



Board Agenda Item 8

DATE: September 21, 2021

TO: Board of Supervisors

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

SUBJECT: General Plan Review and Zoning Ordinance Update Report

RECOMMENDED ACTION(S):

1. **Provide direction to staff regarding its recommendations relating to public requests in response to the County's recent release of the Draft General Plan Background Report, Policy Document, and Zoning Ordinance Update for public review, including recommendations to identify approximately 7,000 acres generally located north of the State Route 180/Trimmer Springs Road interchange for future study of mixed educational/residential uses, and to further explore the extension of the lifespan of conditional use permits authorized within County approved specific plan areas; and**
2. **Determine that approval of Recommended Action No. 1 is exempt from the requirements of the California Environmental Quality Act, Public Resources Code 2100, et seq., and direct staff to file a Notice of Exemption with the Office of the Fresno County Clerk.**

The Department of Public Works and Planning is seeking your Board's direction whether to include requests proposing (1) potential future development generally located north of the State Route 180/Trimmer Springs Road interchange area, (2) add provisions to the County's Draft Zoning Ordinance Update relating to the timeline for implementation of conditional use permits within County adopted specific plan areas, (3) preparation of a proposed Squaw Valley Community Plan, and (4) prioritize the review and updates to planning documents relevant to the Shaver Lake community. This item is countywide.

ALTERNATIVE ACTION(S):

This item is requesting Board direction only.

FISCAL IMPACT:

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

DISCUSSION:

On April 14, 2020, the Board of Supervisors approved a Revised Scope of Work for the General Plan Review and Zoning Ordinance Update, as well as an update of the General Plan Background Report and preparation of a Program Environmental Impact Report (PEIR) and executed a contract with the consulting firm Mintier-Harnish to pursue the project.

Since execution of the contract in April 2020, the following documents have been prepared and or updated in

accordance with the Revised Scope of Work for the General Plan Review and Zoning Ordinance Update:

- Administrative Draft Revised General Plan Background Report which addresses demographics, employment, land use, community character, housing, transportation, mobility, public facilities, services and infrastructure, natural resources, hazards, safety, climate change, and noise.
- Administrative Draft Revised General Plan Policy Document which includes revised policies and programs, enhanced graphics, a new format, and necessary/relevant changes to the text. This revised document also addresses required legislative changes to the General Plan.
- Administrative Draft Zoning Ordinance Update which includes a new format and provisions to implement General Plan policies. The current Zoning Ordinance, which is the principal tool for implementing the County's General Plan, was adopted in 1960 and has been amended several times; but the document has never been comprehensively updated.

The Public Review Drafts of the Revised General Plan Background Report, General Plan Policy Document, and Zoning Ordinance Update were released, for public review on July 27, 2021. It should be noted that customarily, the Draft Revised General Plan and the Draft Updated Zoning Ordinance are released concurrently with the release of the Draft PEIR for public review. However, Department staff released the Draft Revised General Plan and Zoning Ordinance Update Documents for public review as a courtesy prior to preparation and release for public review of the PEIR.

Also, in January 2021, the County released a Revised Notice of Preparation (NOP) of its intent to prepare a PEIR to assess potential environmental impacts associated with the implementation of the Revised General Plan and Zoning Ordinance Update. An NOP Scoping meeting was also conducted (virtually) on January 27, 2021.

Requests Received from Public:

To date, Department staff has received four comment letters requesting either changes to the Draft Policy Document or Draft Zoning Ordinance as follows:

1. The Ewell Group of Companies - Harris Farms, Inc. (Exhibit A)

The Ewell Group of Companies on behalf of Harris Farms, Inc. proposes that a Special Study Area designation be included in the County's Draft Policy Document to study a potential future 7,000-acre area located in eastern Fresno County on Trimmer Springs Road at the base of the Sierra Foothills as a potential educational based community with related college campus, support housing, recreational, agricultural, and commercial services. The request notes that educational attainment in the Central Valley, including Fresno County, is lower than much of the rest of California, and that an addition of a four-year university would provide students access to scholarships and aid in eastern Fresno County.

Department staff has evaluated the request and notes that fundamentally, the County's General Plan policies seeks to preserve productive and potentially productive farmland from conversion to non-agricultural uses. However, Fresno County is currently in the process of developing the countywide Regional Housing Needs Allocation as assigned by the State Department of Housing and Community Development. While not yet complete, Department staff expects the County's future housing allocation to be significantly greater than the current housing allocation of 2,722 units. If this occurs, the County will likely be seeking areas to designate and zone for future residential growth. While the area proposed for consideration may or may not meet the needs of the County, the letter writer acknowledges that inclusion of the proposed Special Study Area designation would not commit the County to take any future action. Further, inclusion of the proposed request should not impact the scope or timeline of completing the County's General Plan Review and Zoning Ordinance Update project.

Department staff notes that a Special Study Area designation would not change any existing land uses or zoning. Rather, text or an exhibit would be added to the Draft Policy Document illustrating the location identified for future study.

Staff Recommendation:

The Department recommends that your Board direct staff to include the proposed Harris Farms proposal as a Future Study Area designation in the Draft Policy Document.

