



# Fresno County General Plan Review and Zoning Ordinance Update

Final Environmental Impact Report/  
Responses to Comments on the Draft EIR

SCH#2018031066

*prepared by*

**Fresno County**

Department of Public Works and Planning  
Development Services and Capital Projects Division

2220 Tulare Street, 6th Floor

Fresno, California 93721

Contact: Chris W. Motta, Development Services and Capital Projects Manager

*prepared with the assistance of*

**Rincon Consultants, Inc.**

449 15th Street, Suite 303

Oakland, California 94612

**January 2024**

# 1 Introduction

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## 1.1 Purpose of the Response to Comments on the Draft EIR

This document contains responses to comments received during the comment period on the Draft Environmental Impact Report (Draft EIR) prepared for the Fresno County General Plan Review and Zoning Ordinance Update (project). The Draft EIR identifies the likely environmental consequences associated with development facilitated by the proposed project and recommends mitigation measures to reduce potentially significant impacts. This document, together with the Draft EIR, constitutes the Final EIR for the proposed project.

## 1.2 Environmental Review Process

Pursuant to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

An NOP of a Draft EIR was circulated to the State Clearinghouse, responsible, and trustee agencies and persons requesting notice on March 20, 2018. The County temporarily paused the project for additional changes after circulating the NOP in 2018. As a result, the County prepared an updated NOP on January 15, 2021. The County of Fresno distributed a Notice of Preparation (NOP) of the Program EIR for a 45-day agency and public review period commencing January 15, 2021, to March 1, 2021. In addition, the County held a virtual Scoping Meeting on January 27, 2021. The meeting, held from 5:30pm to 7:00pm, was aimed at providing information about the proposed project to members of public agencies, interested stakeholders and residents/community members, and at receiving comments on the scope and content of the EIR. Due to the COVID-19 pandemic, the virtual meeting was held through an online meeting platform and a call-in number.

The Draft EIR was made available for public review for a 60-day public review period that began on April 28, 2023 and ended on June 27, 2023. The Notice of Availability of a Draft EIR was posted with the County Clerk, sent to the State Clearinghouse, mailed to local and state agencies, published in the newspaper, and emailed to interested parties. In addition, the Planning Commission received verbal comments on the Draft EIR during the public meetings held on May 23, 2023; May 24, 2023; June 13, June 15, June 19, June 21 and June 22.

The County received 35 individual written comments on the Draft EIR during the public comment period. Copies of written comments received during the comment period are included in Chapter 3 of this document.

## 1.3 Document Organization

This document consists of the following chapters:

- **Chapter 1: Introduction.** This chapter discusses the purpose and organization of this response to comments Document and the Final EIR and summarizes the environmental review process for the project.

- **Chapter 2: Master Responses.** This chapter includes responses to similar comments that were received by multiple commenters. These responses are aggregated to provide for one succinct response for each subject area.
- **Chapter 3: Written Comments and Responses.** This chapter contains reproductions of all comment letters received on the Draft EIR. A written response for each CEQA-related written comment received during the public review period is provided. Each response is keyed to the corresponding comment.
- **Chapter 4: Verbal Public Meeting Comments and Responses.** This chapter contains a summary of verbal comments received during public meetings held on May 23, 2023; May 24, 2023; June 21, 2023 and June 22, 2023.
- **Chapter 5: Revisions to the Draft EIR.** Changes to the Draft EIR that have been made in light of the comments received are contained in this chapter.

## 1.4 EIR Certification Process and Project Approval

Before adopting the proposed project, the lead agency is required to certify that the EIR has been completed in compliance with CEQA, that the decision-making body reviewed and considered the information in the EIR, and that the EIR reflects the independent judgment of the lead agency.

Upon certification of an EIR, the lead agency decides on the project analyzed in the EIR. A lead agency may: (a) disapprove a project because of its significant environmental effects; (b) require changes to a project to reduce or avoid significant environmental effects; or (c) approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (*CEQA Guidelines* Sections 15042 and 15043).

In approving a project, for each significant impact of the project identified in the EIR, the lead or responsible agency must find, based on substantial evidence, that either: (a) the project has been changed to avoid or substantially reduce the magnitude of the impact; (b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or (c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (*CEQA Guidelines* Section 15091). Per PRC Section 21061.1, feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account, economic, environmental, legal, social, and technological factors.

If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision and explains why the project's benefits outweigh the significant environmental effects (*CEQA Guidelines* Section 15093).

When an agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects (*CEQA Guidelines* Section 15091[d]).

## 1.5 Draft EIR Recirculation Not Required

*CEQA Guidelines* Section 15088.5 requires Draft EIR recirculation when comments on the Draft EIR or responses thereto identify “significant new information.” Significant new information is defined as including:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
4. The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The comments, responses, and Draft EIR revisions presented in this document do not constitute such “significant new information;” instead, they clarify, amplify, or make insignificant modifications to the Draft EIR. For example, none of the comments, responses, and Draft EIR revisions disclose new or substantially more severe significant environmental effects of the proposed project, or new feasible mitigation measures or alternatives considerably different than those analyzed in the Draft EIR that would clearly lessen the proposed project’s significant effects.

