



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

Planning Commission Staff Report Agenda Item No. 5 January 25, 2024

SUBJECT: 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.

LOCATION: The General Plan Review and Zoning Ordinance Update is a County-wide matter.

APPLICANT: County of Fresno Department of Public Works and Planning

STAFF CONTACT: Chris Motta
Development Services and Capital Projects Manager
(559) 600-4497

SUMMARY:

The General Plan Review is intended to build on the major policies of the current 2000 General Plan Update but expand and strengthen them to meet the challenges and community needs through planning horizon year 2042. The revised General Plan would accommodate County population growth projected through 2042. The revised General Plan seeks to preserve agricultural land and natural resources; conserve public spaces and recreational resources; promote the wellbeing of County residents; maintain economic vitality and balance; and direct land use policies that enable sustainable and forecasted growth in the County. The major themes of the current 2000 General Plan have been retained in the General Plan Review and include directing urban growth to existing communities, limiting the intrusion of development and incompatible land uses onto productive agricultural land, and limiting rural residential development. The revisions include only minimal changes to the land use designations and land use maps in the existing 2000 General Plan. The majority of revisions are to goals, policies, and implementation programs of the General Plan. The revision also includes addressing laws affecting the General Plan, including the addition of an Environmental Justice Element to the General Plan Policy Document. The proposed project also includes updating the Fresno County Zoning Ordinance to be consistent with the proposed revisions to General Plan Policy Document included in the General Plan Review. Components of the Zoning Ordinance update that could result in physical changes to the environment include the revisions to the regulations for accessory dwelling units, density bonus and other State-mandated changes to California Zoning law which became effective since the adoption of the 2000 General Plan.

RECOMMENDATION:

1. Recommend that the Board of Supervisors 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 Exhibit 3, and certify the Environmental Impact Report (SCH No. 2018031066) prepared for the proposed project.
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.

EXHIBITS:

1. Final Program Environmental Impact Report/Response to Comments
2. CEQA Findings and Statement of Overriding Considerations
3. Mitigation Monitoring and Reporting Program
4. Response to Comments related to Changes to the General Plan (Comment Period: April 2023 to June 2023)
5. Comments and responses from prior document releases - 2018 through 2022
6. Recommended Modifications to the General Plan Policy Document Since April of 2023
7. Recommended Modifications to the Zoning Ordinance Since April of 2023
8. Recommended Modifications to the Background Report since April of 2023

NOTE: Links to all staff report exhibits can be accessed and downloaded from <https://fresnocountygeneralplan.com> → Released Documents → January 25, 2024 Planning Commission Agenda → Item 5

ENVIRONMENTAL ANALYSIS:

As stated in CEQA Guidelines §15121(a), “[a]n EIR is an informational document which will inform public agency decision-makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. An EIR is not intended to recommend either approval or denial of a project. Rather, an EIR is a document whose primary purpose is to disclose the potential environmental impacts associated with an action or ‘project.’”

In addition, CEQA Guidelines §15151 contains the following standards of adequacy:

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts.

As required by CEQA Guidelines §15120(c), an EIR shall:

- Provide a sufficiently detailed project description;
- Discuss the existing environmental setting;
- Identify and evaluate potential environmental impacts of the project, the cumulative effects of the project, and other existing or proposed activities in the vicinity;
- Describe feasible mitigation measures that could substantially lessen or avoid the project’s significant adverse environmental impacts; and
- Identify and evaluate alternatives to the project that could substantially lessen or avoid any of the project’s significant environmental impacts.

CEQA does not require evaluation of all possible alternatives, only evaluation of “a range of reasonable alternatives” to encourage both meaningful public participation and informed decision making [CEQA Guidelines §15126.6(a)]. “The discussion of alternatives need not be exhaustive, and the requirement as to the discussion of alternatives is subject to a construction of reasonableness. The statute does not demand what is not realistically possible given the limitation of time, energy, and funds” [*Residents Ad Hoc Stadium Committee v. Board of Trustees* (1979) 89 Cal.App.3d 274, 286; see also CEQA Guidelines §15126.6(f)(3)]. In addition, as stated by the court in *Village of Laguna Beach, Inc. v. Board of Supervisors* (1982) (134 Cal.App.3d 1022, 1029), “Absolute perfection is not required; what is required is the production of information sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned.”