2. Mr. A. Ben Ewell Jr. (Exhibit B)

Mr. Ewell submitted a request proposing that conditional use permits (CUPs) approved within a County-adopted specific plan boundary not expire as long as the specific plan continues to be pursued, up to potentially 10 years. Mr. Ewell's letter notes that often times CUPs cannot be implemented within the initial period to achieve substantial development for a CUP (two-year initial life with the opportunity for up to four one-year time extensions) due to the dependance and interconnection of other CUPs, especially those authorizing infrastructure improvements (i.e., sewer, water, utilities, and roadway improvements).

Department staff has evaluated this request and finds merit with the request specifically as it relates to health and safety infrastructure improvements such as sewer, water, and roadway improvements. The current CUP timelines lack flexibility as it relates to large, complex and integrated development projects.

Staff Recommendation:

The Department recommends that your Board direct staff to include provisions in the Draft Zoning Ordinance Update establishing longer timelines to implement health and safety related infrastructure improvements (sewer, water, utilities, roadway improvements) as authorized by special use permit within a County-adopted specific plan area.

3. East 180 Corridor Development Committee (Exhibit C)

The East 180 Corridor Development Committee made up of residents from the Squaw Valley/Dunlap area submitted a request proposing that the County prepare a future Squaw Valley and Dunlap Community Plan. Information contained in the letter indicates that the Squaw Valley/Dunlap area would benefit from having a more specific planning document than the current Sierra South Regional Plan, which encompass these two areas. The purpose of the community plan would be to improve the local economy and quality of life as well as provide opportunities for responsible development while preserving the aesthetic qualities of the region.

Department staff has evaluated the proposal and notes that regional, specific, and community plan preparation and updates are not included within the current scope of the General Plan Review and Zoning Ordinance Update program. Rather, preparation and updating of these plans is expected to occur after completion of the current effort and will be one of many General Plan Implementation Programs. Staff notes that there are currently 40 regional, specific and community plans that will need to be reviewed for updating.

Staff Recommendation:

The Department recommends that your Board direct staff to continue to work with the East 180 Corridor Development Committee to refine their proposal and/or seek opportunities to address their needs within

the framework of the existing Sierra-South Regional Plan, and report back when your Board considers and prioritizes the preparation and updating of the County various regional, specific, and community plans.

4. Shaver Lake Citizens Advisory Committee (Exhibit D)

The Shaver Lake Citizens Advisory Committee (CAC) advises the County on matters related to County Service Area No. 31 (CSA 31) and Waterworks District No. 41 (WWD 41). In April of 2019 the Shaver CAC submitted a letter requesting that your Board take two actions related to long-range planning activities affecting the Shaver Lake Community. First, that your Board direct staff to conduct a review of relevant Shaver-area planning documents with consideration to reasonable levels of growth and development as related to current and projected health and safety conditions, including wildland fire and emergency access. Secondly, that your Board request the Fresno County Local Agency Formation Commission (LAFCo) to undertake updates to the 2011 Municipal Service Reviews for CSA 31 and WWD 41 following the County's review and adoption of portions of the General Plan related to Shaver Lake.

Department staff has evaluated the proposal and notes, as with the previous request made by the East 180 Corridor Development Committee, that regional, specific, and community plan preparation and updates are not included within the current scope of the General Plan Review and Zoning Ordinance Update program. Review, preparation and updating of documents cited by the Shaver CAC would occur after completion of the current effort as one of many General Plan Implementation Programs.

Staff Recommendation:

The Department recommends that your Board direct staff to continue to work with the Shaver CAC to seek opportunities to address their request within the framework of the existing Sierra-North Regional Plan, the Shaver Lake Community Plan, and the various specific plans within the Shaver Lake Area, and report back when your Board considers and prioritizes the preparation and updating of the County various regional, specific, and community plans. Should staff be directed to initiate a review and update to any of these plans, Department staff can engage LAFCo staff early in that process to consider and request they initiate updates to the Municipal Service Reviews for those special districts serving the Shaver Lake Community.

California Environmental Quality Act

Direction to conduct administrative activities and expend staff time and resources to examine the future feasibility of a proposal is not a commitment to that project or to any activity that will result in direct or reasonably foreseeable indirect physical changes to the environment. The activity described in Recommended Action No. 1 is therefore not a "project" as that term is defined by the CEQA. (See, e.g., CEQA Guidelines, § 15378, subds. (b)(4) and (b)(5).) Because Recommended Action No. 1 is not a project under CEQA, it is not subject to review.

Furthermore, Recommended Action No. 1 is exempt from review under the CEQA under Section 15061, subdivision (b)(3) and Section 15306 of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

REFERENCE MATERIAL:

BAI #37, April 14, 2020

BAI #8, August 21, 2018
BAI #15, May 16, 2017
BAI #11, October 13, 2015
BAI #7, June 2, 2015
BAI #6, December 9, 2014
BAI #7, December 9, 2014
BAI #14, September 30, 2014
BAI #15, March 12, 2013
BAI #13, December 4, 2012
BAI #25, September 23, 2008
BAI #19, July 22, 2008
Special Hearing, December 15, 2006
BAI #89, June 13, 2006
Special Hearing, December 9, 2005

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibits A - D - Requests Received in Response to Release of County Draft Documents

CAO ANALYST:

Ron Alexander