## **2 Master Responses**

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### Master Response GPR/ZOU

The proposed project involves the adoption of the Fresno County General Plan Review and Zoning Ordinance Update (GPR/ZOU). The County received multiple recommendations and expressions of opinion on the proposed GPR/ZOU during the Draft EIR public comment period. The proposed revised General Plan is intended to bring the County into compliance with current State legislative requirements and build on the major policies of the current 2000 General Plan, and to expand and strengthen them to meet the challenges and community needs through planning horizon year 2040. The proposed Zoning Ordinance update includes provisions, and development standards for consistency with the revised General Plan, pursuant to State law. However, no specific development projects are proposed. The recommendations and expressions of opinion relating to the proposed GPR/ZOU will be noted and passed onto decision-makers. However, they are not related to the adequacy of the environmental analysis and determinations in the Draft EIR concerning the proposed GPR/ZOU and so no further response is required.

### 3 Responses to Comments on the Draft EIR

This section includes comments received during public circulation of the Draft Environmental Impact Report (EIR) prepared for the Fresno County General Plan Review and Zoning Ordinance Update (Project).

The Draft EIR was circulated for a 60-day public review period that began on April 28, 2023 and ended on June 27, 2023. The County of Fresno received 35 comment letters on the Draft EIR. The commenters and the page number on which each commenter’s letter appear are listed below.

Letter No. and Commenter	Date	Agency	Page No.
<b>Public Comment</b>			
1	Radley Reep	April 30, 2023	7
2	Jason Warren	May 2, 2023	US Navy / Naval Air Warfare Center Weapons Division Sustainability Office
3	Byron Beagles	May 5, 2023	City of Fresno Fire Department
4	Mike Pickett	May 8, 2023	14
5	Radley Reep	May 10, 2023	17
6	Mike Prandini	May 18, 2023	BIA of Fresno/Madera Counties
7	Monica McBrearty	May 18, 2023	Ewell Group
8	Dave Padilla	May 23, 2023	Caltrans
9	Nancy Richardson	June 16, 2023	35
10	Francine Farber and Kay Bertken	June 19, 2023	League of Women Voters
11	Susan Buckley	June 20, 2023	Kings River Conservancy
12	Radley Reep	June 21, 2023	45
13	John Gray	June 22, 2023	67
14	Isabel S.	June 22, 2023	69
15	No Name	June 22, 2023	78
16	No Name	June 22, 2023	80
17	Rosa Espinoza	June 22, 2023	82
18	David Pedersen	June 23, 2023	85
19	Rosie Hiyashi and Family	June 26, 2023	Transmittal by Ben Ewell of Ewell Group of Companies
20	Jimmy Robles	June 26, 2023	Sanger Unified School District
21	Julie A. Vance	June 27, 2023	California Department of Fish and Wildlife
22	Daniel O'Connell	June 27, 2023	Central Valley Partnership
23	Sophia Pagoulatos on behalf of Jennifer Clark	June 27, 2023	City of Fresno
24	Erin Noel	June 27, 2023	California Rural Legal Assistance (CRLA)
25	Sophia Markowska	June 27, 2023	Defenders of Wildlife
26	Denise Wade	June 27, 2023	Fresno Metropolitan Flood Control District

Letter No. and Commenter	Date	Agency	Page No.
27 Isaac Serratos, Cassandra Vo, Socorro Santillan, Nayamin Martinez, Alexandra Alvarado, Jim Grant, Kevin Hall	June 27, 2023	Leadership Counsel for Justice and Accountability	211
28 Isaac Serratos, Cassandra Vo, Socorro Santillan, Nayamin Martinez, Alexandra Alvarado, Jim Grant, Kevin Hall	June 27, 2023	Leadership Counsel for Justice and Accountability	238
29 Radley Reep	June 27, 2023		275
30 Adam Livingston	June 27, 2023	Sequoia Riverlands Trust	514
31 Jeremy Clar	June 27, 2023	Sierra Club	518
32 Michael Corder	June 27, 2023	San Joaquin Valley Air Pollution Control District	523
33 Radley Reep	June 27, 2023		555
34 Mariah Thompson	June 02, 2023	California Rural Legal Assistance (CRLA)	577
35 Emily Brandt	No Date		581

The comment letters and responses follow. The comment letters are numbered sequentially and each separate issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in Comment Letter 1).

Where a comment resulted in a change to the Draft EIR text, a notation is made in the response indicating that the text is revised. Changes in text are signified by ~~strikeout font~~ where text was removed and by underlined font where text was added. These changes in text are also included in Section 3, *Revisions to the Draft EIR*.

April 30, 2023

Letter 1

Hi Chris,

Regarding the April 2023 Draft General Plan Policy Document, I've taken a look at the Administration and Implementation section (Part III).

I'd like to call your attention to a few items.

- Two different programs have identical ID numbers: "Program HS-A.F." See page 3-24.
- Two other programs also have identical ID numbers: "Program HS-C.E." See pages 3-27 and 3-28.
- And there is no "Program HS-G.A," although there is a "Program HS-G.B." See page 3-30.

