



Inter Office Memo

ATTENTION: FOR FINAL ACTION OR MODIFICATION TO OR ADDITION OF CONDITIONS. SEE FINAL BOARD OF SUPERVISORS' ACTION SUMMARY MINUTES

DATE: January 25, 2024

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 13026 – FRESNO COUNTY GENERAL PLAN REVIEW (GENERAL PLAN AMENDMENT NO. 529 AND AMENDMENT APPLICATION NO. 3862), COMPREHENSIVE ZONING ORDINANCE UPDATE (AMENDMENT TO TEXT NO. 385), FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 2018031066) AND RELATED DOCUMENTS.

APPLICANT: County of Fresno Department of Public Works and Planning

REQUEST: Recommend the Board of Supervisors:

1. Certify that the Program Environmental Impact Report (PEIR) prepared for the Fresno County General Plan Review and Comprehensive Zoning Ordinance Update, as complete and adequate in conformance with the California Environmental Quality Act (CEQA), including the following:
 - a. That the Final PEIR (FPEIR) was presented to, reviewed, and considered by the Planning Commission.
 - b. That the recommendation to certify the FPEIR reflects the Planning Commission's independent judgement.
 - c. That it is the Planning Commission's recommendation to adopt the CEQA Findings of Fact and Statement of Overriding Considerations, approve the Mitigation Monitoring and Reporting Program included as Exhibits 2 and 3, and certify the Environmental Impact Report (SCH No. 2018031066) prepared for the proposed project.

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2. Recommend that the Board of Supervisors approve General Plan Amendment (GPA) No. 529 relative to changes to the text and graphics of the General Plan Policy Document including modifications, deletion or addition of policies and programs; and
3. Recommend that the Board of Supervisors accept the revised General Plan Background Report; and
4. Recommend that the Board of Supervisors approve Amendment Application No. 3862 rezoning a 481-acre area 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; and
5. Recommend that the Board of Supervisors approve Amendment to Text No. 385 adopting the Comprehensive Update to the Fresno County Zoning Ordinance.

LOCATION: Countywide

PLANNING COMMISSION ACTION:

At its hearing of January 25, 2024, the Commission considered the Staff Report and testimony (summarized in Exhibit A). A motion was made by Commissioner Woolf and seconded by Commissioner Quist to approve staff's recommended actions, except that the Commission recommended, with regard to GPA No. 529, the removal of proposed General Plan Policy LU-E.25 (State Route 180/Trimmer Springs Road Special Study Area) and the replacement of Figure TR-2 (Rural Bikeways Plan) with a revised figure as presented by staff.

The motion to recommend approval passed on the following vote:

VOTING:	Yes:	Commissioners Woolf, Quist, Abrahamian, Arabian, Hill, and Zante
	No:	None
	Absent:	Commissioners Carver and Chatha
	Abstain:	None

STEVEN E. WHITE, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

T.W. By: 
Chris W. Motta, Manager
Development Services and Capital Projects Division

NOTES:

CM:cwm:jp
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Attachments

EXHIBIT A

Final Program Environmental Impact Report (SCH No. 2018031066)
General Plan Amendment No. 529
Amendment Application No. 3862
Amendment To Text No 385

Commission: The Fresno County Planning Commission considered the Staff Report dated January 25, 2025, and heard a summary presentation by staff.

Staff: County staff made a presentation describing the project. In their presentation staff distributed a corrected Exhibit 6 to the Planning Commission staff report and presented an updated Figure TR-2 (Rural Bikeways Plan) to replace the current figure in the General Plan Policy Document. During the presentation staff also offered the following information to clarify the County's effort:

- The project extends the General Plan planning period from 2000 to 2042 while retaining the major themes of the 2000 General Plan and addresses recent legislative changes.
- A new Environmental Justice Element has been included in the General Plan which reflects collaborative engagement and coordination between County staff and the State Department of Justice Attorney General's Office.
- The Safety Element was revised based on recommendations from the County's consultant, data from the Climate Vulnerability Assessment, and comments received from Cal Fire staff; on May 9, 2023 the Safety Element was presented to the California Board of Forestry pursuant to state law (GC §65302.5), which was accepted without requests for additional changes.
- The Zoning Ordinance will be reformatted to incorporate user-friendly tables, diagrams, and graphics; it will also include changes to minimize potential impacts to sensitive receptors and disadvantaged communities.
- Changes to the Zoning Ordinance will address state-mandated requirements and expand potential locations for emergency shelters; and allow for additional flexibility for Director's determinations and temporary use permits.
- Since 2018 staff has conducted or participated in thirty meetings or workshops related to the project at locations throughout the County; following the April 28, 2023 release of the project documents, staff held seven community workshops at various locations throughout the County including two Environmental

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Justice workshops within unincorporated disadvantaged communities.

- The Special Study areas noted in the General Plan Policy Document do not grant any land use entitlement; these study areas merely identify areas for future study/potential land use application based on Board direction.