Program EIRs (PEIRs), described in CEQA Guidelines §15168, enable the Lead Agency to characterize the overall program as the Project being approved at that time. PEIRs can be

prepared for a local government plan to provide a streamlining tool for approval of future projects proposed under the plan. They can become an effective tool to efficiently conduct environmental review of later activities, i.e., later proposed residential projects that are consistent with an approved plan or program, which could accelerate housing development. Rather than analyze individual projects or policies, the PEIR looks at potential environmental impacts of the Plan as a whole. Individual projects may be required to separately comply with CEQA depending on their scope. Should it be determined that the activities would have no effects beyond those analyzed in the PEIR, the Lead Agency could declare that the activities are merely part of the previously program, and no further CEQA compliance is required. Using the PEIR in this manner provides additional flexibility for agencies to reduce their costs of CEQA compliance while still maintaining a focus of high levels of environmental protection.

The land use documents referenced on Pages 1 and 2 of this report, which comprise the General Plan Review and Comprehensive Zoning Ordinance Update (Project), were prepared in compliance with CEQA (Pub. Res. Code §21000 et seq.) and the CEQA Guidelines (14 Cal. Code Regs. §15000 et seq.). Technical analysis was conducted, and public comment was solicited and considered for 60 days, more than the statutory required period, to ensure that potential environmental impacts of the Project have been evaluated and disclosed in the PEIR. A summary of the steps of environmental review and public comment process is below:

- A Notice of Preparation (NOP) was prepared for the Project and circulated to all trustee agencies, responsible agencies, and interested parties beginning on March 20, 2018, and ending on May 4, 2018.
- On March 26, 2018, the County Department of Public Works and Planning, Development Services and Capital Projects Division, hosted two public scoping meetings, one at the Fresno County Board of Supervisors Chambers, and the other at the Riverdale Memorial District, to discuss the Draft PEIR and project review process and to receive public comments. The County temporarily paused the project for additional changes after circulating the NOP in 2018.
- An updated NOP was prepared for the Project and circulated to all trustee agencies, responsible agencies, and interested parties beginning on January 15, 2021, for a 45-day review period ending on March 1, 2021. The County held one virtual EIR scoping meeting on January 27, 2021. A summary of the written comments received at this meeting is included at the end of Appendix NOP of the Draft PEIR released in April of 2023. Oral and written comments associated with the scoping meeting are addressed, as appropriate, in the analysis contained in the topical subsections of Section 4, Environmental Impact Analysis of the Draft PEIR.
- A NOP for the Draft PEIR was filed with the State of California Clearinghouse on April 26, 2023.
- A Notice of Availability of the Draft PEIR was published in the Business Journal, the Sentinel, the Kerman News and on the County's website on April 26, 2023; and notification of the document's availability was mailed to the Project's distribution list to inform individuals, organizations, and agencies that previously expressed interest in the Project.
- The Draft PEIR was circulated for review and comment during a 60-day period that began on April 28, 2023, and ended on June 27, 2023.
- The Draft EIR was made available for public review at the Fresno County Main Library, all County branch libraries and the Coalinga Library, the County Public Works and Planning offices, and on the County's website.

- Copies of the Draft EIR were provided to responsible, trustee, and other federal, state, and local agencies expected or known to have expertise or interest in the resources that the Project may affect.
- Copies of the Draft EIR or notices of the Draft PEIR's availability were sent to organizations and individuals with special expertise on environmental impacts and/or who had previously expressed an interest in this Project or other activities.
- On January 12, 2024, the Final PEIR, which includes responses to comments on the Draft PEIR, was made available in electronic form via the County's website and on CD. Printed copies also were made available for public review at the County Public Works and Planning offices.
- On January 12, 2024, notice that the Final PEIR was available on the County's website and was provided to agencies, organizations, and members of the public who were included on the Project's distribution list and those who had specifically requested notice (523 total).