If, during the public review period, the County plans to leave the draft document as it is now written, that's fine. In drafting my comments, I'll find a way to let the reader know which programs I am referring to. But, if the County should decide to correct or change the numbering in the draft Policy Document prior to the end of the comment period, then I would like to know ASAP so that the numbering I use in my writings will match that used by the County.

**Please let me know what the County decides to do.**

One more thing you should be aware of: Programs HS-A.E, HS-D.B, HS-E.B, HS-G.E, HS-G.F and EJ-C.D have no time frames. See pages 3-24, 3-29, 3-31, and 3-34.

Hope to hear from you soon.

Thanks,

Radley Reep  
[radleyreep@netzero.com](mailto:radleyreep@netzero.com)

1.1

## Letter 1

**COMMENTER:** Radley Reep

**DATE:** April 30, 2023

### **Response 1.1**

*The commenter notes that there are two programs that have identical program numbers (Program HS-A.F.) on page 3-24 of the Draft General Plan Policy Document. The commenter also states there are identical program numbers (Program HS-C.E.) on pages 3-27 and 3-28. In addition, the commenter states that there is a misnumbered program on page 3-30 and several programs on pages 3-24, 3-29, 3-31, and 3-34 are missing timeframes.*

This comment has been noted and was forwarded to the decision-makers for review. The Draft General Plan Policy Document has been updated to address the issues related to identical program numbers and misnumbered programs in the comment. However, this comment is not related to the analysis and conclusions of the Draft EIR. Please refer to Master Response GPR/ZOU for additional information regarding recommendations related to the GPR/ZOU.

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**From:** Warren, Robert J CIV USN NAWCWD (USA) <robert.j.warren1.civ@us.navy.mil>  
**Sent:** Tuesday, May 2, 2023 2:27 PM  
**To:** Motta, Chris <CMotta@fresnocountyca.gov>; GPR <gpr@fresnocountyca.gov>  
**Cc:** Penix, Steve L CIV USN NAWCWD (USA) <steve.l.penix.civ@us.navy.mil>; Kersey, John D CIV USN NAVFAC SW SAN CA (USA) <john.d.kersey.civ@us.navy.mil>  
**Subject:** FW: Notice of Availability - Draft Program Environmental Impact Report (SCH#201803106) - Fresno County General Plan Review and Zoning Ordinance Update

Good Afternoon Chris

Appreciate you sending below.

My colleagues and I have reviewed and do not have any concerns.

Have a great rest of your day.

Regards,

Jason Warren  
US Navy / NAWCWD Sustainability Office  
China Lake, CA  
7609399159

2.1

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**From:** Motta, Chris <CMotta@fresnocountyca.gov>  
**Sent:** Thursday, April 27, 2023 2:46 PM  
**To:** Motta, Chris <CMotta@fresnocountyca.gov>  
**Subject:** [URL Verdict: Neutral][Non-DoD Source] Notice of Availability - Draft Program Environmental Impact Report (SCH#201803106) – Fresno County General Plan Review and Zoning Ordinance Update

Good Afternoon

The County is notifying interested agencies, organizations, and individuals of the release of the Draft Program Environmental Impact Report (DPEIR) for the Fresno County General Plan Review and Zoning Ordinance Update, and a release of a revised General Plan Policy Document and Draft Zoning Ordinance. These documents are available for a 60 day Public Comment Period ending June 27, 2023. Documents may be viewed/downloaded at: [fresnocountygeneralplan.com](https://www.fresnocountygeneralplan.com)

Attached is the Notice of Availability for the DPEIR.

Please send your written comments to the Lead Agency/Contact:

Chris Motta, Principal Planner  
County of Fresno, Department of Public Works and Planning  
Development Services and Capital Projects Division  
2220 Tulare Street, Sixth Floor  
Fresno, California 93721  
Email: [gpr@fresnocountyca.gov](mailto:gpr@fresnocountyca.gov)

Thank you for your interest in this project.



**Chris W. Motta** | Principal Planner  
Department of Public Works and Planning |  
Development Services and Capital Projects Division  
2220 Tulare St. 6th Floor Fresno, CA 93721  
Main Office: (559) 600-4497 Direct: (559) 600-4227  
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## Letter 2

**COMMENTER:** Jason Warren, U.S. Navy/NAWCWD Sustainability Office

**DATE:** May 2, 2023

### **Response 2.1**

*The commenter states that they have reviewed the Draft EIR and do not have any concerns.*

The comment has been noted.

**From:** [Byron Beagles](#)  
**To:** [GPR](#); [Motta, Chris](#)  
**Cc:** [Jonathan Chew](#)  
**Subject:** Fresno County General Plan Draft EIR comments by the City of Fresno Fire Department  
**Date:** Friday, May 5, 2023 12:12:48 PM  
**Attachments:** [image001.png](#)

Letter 3

**CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK**

Chris: we have the following comments regarding the general plan update fire protection sections:

**General Plan Background Report :**

**Pages 6-64/65:** *“North Central FPD has entered into a long-term contract with the City of Fresno whereby as of July 1, 2007, the City began providing fire protection and suppression and other services to the North Central Fire Protection District. North Central FPD employees were transferred to the City and equipment and facilities, though still owned by the District, are being used by the City.”*

3.1

Effective July 1, 2019 this contract was terminated. All safety employees staffing NFFPD facilities were reassigned to City of Fresno Fire Stations and the District hired all new personnel. All District equipment and facility maintenance became the sole responsibility of the District.

