



County of Fresno

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Legislation Text

File #: 18-0836, **Version:** 1

DATE: August 21, 2018

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):

Receive report and provide direction to staff regarding comments received in response to release of the Draft General Plan Background Report, Policy Document, Zoning Ordinance Update, and related Notice of Preparation for a Program Environmental Impact Report.

This item is intended to inform your Board of comments received in response to release of the above-mentioned documents and Department of Public Work and Planning staff's approach to address relevant comments through revisions to the documents or during preparation of the Program Environmental Impact Report (PEIR). Staff is also seeking your Board's direction on key comments/requests received that could have significant policy implications or changes in the scope of PEIR. This item is countywide.

ALTERNATIVE ACTION(S):

There is no viable alternative action. This item is for information and Board direction purposes only.

FISCAL IMPACT:

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

DISCUSSION:

Background:

On October 13, 2015, the Board of Supervisors approved the Scope of Work for the continued work on the General Plan Review and Zoning Ordinance Update, as well as an update of the General Plan Background Report and preparation of a PEIR, and executed a contract with the consulting firm Mintier-Harnish to pursue the project. This action superseded prior Board actions, which had occurred since 2006 to review the 2000 General Plan and the Zoning Ordinance Update effort.

Since execution of the contract in October of 2015, the following documents have been prepared in accordance with the 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 January 26, 2018. 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 of the PEIR.

Also, on March 1, 2018, the County released a 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.

Community Engagement/Outreach:

As noted previously, the Draft Revised General Plan Background Report, General Plan Policy Document, and the Zoning Ordinance Update were posted on the dedicated "General Plan and Zoning Ordinance Update" webpage on January 26, 2018 (webpage link: www.co.fresno.ca.us/gpr <<http://www.co.fresno.ca.us/gpr>>). This dedicated webpage was created to inform the public of the General Plan Review and the Zoning Ordinance Update effort as the project progresses. The notice of availability of the Revised General Plan Documents and the Zoning Ordinance Update were posted at all Fresno County Library Branches along with compact disks containing the documents. Notices of availability of the documents were mailed to government agencies, interested organizations, and members of the public. The public review period ended on May 4, 2018, following a 98-day review period.

The NOP of the PEIR was released on March 31, 2018 and the documents were posted on the County's dedicated webpage. The NOP was also published in three newspapers of general circulation: The Business Journal, Kerwest for the west side of the County, and Mid-Valley for the east side of the County. Publications occurred in both English and Spanish languages. The NOP was also posted at all Fresno County Library Branches. The public review period ended on May 4, 2018, following a 45-day review period, and it should be noted that the required public review period for the NOP is 30 days, pursuant to California Code of Regulations, sections 15082 and 15103.

The NOP of the PEIR was mailed to government agencies, interested organizations, and members of the public. On March 26, 2018, during the 45-day public review period, the County hosted two Scoping Meetings, one held in the daytime and one in the evening, to introduce the project and receive comment from the public regarding the scope of the PEIR and any issues that the public believed should be addressed in the document. Meetings were held at the Fresno County Board of Supervisors Chambers in downtown Fresno and at the Riverdale Memorial District Office in the Community of Riverdale.

Public Review Comment Summary:

The County received 18 comment letters from public agencies, interested organizations, and individuals regarding the Public Review Drafts of the Revised General Plan Background Report, the General Plan Policy Document, and Zoning Ordinance. The following is a list of commenters:

- U.S. Navy Air Station Lemoore
- Cal Fire/Fresno County Fire Protection District
- Central Valley Flood Protection Board
- Native American Heritage Commission
- City of Fresno, Development and Resource Management Department
- Fresno Metropolitan Flood Control District
- Malaga County Water District
- City of Reedley, Community Development Department
- American Civil Liberties Union Foundation of Northern California
- Building Industry Association of Fresno/Madera Counties, Inc.
- California Rural Legal Assistance, Inc.
- Leadership Council for Justice & Accountability (two letters)
- League of Women Voters of Fresno (two letters)
- Sequoia Riverlands Trust
- Radley Reep
- Lucy Hornbacker

The majority of the comments focused on limited topics including: environmental justice; disadvantaged communities; economic development; Housing Element implementation; and intergovernmental coordination. The comments can be categorized as either technical or policy-related. Comments regarding the Public Review Drafts of the Revised General Plan Background Report and the Zoning Ordinance Update were largely technical in nature, and Department staff will work with its consultants to consider each of those comments and, where appropriate, prepare revisions to the Revised General Plan Background Report, General Plan Policy Document, and the Zoning Ordinance. Also, as necessary, staff will consult with commenters to seek additional information and clarification regarding the comments, and will publish the revised documents along with the release of the Public Review Draft Program EIR. Staff notes there will be future opportunities for the public to review of and comment on these documents.