The Draft PEIR determined that the Project would not have a "No Impact" result to any of the listed categories, but did find that the Project would have:

Less-than-significant impact regarding:

- | | |
|-----------------------------------|--------------------------|
| • Aesthetics | • Land Use and Planning |
| • Energy | • Noise |
| • Hazards and Hazardous Materials | • Population and Housing |
| • Hydrology and Water Quality | • Public Services |

Less-than-significant impact with the implementation of recommended Mitigation Measures regarding:

- Biological Resources

The Project would have significant and unavoidable impacts regarding:

- | | |
|--------------------------------------|--------------------------------------|
| • Agriculture and Forestry Resources | • Transportation and Traffic Quality |
| • Air Quality | • Tribal Cultural Resources |
| • Cultural Resources | • Utilities and Service Systems |
| • Geology and Soils | • Wildfire |
| • Greenhouse Gas Emissions | |

As required by CEQA, this EIR examines alternatives to the 2042 General Plan. Studied alternatives include the following three alternatives. Based on the alternatives analysis, Alternative 3 was determined to be the environmentally superior alternative.

- Alternative 1: No Project (Continuation of the 2000 General Plan)
- Alternative 2: Moderately Increased Density
- Alternative 3: Substantially Increased Density

CEQA requires that an environmentally superior alternative be identified among those analyzed. It further states that if the No Project Alternative is identified as environmentally superior, the next most environmentally superior alternative must also be identified. When taking into account

every environmental impact area, Alternative 3 is the environmentally superior alternative, followed by Alternative 2, and Alternative 1.

Table ES-1 of the Draft PEIR lists the environmental impacts of the General Plan Review, the proposed mitigation measures, and residual impacts or levels of significance after mitigation. Impacts are defined as significant, unavoidable adverse impacts that require a statement of overriding consideration, pursuant to Section 15093 of the CEQA Guidelines if the General Plan Review is approved; significant, adverse impacts that can be feasibly mitigated to less than significant levels and that require findings to be made under Section 15091 of the CEQA Guidelines; adverse impacts that are less than those allowed by adopted significance thresholds; and no impact. Several new policies noted in Exhibit 2 resulted from the preparation of the PEIR. They include Policies OS-J.2; OS-E.19; OS-G.12; OS-G.13; OS-G.14; HS-H.10; HS-H.11; HS-H.12. Despite mitigation the PEIR determined that impacts resulting from the adoption of the General Plan Review, mostly associated with build-out of existing areas, would result in significant and unavoidable impacts to agricultural uses, ozone and PM2.5 air emissions, Greenhouse Gas Emissions (GHG) construction and operational emissions, historical resources, cultural resources, archaeological resources, unique geological or paleontological features, Vehicle Miles Traveled (VMT); water and wastewater utilities; waste generation; and fire hazards in Moderate, High and Very High Fire Hazard Safety Zones.

The Draft PEIR was previously provided to the Planning Commission following the April 2023 release of the documents and again just prior to the September 14th workshop.

PUBLIC COMMENT:

Public comments are noted in Exhibit Nos. 1, 4 and 5 relating to the FPEIR, General Plan comments from April 2023 to June of 2023, and prior comments received from 2018 through 2022.

PROCEDURAL CONSIDERATIONS:

A General Plan Amendment, Rezoning Application (Amendment Application), and Amendment to Text Application are legislative acts requiring Board of Supervisors' action. A decision by the Planning Commission in support of a General Plan amendment, Rezone and Amendment to Text request is an advisory action and requires an affirmative vote of the majority of its total membership. A recommendation for approval is then forwarded to the Board of Supervisors for final action. A Planning Commission's decision to deny a General Plan and rezone request, however, is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.

This item is tentatively scheduled to be considered by the Board on February 20, 2024. Upon Board approval, the amendments will become effective 30 days thereafter.

BACKGROUND INFORMATION:

Planning Commission Workshop and Prior Document Release

On September 14, 2023, Department staff conducted a workshop with the Planning Commission on the General Plan Review and Zoning Ordinance Update. This General Plan Review and Zoning Ordinance Update workshop was solely for the purpose of providing information to the Planning Commission ahead of scheduling the General Plan Review and Comprehensive Zoning Ordinance Update for your Commission's consideration and recommendation to the Board of Supervisors and no action was taken. The workshop included public testimony on the process and clarifications of such matters as timeline and planning horizon. Prior to the workshop, on April 28, 2023, the Department released the General Plan

Background Report, General Plan Policy Document, the Zoning Ordinance Update, and the associated Program Draft Program Environmental Impact Report for a 60-day public review period.