**Page 6-66: “MUTUAL AND AUTOMATIC AID”**

After or at the end of the 4<sup>th</sup> paragraph, the following information should be added:

There is an automatic aid agreement between the City of Fresno and the Fresno County Fire Protection District for emergency response to unincorporated areas within the City of Fresno metropolitan area. There is no automatic aid agreement with the North Central Fire Protection District for unincorporated areas and the District has reopened and staffed two fire stations to serve those unincorporated areas that are in the service areas of existing City of Fresno Fire Stations.

3.2

**Page 8-52:** *“Fresno County and Fig Garden Fire Protection Districts are under contract with the CDF to provide structural and vegetative fire protection services within Fresno County”*

3.3

The Fig Garden Fire Protection district is under contract with the City of Fresno, not CDF.

**Draft Environmental Impact Report:**

**Page 4-14.2:** *“North Central FPD has entered into a long-term contract with the City of Fresno whereby as of July 1, 2007, the City began providing fire protection and suppression and other services to the North Central FPD. North Central FPD employees were transferred to the City and equipment and facilities, though still owned by the FPD, are being used by the City”.*

3.4

This sentence needs to be deleted as the NCFPD contract with the City of Fresno was terminated effective July 1, 2019. The District has hired all new staff, reopened two fire stations in the City of Fresno Metro area, and resumed maintenance of all equipment and facilities.

Please advise if you need any further information.

Thanks, bhb.

*Byron Beagles*

Fire Prevention Engineer  
Fresno Fire Department  
Prevention, Support & Technical Services Division  
911 H Street, Fresno, CA 93721



## Letter 3

**COMMENTER:** Byron Beagles, City of Fresno Fire Department

**DATE:** May 5, 2023

### Response 3.1

*The commenter corrects information presented on pages 6-64 and 6-65 of the General Plan Background Report. The commenter asserts that the North Central Fire Protection Department (FPD) contract with the City of Fresno was terminated on July 1, 2019 and all North Central FPD employees were reassigned to the City of Fresno Fire District.*

The General Plan Background Report was updated to reflect this information. However, it does not result in any changes to the analysis or conclusions in the Draft EIR.

### Response 3.2

*The commenter corrects information presented on page 6-66 of the General Plan Background Report stating that information regarding an automatic aid agreement between the City of Fresno and Fresno County Fire Protection District be added.*

This information has been added to the General Plan Background Report. However, it does not result in any changes to the analysis or conclusions in the Draft EIR.

### Response 3.3

*The commenter states that the information on page 8-52 of the General Plan Background Report. The commenter states that the Fig Garden Fire Protection District is not contracted with the CDF, but instead contracted with the City of Fresno.*

This information has been corrected in the General Plan Background Report. However, it does not result in any changes to the analysis or conclusions in the Draft EIR.

### Response 3.4

*The commenter notes that a correction is needed on page 4-14.2 of the Draft EIR. The commenter states that the NCFPD contract with the City of Fresno was terminated effective July 1, 2019.*

Page 4.14-2 of the Draft EIR has been revised to omit reference to the contract with the City of Fresno (changes shown in ~~strikeout~~/underline):

#### *North Central Fire Protection District*

North Central FPD encompasses approximately 230 square miles within the northern portion of Fresno County. Its services include fire prevention and suppression, emergency medical response, search and rescue, building permits and inspections, emergency dispatch services, and hazardous material response.

The Fresno County FPD and the North Central FPD have faced substantial reductions in the size of their districts over the last several years due to the growth of the Cities of Fresno and Clovis. Such growth has resulted in the reduction of district tax bases required to fund their on-going operations. ~~North Central FPD has entered into a long-term contract with the City of Fresno whereby as of July~~

~~1, 2007, the City began providing fire protection and suppression and other services to the North Central FPD. North Central FPD employees were transferred to the City and equipment and facilities, though still owned by the FPD, are being used by the City (North Central FPD 2018)~~

**From:** [Mike Pickett](#)  
**Sent:** Monday, May 8, 2023 5:15 PM  
**To:** [GPR](#); [Della Acosta](#)  
**Subject:** [EXT] RE: GP Update

Letter 4

**CAUTION:** This email originated from outside of Rincon Consultants. Be cautious before clicking on any links, or opening any attachments, until you are confident that the content is safe .

That's disappointing. So fair to assume this is a ways off? Any date on starting the CEQA work?