Others:

Seven individuals provided testimony expressing comments or concerns with the project:

- A member of the public expressed concern regarding proposed General Plan Policy LU-E.25 which would establish a special study Area north of State Route 180 near Trimmer Springs Road and the Kings River. The speaker stated that her property and her neighbors' properties are restricted by the Williamson Act and that lands designated as farmland should be protected. She questioned how infrastructure would be provided to new urban areas encroaching onto agricultural land, and expressed concern about increasing urbanization in the County, loss of agricultural land and harm to wildlife.
- A speaker representing the Central Valley Partnership and the local chapter of the Sierra Club acknowledged that the project has been a long process, and although there are some minor positive changes with the latest documents, there are a number of deficiencies, particularly related to Policy LU-A.23, which he believed does not protect farmland, and it is uncertain how some of the preservation options may be implemented. The county is making the minimum effort to comply with state law.
- An individual representing El Rio Reyes Conservation Trust stated that the special study area described in Policy LU-E.25 seems to be in opposition to the rest of the General Plan in terms of farmland preservation. Development would be inconsistent in a riparian area along the Kings River that predominantly has low intensity development, open space, and environmentally sustainable agriculture, and could cause a loss of wildlife habitat, agricultural resources and flood water areas. There would need to be a thorough analysis and mitigation of any potential project. A college that is not focused on the agricultural area is incompatible. He offered his assistance to the County as a partner in future efforts.
- A representative of Leadership Counsel for Justice and Accountability stated that their organization has been monitoring this process for many years. They have submitted their most recent comments along with prior comments provided last year

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during the public review period. In reviewing the responses to comments, they believe the County can still enact positive changes in the years to come if their feedback is truly incorporated. The speaker cited SB 379 as an example in which the County could do more to address climate change. She stated the communities they work with are already experiencing climate change through droughts, extreme heat wildfires and flooding and there is an urgent need to address these threats before 2042. The speaker asked that the County commit to four community priorities which would result in approval of a general plan that serves all residents in the County without continuing to leave disadvantaged communities behind: 1) updating land use and zoning policies prevent further concentration of industrial facilities in overburdened communities; 2) adopt strict development standards for industrial development; 3) allocate local funds and apply for state and federal funds to help address at least one infrastructure project for a disadvantaged community every two years; and 4) implement policies that addresses SB 1000 requirements in disadvantaged communities to aid in creating programs and goals that can be fulfilled with the next five years.

- The president of the Kings River Conservancy spoke about their continued goals of education and public access for the river, not elite public access, but public access to disadvantaged populations through educational programs. Protection of tribal resources along the river and to provide access and preservation. She stated that Policy LU-E.25 will be key on their minds. They want to work carefully to remain a resource and add their voices to the other resources.
- A member of the public provided his understanding of the project and stated his belief that the General Plan is being gutted, deleting several programs and policies while extending the planning horizon by forty years. Several Economic Development policies and requirements for periodic evaluation are being deleted as is a policy to consider preparation of a regional plan for the Friant-Millerton area and deletion of a program to engage cities and adjacent counties to address planning and growth issues. Also missing are indicators and estimates for the cost for implementation. The County is deferring the update of community and regional plans, and the revisions to Policy LU-A is an invitation to urban sprawl. The speaker stated the new policy to protect agricultural land is weak and practically useless. The speaker criticized public engagement in the process and concluded with the following four requests: 1) hold a series of town hall meetings as was done with the 2000 General Plan Update; 2) determine how close this project is from being a plan update and if close, proceed with the update process; 3) delay adoption of the revised plan until you have a complete, thorough, transparent General Plan Annual Progress Report that explains

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how well the plan is being implemented and demonstrates how the plan is non-compliant with state law, 4) require staff to prepare a single redline version of all the General Plan Policy Document changes since 2000.

- A representative from the City of Fresno's Planning and Development Department stated that this effort is of extreme importance, acknowledged the County's receipt and response to their June 27, 2023 letter, and requested that an October 24, 2023 comment letter submitted after the 60-day comment period with further comments on the EIR be submitted into the record. The October 24th letter contained additional comments regarding the project description, using policies as mitigation, and provides comments on various EIR topics and alternatives.

Correspondence: Five letters were submitted to the Commission, two from public advocacy organizations, two from an individual who spoke at the hearing and one from the City of Fresno which included an October 24, 2023 letter as an attachment. Representatives from four of the five letter writers provided testimony at the hearing which either summarized or closely matched the contents of their letters.

One organization, Sequoia Riverlands Trust, did not have a speaker present at the hearing, but in their January 22, 2024 letter they referred to a June 27, 2023 letter they submitted on the DPEIR, and cited concerns regarding changes to General Plan Policy LU-A.1, which they believe would weaken agricultural protection, and requested strengthening Policy LU-A.17 regarding acceptance of Williamson Act Contracts. They expressed gratitude to the County for the addition of Policy LU-A.23 but encouraged the County to strengthen it with 1:1 mitigation. Their letter concluded with a suggestion that the County consider if it has the resources to manage conservation easements and provided two examples from the cities of Tulare and Visalia as methods of administering conservation easements and crafting agricultural preservation ordinances.