Public Workshops

Since Board direction to prepare an Environmental Impact Report, there have been several workshops and community meetings that have occurred since 2018. Specifically, 30 meetings or workshops have occurred including workshops associated with the Disadvantaged Unincorporated Community analysis as required by Senate Bill 244 in addition to the September 14, 2023 workshop.

Summary of the County General Plan

The General Plan Review carries forward those same themes identified in the 2000 General Plan, with the addition of an Environmental Justice Element which contains new policies and implementation programs. For the County, there are eight topical elements of the General Plan: 1) Economic Development; 2) Agriculture and Land Use; 3) Transportation and Circulation; 4) Public Facilities and Services; 5) Open Space and Conservation; 6) Health and Safety; 7) Environmental Justice (proposed with the current General Plan Review); and 8) Housing (Adopted March 15, 2016, as a separate document, and currently being updated separately).

Key changes to the general plan include extending the Planning Period to 2042, adding a new General Plan Element addressing Environmental Justice (Senate Bill 1000 and Assembly Bill 1528), and a revised Safety Element to address climate hazards, vulnerability, and emergency evacuation. There is also added analysis and policies related specifically to air quality. Finally, the 2023 document includes reference to two future study areas for a Fresno County Business and Industrial Campus, and a 7,000-acre development area in eastern Fresno County for a potential educational-based community.

To help ensure that appropriate actions are taken to implement the General Plan Policies, the Plan includes a set of implementation programs that identify specific steps to be taken by the County to implement the policies. A significant change in the format of the Policy Document has to do with relocating the implementation programs that are currently listed under each policy to Part 3 of the Document, entitled, "Administration and Implementation."

These Programs may include revisions of current codes and ordinances, plans and capital improvements, programs, financing, and other measures that should be assigned to different County departments after the General Plan is adopted. The types of tools or actions the County can use to carry out its policies and implementation programs generally fall into the eight categories listed below.

- Regulation and Development Review (RDR)
- Plans, Strategies, and Programs (PSP)
- Financing and Budgeting (FB)
- Planning Studies and Reports (PSR)
- County Services and Operations (SO)
- Inter-governmental Coordination (IGC)
- Joint Partnerships with the Private Sector (JP)
- Public Information (PI)

The countywide General Plan Policy Document contains clear statements of goals, policies, standards, and implementation programs that constitute the formal policy of Fresno County for land use, development, open space protection, and environmental quality.

Policies in the General Plan will influence (impact) future Community Plan updates.

Key Milestones in 2023

- April 28, 2023 – Release of the DPEIR and revised public review drafts of the General Plan Policy Document, Background Report and Zoning Ordinance.
- Presentation of the Safety Element to the Board of Forestry on May 9, 2023
- Receipt of the Safety Element approval by the Board of Forestry on May 23, 2023.
- Seven community workshops held at various County locations between May 23, 2023 and June 22, 2023.
- Review of comments received on the DPEIR and other documents at the conclusion of the 60-day comment period on June 27, 2023 resulting in modifications to the documents.
- Release of the FPEIR on January 12, 2024.

Key General Plan Policy Modifications

Exhibit 6 is a compilation of recommended changes to the General Plan Policy Document based on public input received during the comment period, additional staff review and noted corrections to typographical errors since the April 28, 2023 release of the document for public review. Comparative redlines have been distributed to the commission on digital media and can also be viewed at:

<https://fresnocountygeneralplan.com/> → Released Documents → General Plan Policy Document Comparative Draft: Comparative Draft Page

Copies of the General Plan Policy Document were previously provided to the Planning Commission following the April 2023 release of the documents and again just prior to the September 14th workshop.

Key Zoning Ordinance Modifications

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. It frequently requires interpretation by staff due to modern land uses and changes to state law.