Thanks,

**Mike Pickett**

7395 N. Palm Bluffs Ave. #101  
Fresno, CA 93711  
(559) 431-3535



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**From:** Motta, Chris <CMotta@fresnocountyca.gov> **On Behalf Of** GPR  
**Sent:** Monday, May 8, 2023 3:22 PM  
**To:** Mike Pickett <Mike@donpickett.com>; GPR <gpr@fresnocountyca.gov>; Della Acosta, Rincon <dacosta@rinconconsultants.com>  
**Subject:** RE: GP Update

Good afternoon Mike,

The Business Industrial Campus is mentioned by reference in Policy LU-F.38 on page 2-58 and in Figure LU-6 of the General Plan Policy Document. The policy reads:

*LU-F.38 Special Study Area for Fresno County Business and Industrial Campus*

*In accordance with Policy ED-A.8, a 2,940-acre Special Study Area (see Figure LU-6) generally bounded by North Avenue to the north, Peach Avenue and State Route 99 to the west, Fowler Avenue to the east, and American Avenue to the south shall be designated for the County to evaluate possible future urban industrial, office and commercial land uses.*

It is only a reference though. The heavy lifting of subsequent CEQA work, amending the General Plan and rezoning would be a stand-alone effort that would need to occur after the adoption of the General Plan Review.

**Chris W. Motta** | **Principal Planner**  
Department of Public Works and Planning |  
Development Services and Capital Projects Division



2220 Tulare St. 6th Floor Fresno, CA 93721  
Main Office: (559) 600-4497 Direct: (559) 600-4227  
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**From:** Mike Pickett <[Mike@donpickett.com](mailto:Mike@donpickett.com)>  
**Sent:** Monday, May 8, 2023 10:33 AM  
**To:** GPR <[gpr@fresnocountyca.gov](mailto:gpr@fresnocountyca.gov)>  
**Subject:** GP Update

**CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK**

Hi Chris,

Last week I was told by someone at the EDC that the new industrial area near Malaga will not be included in the GP update. Can you please confirm whether this is correct?

Thanks,

***Mike Pickett***

7395 N. Palm Bluffs Ave. #101  
Fresno, CA 93711  
(559) 431-3535



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4.1

## Letter 4

**COMMENTER:** Mike Pickett

**DATE:** May 8, 2023

### **Response 4.1**

*The commenter asks if the County can confirm that the new industrial use near Malaga will not be included in the General Plan Update and if there is a date for future steps.*

The County responded to this comment during the comment period, noting that the Business Industrial Campus is mentioned by reference as under evaluation in Policy LU-F.38 and in Figure LU-6 of the General Plan, and that any subsequent CEQA work, amending the General Plan, and rezoning would be a standalone effort that may be undertaken at a future date and is not covered by the General Plan Review or the Draft EIR. This study area does not constitute a project at this time.

Additionally, this comment relates to the General Plan and does not pertain to the analysis or conclusions of the Draft EIR. This comment will be forwarded to decision-makers for their review.

**From:** [radleyreep@netzero.net](mailto:radleyreep@netzero.net)  
**To:** [Motta, Chris](#); [GPR](#)  
**Subject:** Need Help Locating Two Appendices for the Update of the General Plan and Zoning Ordinance  
**Date:** Wednesday, May 10, 2023 2:58:41 PM  
**Attachments:** [2023 - 05-10 - Email to Chris Motta - Need Help Locating Appendices A and C in the Docs Released for Public Review for the Update of the GP and ZO.pdf](#)

**CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK**

May 10, 2023

Hi Chris,

I need your help in located two appendices: Appendix A (Disadvantaged Unincorporated Communities) and Appendix C (Fresno County Climate Change Vulnerability Assessment).

**Appendix A**

On page vi of the index to the 2023 Draft General Plan Background Report, there is reference to Appendix A (Disadvantaged Unincorporated Communities). I'm unable to find that appendix in the Background Report.

**Appendix C**

On page 2-19 of the Draft EIR for the update of General Plan, there is reference to an attachment to the draft General Plan that contains a Vulnerability Assessment in the form of an appendix. Here is that statement.

*“Additionally, the County has completed a **Vulnerability Assessment as an appendix to the General Plan** to meet the requirements of SB 379, which requires the element to include a set of goals, policies, and objectives based on a vulnerability assessment, identifying the risks that climate change poses to the local jurisdiction and the geographic areas at risk from climate change impacts, and specified information from federal, state, regional, and local agencies.”*

On page 2-178 of the draft Policy Document there is a statement that the Vulnerability Assessment is contained in Appendix C, but cannot find an Appendix C in the draft Policy Document.

Can you please point out where these two appendices can be found in the documents released for public review.

Thanks,

Rad  
[radleyreep@netzero.com](mailto:radleyreep@netzero.com)  
(559) 326-6227

5.1

**From:** [radleyreep@netzero.net](mailto:radleyreep@netzero.net)  
**To:** [Motta, Chris](#)  
**Subject:** Possible Errors in the April 2023 Draft General Plan Policy Document  
**Date:** Sunday, April 30, 2023 9:03:15 PM  
**Attachments:** [2023 - 04-30 - Email to Chris Motta - Numbering Problems in the April 2023 Draft General Plan Policy Document.pdf](#)

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**CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK**

April 30, 2023

Hi Chris,

I've found what I believe are some errors in the April 2023 draft General Plan Policy Document.

Please see the attachment.

