2024*".

These errors appear in the 2023 APR included with the February 8, 2024, Planning Commission staff report as Exhibit 1; however, these errors have been corrected and the corrected 2023 APR is included with this agenda item as Attachment C.

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 OPR and HCD by April 1, 2024.

FISCAL IMPACT:

There is no 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 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 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 2023 APR is included in Attachment B (Planning Commission Staff Report) as Exhibit 1.

The 2023 APR provides a summary of notable land use activities for the calendar year including a summary of discretionary land use permits processed in 2023, 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 General Plan Annual Progress Report Memorandum last updated on 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 OPR's General Plan Annual Progress Report Memorandum includes suggested content to be included in the APR, but states that each jurisdiction should determine what locally relevant issues are important to include in their respective APRs. Although the County need not follow the OPR's guidance as law, County staff did utilize the OPR's General Plan Annual Progress Report Memorandum as guidance in the preparation of the 2023 APR.

There are two appendices attached to the 2023 APR. Appendix A provides the status of General Plan program implementation and Appendix B provides the status of Housing Element program implementation, including progress toward meeting the County's Fifth-Cycle RHNA obligation.

The 2023 APR meets the statutory requirements of Government Code Section 65400 and those of Fresno County General Plan Program LU-H.D.

Planning Commission Hearing and Action

The 2023 APR was presented to the Planning Commission on February 8, 2024. During the February 8, 2024, Planning Commission hearing, Department staff informed the Commission of the errors in the 2023

APR provided to them for that hearing. As previously stated in this agenda item, these errors have been corrected and the corrected 2023 APR is included with this agenda item as Attachment C.

During the February 8, 2024, Planning Commission hearing, a member of the public submitted a letter to the Commission dated February 8, 2024, asserting that the 2023 APR does not comply with State law and the County General Plan. The February 8, 2024, letter, which is included with this agenda item as Attachment D, also states that the 2023 APR should include reporting on 2000 General Plan EIR mitigation monitoring, and the 2023 APR presents an inaccurate assessment of General Plan compliance.

The author of the February 8, 2024, letter addressed the Commission and reiterated the statements made in that letter regarding APR noncompliance and reporting on 2000 General Plan EIR mitigation monitoring. The speaker also expanded on discussions within the letter regarding ways to revise the 2023 APR to more explicitly disclose and explain inactivity in the implementation of General Plan policies and programs. The speaker further requested that Department staff implement these changes and return a revised 2023 APR to the Commission for further consideration at a later date.

Following the speaker's statements, the Commission discussed the use of the word "ongoing" as a descriptor for General Plan program status and recommended that the Board of Supervisors consider directing Department staff to revise the 2023 APR to clearly state whether activity occurred for a program rather than stating "ongoing".

Following the Commission's discussion, the Planning Commission voted four to one (three Commissioners absent) to approve a resolution recommending that your Board accept the 2023 APR, noting that the Planning Commission recommends that the comments from the public and the Commission be relayed to the Board and that the APR be revised to clearly state whether activity occurred for a program rather than stating "ongoing" as the status descriptor. The Planning Commission's resolution is included with this agenda item as Attachment A.

Other Public Comments

On January 23, 2024, a member of the public submitted a letter to Department staff that offered critiques of previous Fresno County APRs and made specific requests for the 2023 APR. That written correspondence, which is attached to the Planning Commission staff report as Exhibit 2, was also submitted to the Fresno County Planning Commission by the same member of the public on January 25, 2024. Regarding the requests made within the written correspondence, the author requests that the 2023 APR include the following:

- The degree to which the County's General Plan complies with Government Code Section 65400 (i.e. California law requiring APRs).
- Full disclosure of the County's ability/inability to fully implement General Plan programs.
- Comprehensive report on the implementation of mitigation measures adopted in 2000 to lessen the adverse effects of buildout under the General Plan.

Regarding the request for the 2023 APR to state the degree to which the County's General Plan complies with Government Code Section 65400, staff acknowledges that Government Code Section 65400(a)(2)(F) states "*Provide by April 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development that includes...The degree to which its approved general plan complies with the guidelines developed and adopted pursuant to Section 65040.2 and the date of the last revision to the general plan.*" However, Government Code Section 65040.2(c) states "*The guidelines shall be advisory to each city and county in order to provide assistance in preparing and maintaining their respective general plans.*" Further, the degree of general plan compliance can be ascertained by considering all the analysis and data within the APR as a whole. Regarding the date of the latest general plan revision, the County is currently working on a comprehensive review of the General Plan that will result in significant revisions to the General Plan. The General Plan Review and Zoning

Ordinance Update is discussed within the 2023 APR under the subsection titled "General Plan Review and Zoning Ordinance Update Process".

Regarding the request for the 2023 APR to fully disclose the County's ability and inability to implement General Plan programs, individual analysis of each general plan program and each housing element program are included in Appendixes A and B of the 2023 APR, respectively.

Regarding the request for a comprehensive report on the implementation of general plan mitigation measures adopted in 2000, there is no single document (e.g. mitigation monitoring report) that demonstrates implementation of the 2000 General Plan Environmental Impact Report (EIR) mitigation measures. The EIR prepared for the 2000 General Plan was a Program EIR and as stated in the 2000 EIR, *"The analysis of environmental impacts is, by necessity, general in nature. It is not intended to provide project-specific analysis for individual projects, although future projects may tier off of information in this EIR."* (2000 General Plan EIR, p. 1-4.) In addition, *"The General Plan is intended to be self-mitigating; it assumes impacts identified in this EIR would generally be mitigated through adopted federal, State and local laws and regulations, through the implementation of the identified General Plan policies for unincorporated areas of the County, or some combination thereof, rather than through measures independent of the General Plan"*. (*Ibid.*)

In addition to implementation of General Plan policies and programs, all discretionary projects are assessed for potential environmental impacts according to the California Environmental Quality Act (CEQA). If impacts on the environment are determined to be potentially significant, mitigation measures are imposed to bring the potential impacts to a less than significant level. For certain projects that may cause significant unavoidable impacts, those impacts must be overridden by the decision-making body as part of the EIR process through a Statement of Overriding Considerations.

Since the certification of the 2000 EIR, the County has processed hundreds of discretionary projects for which initial studies required some form of mitigation. Reference to the mitigation monitoring and reporting program matrices for these discretionary projects may assist in the review of the effectiveness of the implementation of the 2000 EIR mitigation measures.

SUMMARY

Staff has determined that the 2023 APR satisfies the requirements of Government Code, Section 65400 regarding APR preparation and Fresno County General Plan Program LU-H.D to serve as mitigation monitoring under Public Resources Code Section 21081.6. The 2023 APR details the continued implementation of General Plan programs and Housing Element programs.

REFERENCE MATERIAL:

BAI #15, March 28, 2023
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:

Attachments A - D
2023 APR Presentation
On file with Clerk - Resolution

CAO ANALYST:

Salvador Espino