Key changes to the zoning ordinance include:

- Completely reformatted and modernized the Zoning Ordinance with user-friendly tables, diagrams and graphics.
- Provided additional flexibility for the Director's determination and established Temporary Use Permits for certain uses.

- Incorporated State-mandated requirements and updated zoning practices for accessory dwelling units, objective design standards for multifamily development, and addressed prior Zoning Ordinance ambiguities.
- New industrial development standards intended to address potential impacts to adjacent non-industrial uses and disadvantaged communities.

Exhibit 7 are proposed staff modifications to the Draft Zoning Ordinance since its release in April of 2023.

Copies of the Draft Zoning Ordinance were previously provided to the Planning Commission following the April 2023 release of the documents and again just prior to the September 14th workshop.

General Plan Background Report

The Background Report provides a “snapshot” in time of the County’s existing conditions. It presents the physical, social, and economic resource information required to support the preparation of the General Plan. The document is also used as the “environmental setting” section of the General Plan EIR. The Background Report is divided into 10 chapters: Introduction; Demographics and Employment; Land Use; Housing; Transportation and Mobility; Public Facilities and Services; Natural Resources; Hazards and Safety; Climate Change; and Noise.

Exhibit 8 are the proposed staff modifications to the Background Report since its release in April of 2023.

Copies of the Background Report were previously provided to the Planning Commission following the April 2023 release of the documents and again just prior to the September 14th workshop.

PLANNING COMMISSION MOTIONS:

Recommended Motion (Approval Action)

1. Recommend the Board of Supervisors 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);
 - a. The Final PEIR (FPEIR) was presented to, reviewed and considered by the Planning Commission.
 - b. The recommendation to certify the FPEIR reflects the Planning Commission’s independent judgement.
 - c. Recommend the Board of Supervisors adopt the required CEQA Findings and Statement of Overriding Considerations, approve the Mitigation Monitoring and Reporting Program included as Exhibit 3, and certify the Environmental Impact Report (SCH No. 2018031066) prepared for the proposed project.
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 extension of the document's planning horizon to 2042; 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; and
6. Direct the Secretary to prepare a Resolution documenting the Commission's action.

Alternative Motions

Approval with Recommended Revisions

1. Recommend the Board of Supervisors 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);
 - a. The Final PEIR (FPEIR) was presented to, reviewed and considered by the Planning Commission.
 - b. The recommendation to certify the FPEIR reflects the Planning Commission's independent judgement.
 - c. Recommend the Board of Supervisors adopt the CEQA Findings of Fact and Statement of Overriding Considerations, approve the Mitigation Monitoring and Reporting Program included as Exhibit 3, and certify the Environmental Impact Report (SCH No. 2018031066) prepared for the proposed project.
2. Recommend that the Board of Supervisors accept the revised General Plan Background Report; and
3. Recommend that the Board of Supervisors approve General Plan Amendment (GPA) No. 529, changing the text and graphics of the General Plan Policy Document including modifications, deletion or addition of policies and programs and extension of the document's planning horizon to 2042; recommend approval of Amendment Application No. 3862; and Amendment to Text No. 385 adopting the Comprehensive Update to the Fresno County Zoning Ordinance with modifications as noted by the Commission; and
4. Direct the Secretary to prepare a Resolution documenting the Commission's action.

Denial Action

1. Recommend the Board of Supervisors not certify that the Program Environmental Impact Report (PEIR) prepared for the Fresno County General Plan Review and Comprehensive Zoning Ordinance Update; and
2. Recommend that the Board of Supervisors not approve General Plan Amendment (GPA) No. 529 relative to changes to the text and graphics of the General Plan Policy Document and not accept the updated General Plan Background Report; and
3. Recommend that the Board of Supervisors not approve Amendment Application No. 3862 rezoning a 481-acre area as noted previously from the AE (Exclusive Agricultural) to the AL (Limited Agricultural) Zone District; and
4. Recommend that the Board of Supervisors not approve Amendment to Text No. 385 adopting the Comprehensive Update to the Fresno County Zoning Ordinance; and
5. Articulate in the denial motion the specific reasons for the motion; and
6. Direct the Secretary to prepare a Resolution documenting the Commission's action.

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