Thanks,

Rad

5.2

**From:** [radleyreep@netzero.net](mailto:radleyreep@netzero.net)  
**To:** [Motta, Chris](#)  
**Subject:** RE: Need Help Locating Two Appendices for the Update of the General Plan and Zoning Ordinance  
**Date:** Thursday, May 11, 2023 12:12:17 PM  
**Attachments:** [2023 - 05-11 - Email to Chris - Still Can't Find Appendix A in the 2023 Draft Background Report.pdf](#)  
[RE Need Help Locating Two Appendices for the Update of the General Plan and Zoning Ordinance.msg](#)

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**CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK**

May 22, 2023

Hi Chris,

Unfortunately, I still couldn't find Appendix A in the draft 2023 Background Report.

Please see the attachment to see what I did find.

Thanks,

Rad

Please note: message attached

From: "Motta, Chris" <CMotta@fresnocountyca.gov>  
To: "radleyreep@netzero.net" <radleyreep@netzero.net>  
Subject: RE: Need Help Locating Two Appendices for the Update of the General Plan and Zoning Ordinance  
Date: Thu, 11 May 2023 18:45:04 +0000

**From:** [radleyreep@netzero.net](mailto:radleyreep@netzero.net)  
**To:** [Motta, Chris](#)  
**Subject:** RE: Need Help Locating Two Appendices for the Update of the General Plan and Zoning Ordinance  
**Date:** Thursday, May 11, 2023 11:28:46 AM  
**Attachments:** [2023 - 05-11 - Email Exchange - Rad and Chris Motta - Need Help Locating Appendices A and C in the Docs Released for Public Review for the Update of the GP and ZO.pdf](#)  
[RE Need Help Locating Two Appendices for the Update of the General Plan and Zoning Ordinance.msg](#)

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**CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK**

May 11, 2023

Hi Chris,

I can't find the appendices in the documents.

Please see the attachment.

Thanks,

Rad

Please note: message attached

From: "Motta, Chris" <CMotta@fresnocountyca.gov>  
To: "radleyreep@netzero.net" <radleyreep@netzero.net>  
Cc: GPR <gpr@fresnocountyca.gov>  
Subject: RE: Need Help Locating Two Appendices for the Update of the General Plan and Zoning Ordinance  
Date: Thu, 11 May 2023 15:42:54 +0000

**From:** [radleyreep@netzero.net](mailto:radleyreep@netzero.net)  
**To:** [Motta, Chris](#)  
**Subject:** RE: Need Help Locating Two Appendices for the Update of the General Plan and Zoning Ordinance  
**Date:** Thursday, May 11, 2023 1:33:23 PM  
**Attachments:** [RE Need Help Locating Two Appendices for the Update of the General Plan and Zoning Ordinance.msg](#)

---

**CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK**

May 11, 2023

Hi Chris,

Refreshing my browser did the trick.

Thanks,

Rad

Please note: message attached

From: "Motta, Chris" <CMotta@fresnocountyca.gov>  
To: "radleyreep@netzero.net" <radleyreep@netzero.net>  
Subject: RE: Need Help Locating Two Appendices for the Update of the General Plan and Zoning Ordinance  
Date: Thu, 11 May 2023 19:15:40 +0000

**From:** [radleyreep@netzero.net](mailto:radleyreep@netzero.net)  
**To:** [Motta, Chris](#)  
**Subject:** RE: Possible Errors in the April 2023 Draft General Plan Policy Document  
**Date:** Monday, May 1, 2023 3:07:44 PM  
**Attachments:** [RE Possible Errors in the April 2023 Draft General Plan Policy Document.msg](#)

---

**CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK**

May 1, 2023

Hi Chris,

Thanks for letting me know.

Rad

Please note: message attached

From: "Motta, Chris" <CMotta@fresnocountyca.gov>  
To: "radleyreep@netzero.net" <radleyreep@netzero.net>  
Cc: GPR <gpr@fresnocountyca.gov>  
Subject: RE: Possible Errors in the April 2023 Draft General Plan Policy Document  
Date: Mon, 1 May 2023 20:50:23 +0000

## Letter 5

**COMMENTER:** Radley Reep

**DATE:** May 10, 2023

### Response 5.1

*The commenter asks for assistance locating Appendix A (Disadvantaged Unincorporated Communities) and Appendix C (Fresno County Climate Change Vulnerability Assessment) of the Draft General Plan Background Report and Draft EIR.*

County staff replied to the commenter during the comment period. Appendix A (Disadvantaged Unincorporated Communities) of the General Plan Background Report can be found on page A-1 of the General Plan Background Report located here:

<https://www.fresnocountyca.gov/files/sharedassets/county/public-works-and-planning/development-services/planning-and-land-use/general-plan/fcgpr-background-report-2023-05-10.pdf>

Appendix C (Fresno County Climate Vulnerability Assessment) can be found on page C-1 of the Draft General Plan located here:

[https://www.fresnocountyca.gov/files/sharedassets/county/public-works-and-planning/development-services/planning-and-land-use/general-plan/fcgpr\\_general-plan\\_prd-2023\\_05\\_11.pdf](https://www.fresnocountyca.gov/files/sharedassets/county/public-works-and-planning/development-services/planning-and-land-use/general-plan/fcgpr_general-plan_prd-2023_05_11.pdf)

### Response 5.2

*The commenter states that the Draft General Plan Policy Document has errors and to see an attachment.*

The attachment is Comment Letter 1. Please refer to Response 1.1.