The City of Fresno proposed both General Plan policy changes and changes to the General Plan's Circulation Diagram. These proposals relate to plans and policies in the unincorporated portion of the City's Sphere of Influence, and include insuring corresponding City and County road classifications. Department staff intends to coordinate with the City to address these issues.

Also noted are comments received from the Leadership Counsel for Justice and Accountability (Leadership Counsel), which, in submitting comments on the Public Review Draft Policy Document, requested many policy-related changes and raised concerns about new policies and programs related to the Environmental Justice Element. Staff and the consultants will evaluate the request and if necessary, include modifications as determined appropriate.

In addition, the County received comments in response to PEIR NOP. Most of the comments were received at the two Scoping Meetings hosted by the County on March 26, 2018. Staff and the consultants will utilize the applicable/relevant comments to refine the scope of the PEIR analysis, as appropriate.

The letters, including the NOP Scoping comments summarized by Rincon Consultants, were provided as Advance Agenda Material to your Board on July 30, 2018.

Policy Issues Requiring Board of Supervisors' Direction:

Some of the comment letters received requested changes to the Draft Policy Document, and after review by

Department staff, were determined to be either inconsistent with previous Board direction or inconsistent with established County policies. For those reasons, staff did not include those comments in this item.

However, staff believes the following two proposed changes require direction from your Board due to their nature and scope:

- **Building Industry Association's Proposal**

The Building Industry Association of Fresno/Madera Counties, Inc. (BIA) proposed that your Board consider designating 3,650 acres of land located between the Friant Community Plan and the Millerton Specific Plan for future residential development. This proposal is inconsistent with the scope of the General Plan Review and, in proposing to designate an additional 3,650 acres for residential development, represents a significant change to the scope of the General Plan Review project, as no land use changes were included as a part of the project's scope. A copy of the BIA's April 12, 2018 letter is included as Attachment A.

Designating such a large area of new land for residential development would have significant implications to the project's analysis under the California Environmental Quality Act (CEQA). Further, if your Board were to consider this proposal, other organizations and individual property owners should also be given the opportunity to request similar land use changes, which would impact project schedule and cost. The focus to-date of the General Plan Review effort has been limited to review and revision of existing policies, removing obsolete policies, and addressing legislation affecting the General Plan while making the documents more user friendly. The Scope of Work for the Review and Revision of the General Plan documents and the PEIR did not contemplate designating new areas in the County for residential or any other type of development. Department staff recommends that your Board exclude the request from the General Plan Review project and possibly consider such a proposal, if so inclined, as a future and separate effort.

- **Malaga Water District's Concerns and Request**

Malaga County Water District (District) submitted a letter raising both technical and policy issues. Department staff anticipates addressing any technical issues as part of document revisions or as part of the PEIR process. This is similar to staff's approach to other technical issues raised by other commenters. Related specifically to policy though, the District has expressed concern with the revised Economic Development Policy ED-A.7 regarding locating new industrial sites, which in its last sentence states: "Initial focus of potential new or redeveloped industrial areas shall include Malaga, Calwa, and the Golden State Industrial Corridor." The District's letter states that Malaga Census Tract 6019001500 is considered a disadvantaged community that has been impacted by high pollution levels and truck traffic due to industrial facilities being located in close proximity to residential areas. The District further states that the revised policy, which promotes locating new industries in the Community of Malaga, would compound these problems and is contrary to the Goals and Policies of the new Environmental Justice Element. In conclusion, the District requests the County prepare a specific plan for the area. A copy of the District's March 13, 2018 letter is included as Attachment B.

Staff notes that the Malaga Community is represented through an existing planning document, the County-adopted Roosevelt Community Plan, and that such an undertaking as preparing a new specific plan for the area would represent a significant change in scope for the General Plan Review. Further, Economic Development Policy ED-A.7 merely encourages the location of new industry in Fresno County, which could include a wide-range of uses permitted in the C-M (Commercial and Light Manufacturing) through M-3 (Heavy Industrial) districts, many of which are not associated with potential pollution or traffic generation. Therefore, Department staff recommends that your Board not consider initiating the preparation of a specific plan for the community of Malaga at this time.

REFERENCE MATERIAL:

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 #28, September 23, 2008
BAI #19, July 22, 2008
Joint Meeting, December 15, 2006
BAI #89, June 13, 2006
Joint Meeting, December 9, 2005

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachments A - B
On file with Clerk - Advance Agenda Material

CAO ANALYST:

Sonia M. De La Rosa