



Board Agenda Item 10

DATE: March 23, 2021

TO: Board of Supervisors

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

SUBJECT: 2020 General Plan Annual Progress Report

RECOMMENDED ACTION(S):

Consider and Adopt Resolution accepting the 2020 General Plan Annual Progress Report.

Approval of the recommended action will accept the General Plan Annual Progress Report (APR). The General Plan APR informs your Board regarding implementation of the policies and programs of all elements of the General Plan during the 2020 calendar year, including the Housing Element.

This report is required to be submitted to the Governor's Office of Planning and Research (OPR) and the State Department of Housing and Community Development (HCD) by April 1st of each year. Should your Board act to accept the APR, staff will submit the 2020 APR to OPR and HCD to meet the State's deadline requirements.

This item comes to your Board with a recommendation for acceptance by the Planning Commission. The summary of the Planning Commission's March 11, 2021, action is included as Attachment A. The Planning Commission Staff Report is included as Attachment B. This item is countywide.

ALTERNATIVE ACTION(S):

Your Board may determine not to accept the APR and direct Department of Public Works and Planning 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 HCD by April 1st each year. If not completed, the County then would be out of compliance with a statutory mandate. However, the local governments have a 60-day grace period from the April 1st due date to submit their APR to state agencies.

FISCAL IMPACT:

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

DISCUSSION:

Government Code, Section 65300 et seq. requires the County to adopt a comprehensive and long-term General Plan to guide the physical development of the unincorporated areas and to accommodate growth while protecting 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.

The General Plan must include seven mandated elements as required by Government Code Section 65302: land use, circulation, housing, noise, safety, conservation, and open space. Additional elements of special and unique concern to a local government, including economic development, air quality, historic resources, parks and trails, and public facilities, may be included as optional elements. Staff notes that Senate Bill 1000 now requires preparation of an Environmental Justice Element, which would be an eighth mandatory element. Staff will include the required Environmental Justice Element in the ongoing General Plan Review document. Implementation of the Fresno County General Plan is the responsibility of various County departments as well as certain agencies that are not part of the County but have been contracted to provide various services.

Government Code, Section 65400 requires that the County prepare the APR 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 year and to inform the legislative body and the public of the progress in meeting the General Plan goals. The Housing Element APR fulfills statutory requirements to report certain housing information, including: the local agency's progress in meeting its share of regional housing needs (i.e., applications, entitlements, permits and certificates of occupancy), certain rezoning activities, actions taken towards completion of housing element programs, and local efforts to remove governmental constraints to the development of housing. Staff has combined reporting on the General Plan and the Housing Element into a single document. The 2020 General Plan APR is included within Attachment B. 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 (March 4, 2020) 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 it were law, County staff did utilize the guidance in the preparation of the APR.

In addition, the APR has been prepared to comply with County General Plan Policy LU-H.12, which requires the County to review the General Plan annually and revise it as deemed necessary.

There are two appendices attached to the 2020 APR, with one providing status of implementation for the 122 programs of the General Plan and the other a report on implementation of the Housing Element prepared per HCD's requirements.

The 2020 APR meets the statutory requirements of Government Code, Section 65400 and those of Fresno County General Plan Program LU-H.D. The Housing Element APR provides the status of implementation of the Housing Element programs, including progress in meeting the County's share of the Fifth-Cycle Regional Housing Needs Allocation.

Planning Commission Hearing and Action

The 2020 APR was presented to the Planning Commission on March 11, 2021. Prior to the Commission hearing, the Commission and County staff received a correspondence (Attachment C) from a member of the public. The correspondence focuses on two alleged shortcomings of the APR: (1) the failure of the APR to serve as mitigation monitoring related to the Environmental Impact Report (EIR) prepared for the 2000 General Plan, and (2) the failure to address the General Plan's compliance with the State's General Plan Guidelines under subdivision (a)(2)(F) (erroneously cited as (a)(2)(C)) of Government Code section 65400. Staff reviewed this correspondence and has determined that the 2020 APR meets all statutory requirements, including those of section 65400.

Staff has also determined that the APR satisfies the requirement of Fresno County General Plan Program LU-H.D to serve as mitigation monitoring under Public Resources Code Section 21081.6. The commenter is right that the 2000 General Plan programs and policies are intended by the Environmental Impact Report (EIR) to provide mitigation under CEQA. As stated in the EIR, the 2000 General Plan was intended to be “self-mitigating.” (See 2000 General Plan EIR, p. 1-4.) However, the commenter’s conclusion, that “the County has never monitored the implementation of these policies,” is incorrect. As staff notes above, the APR does, in fact, detail the progress on the implementation of 122 General Plan programs and policies as well as the implementation of the Housing Element. (See Attachment B, APR, Appendices A, B.) This adequately meets the requirements of Public Resources Code Section 21081.6 and General Plan Program LU-H.D.

In addition, it is important to note that 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.) Therefore, all discretionary projects processed by the Department are assessed for potential environmental impacts according to California Environmental Quality Act, with project review coordination occurring with key Regulatory, Responsible or Trustee agencies. 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 determined some form of mitigation was required. Reference to the mitigation monitoring and reporting program matrices for these discretionary projects also informs the overall effectiveness of the implementation of the 2000 EIR mitigation measures.

At the March 11, 2021 Planning Commission hearing:

- The Chairman asked staff to summarize and respond to the late correspondence received in opposition to the 2020 APR.
- One Commissioner asked if the County provides project information to the San Joaquin Valley Air Pollution Control District (Air District) for review and comment and also asked if the General Plan has any goals or policies requiring consultation with the Air District. Staff responded that all discretionary projects are routed to the Air District for review and comment and that the General Plan does include policies relating to the Air District.

As noted in the attached Planning Commission Resolution (Attachment A), the Commission voted to recommend that your Board accept the 2020 APR (7 to 0, with two Commissioners absent). Summaries of the Planning Commission’s action and public comment are included in Attachment A.

As stated in the recommended action, staff recommends that your Board adopt the Resolution accepting the 2020 APR.

REFERENCE MATERIAL:

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 - Planning Commission Resolution

Attachment B - Planning Commission Staff Report with County's 2020 Annual Progress Report

Attachment C - Public Comments

On file with the Clerk - Resolution

CAO ANALYST:

Samantha Buck