---

**From:** Mike <mikep@biafm.org>  
**Sent:** Thursday, May 18, 2023 5:20 PM  
**To:** Motta, Chris <CMotta@fresnocountyca.gov>  
**Subject:** RE: Notice of Availability - Draft Program Environmental Impact Report (SCH#201803106) – Fresno County General Plan Review and Zoning Ordinance Update

Chris: turns out we sent a letter back in 2021 supporting the campus study. We will let that stand as our submittal. If you don't have a copy, see Bernard, he has a copy.

Mike Prandini  
BIA of Fresno/Madera Counties  
420 Bullard Ave., Suite 105  
Clovis, CA 93612

Ph. 559-226-5900  
Cell 559-779-5838  
Email [mikep@biafm.org](mailto:mikep@biafm.org)

6.1

---

**From:** Motta, Chris <CMotta@fresnocountyca.gov>  
**Sent:** Tuesday, May 16, 2023 4:06 PM  
**To:** Mike <mikep@biafm.org>  
**Subject:** RE: Notice of Availability - Draft Program Environmental Impact Report (SCH#201803106) – Fresno County General Plan Review and Zoning Ordinance Update

Mike,

You should send the comments to [gpr@fresnocountyca.gov](mailto:gpr@fresnocountyca.gov) with a cc to me at [CMotta@fresnocountyca.gov](mailto:CMotta@fresnocountyca.gov)

Thanks,



**Chris W. Motta** | **Principal Planner**  
**Department of Public Works and Planning |**  
**Development Services and Capital Projects Division**  
2220 Tulare St. 6th Floor Fresno, CA 93721  
Main Office: (559) 600-4497 Direct: (559) 600-4227  
[Your input matters! Customer Service Survey](#)

---

**From:** Mike <mikep@biafm.org>  
**Sent:** Tuesday, May 16, 2023 3:54 PM  
**To:** Motta, Chris <CMotta@fresnocountyca.gov>  
**Subject:** RE: Notice of Availability - Draft Program Environmental Impact Report (SCH#201803106) – Fresno County General Plan Review and Zoning Ordinance Update

Chris: If the BIA wishes to support something specific in the General Plan, to whom should we address our comments?

Mike Prandini  
BIA of Fresno/Madera Counties  
420 Bullard Ave., Suite 105  
Clovis, CA 93612

Ph. 559-226-5900  
Cell 559-779-5838  
Email [mikep@biafm.org](mailto:mikep@biafm.org)

**From:** Motta, Chris <[CMotta@fresnocountyca.gov](mailto:CMotta@fresnocountyca.gov)>  
**Sent:** Thursday, April 27, 2023 2:46 PM  
**To:** Motta, Chris <[CMotta@fresnocountyca.gov](mailto:CMotta@fresnocountyca.gov)>  
**Subject:** Notice of Availability - Draft Program Environmental Impact Report (SCH#201803106) – Fresno County General Plan Review and Zoning Ordinance Update

Good Afternoon,

The County is notifying interested agencies, organizations, and individuals of the release of the Draft Program Environmental Impact Report (DPEIR) for the Fresno County General Plan Review and Zoning Ordinance Update, and a release of a revised General Plan Policy Document and Draft Zoning Ordinance. These documents are available for a 60 day Public Comment Period ending June 27, 2023. Documents may be viewed/downloaded at: [fresnocountygeneralplan.com](http://fresnocountygeneralplan.com)

Attached is the Notice of Availability for the DPEIR.

Please send your written comments to the Lead Agency/Contact:

Chris Motta, Principal Planner  
County of Fresno, Department of Public Works and Planning  
Development Services and Capital Projects Division  
2220 Tulare Street, Sixth Floor

Fresno, California 93721  
Email: [gpr@fresnocountyca.gov](mailto:gpr@fresnocountyca.gov)

Thank you for your interest in this project.



**Chris W. Motta** | **Principal Planner**  
**Department of Public Works and Planning |**  
**Development Services and Capital Projects Division**  
2220 Tulare St. 6th Floor Fresno, CA 93721  
Main Office: (559) 600-4497 Direct: (559) 600-4227  
[Your input matters! Customer Service Survey.](#)



RECEIVED  
OCT 22 2021  
Fresno County  
Dept. of Public Works & Planning  
Administration

October 18, 2021

Honorable Board of Supervisors  
County of Fresno  
Hall of Records, Room 301  
2281 Tulare Street  
Fresno, CA 93721

Subject: Proposed Business and Industrial Campus

Dear Supervisors:

Your Board recently accepted a recommendation by District 2 Supervisor Steve Brandau and District 4 Supervisor Buddy Mendes to initiate an Initial Infrastructure Assessment to study needed and available infrastructure to serve a proposed Business and Industrial Campus. The 2,940-acre area to be studied is bounded on the north by North Avenue, on the west by Peach Avenue and State Route 99, on the south by American Avenue, and on the east by Fowler Avenue.

Fresno County's General Plan includes an Economic Development Strategy and Element describing three important goals: job creation, economic base diversification, and labor force preparedness. To realize these goals, it is necessary for the County to evaluate areas that can accommodate large scale developments for business and industry.

As noted in the August 24, 2021 report Supervisors Brandau and Mendes presented to your Board, achieving these goals will generate the personal income, profits, and tax revenues necessary for continued investment to achieve sustainable growth in the local economy. In addition, diversification of the economic base of Fresno County will reduce the County's dependence on agriculture for employment and wealth creation.

6.2

Honorable Board of Supervisors  
October 18, 2021  
Page 2

The Board of Directors of the Building Industry Association of Fresno/Madera Counties (BIA) has reviewed and considered the contents of the August 24, 2021 report and the rationale underlying the recommendations reflected in the report.

We are pleased to inform you that the BIA wholeheartedly supports Fresno County in its effort to foster job creation, economic base diversification, and labor force preparedness. It is our hope that the Initial Infrastructure Assessment authorized by your Board will shed light on a path forward toward successful development of the Business and Industrial Campus envisioned by the County.

The BIA stands prepared to assist Fresno County in every way possible to realize the Business and Industrial Campus. Please do not hesitate to call upon us for any support the building industry may be able to provide.

6.2 cont.

Sincerely,



Dennis M. Gaab  
Chairman, Board of Directors



Michael Prandini  
President & CEO

- c: Jean M. Rousseau, County Administrative Officer
- Steven E. White, Director of Public Works and Planning
- Fresno County Economic Development Corporation
- Fresno Chamber of Commerce
- Honorable Fresno City Council
- Honorable Jerry Dyer, Mayor
- Thomas Esqueda, City Manager

## Letter 6

**COMMENTER:** Mike Prandini, Building Industry Association of Fresno/Madera Counties

**DATE:** May 18, 2023

### Response 6.1

*The commenter states that they sent a letter in 2021 supporting a campus study. The commenter states that this letter will stand as their comment submission.*

This comment has been noted. Please refer to Response 6.2 for additional information.

### Response 6.2

*The commenter states that in order for the County to reach its economic goals, it is necessary for the County to evaluate areas that can accommodate large scale developments for business and industry. The commenter states they are hopeful an Initial Infrastructure Assessment will be completed and illuminate a path toward the development of the Business and Industrial Campus. The commenter states that the Building Industry Association of Fresno/Madera Counties is prepared to assist the County to create the Business and Industrial Campus.*

This comment has been noted and will be passed along to decision makers. This comment does not pertain to the analysis and conclusions of the EIR. Pursuant to *CEQA Guidelines* Section 15131, economic or social effects of a project shall not be treated as a significant effect on the environment. As such, formal analysis of economic or social impacts is not required, which includes the potential for future development facilitated by the project to meet the County's economic goals.

**Name**

Monica McBrearty

**Email**

execasst@ewellgroup.com

**Mailing Address**

Ewell Group  
c/o Austin Ewell  
735 W Alluvial Ave #103  
Fresno, CA 93711

**Comments**

**Type your comments in the box below or click on the 'browse' button below the comment box to upload your documents.**

The 38 acre residential development known as Elegante Estates/The Preserve, consists of two parcels (approx. 38 acres). The tentative tract map for 18 2-acre single family lots, under GPA 566, AA 3850, VTTM 6420, VA 4140 and IS 8307 (Apr. 29, 2022). The Application proposes to amend the Land Use Element of the Fresno County General Plan by changing the land use designation of a 15.24-acre parcel with APN 579-060-37 and a 21.18-acre parcel with APN 579-060-55 from AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) Zone District to the R-R (Rural Residential, 2-acre minimum parcel size) Zone District. The rural residential zoning would be consistent with the CA Department of Conservation designation of the property. Subject Address: 12760 and 12762 N. Friant Road, Fresno, CA 93650. Sec-Twp-Rng: 1-12S-20E. We request that the two subject parcels be considered for the County of Fresno's recent General Plan Update Review for the Reno Rd/Willow Bluff Five-Acre Rural Residential Designation project. Our request has recently been discussed and reviewed with Fresno County senior management.

7.1

Thank you,  
**County of Fresno**

**This is an automated message generated by Granicus. Please do not reply directly to this email.**

## Letter 7

**COMMENTER:** Monica McBrearty

**DATE:** May 18, 2023

### **Response 7.1**

*The commenter requests that two parcels (APNs 579-060-37 and 579-060-55) be considered for the Reno Road/Willow Bluff Five-Acre Rural Residential Designation project in the General Plan Review. The commenter states the request has been discussed and reviewed by Fresno County senior management.*

This comment has been noted. It will be forwarded to the decisionmakers for review. The comment is not related to the analysis and conclusions of the Draft EIR. Please refer to Master Response GPR/ZOU for additional information regarding recommendations related to the GPR/ZOU.

# California Department of Transportation

DISTRICT 6 OFFICE  
1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616  
(559) 981-7284 | FAX (559) 488-4195 | TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



May 23, 2023

Draft Program Environmental Impact Report (DPEIR)  
2023 Fresno County General Plan and Zoning Ordinance Update  
SCH # 201803106  
GTS #: 29653

## SENT VIA EMAIL

Mr. Chris Motta, Principal Planner  
Fresno County - Department of Public Works and Planning  
2220 Tulare Street, Sixth Floor  
Fresno, CA 93721

Dear Mr. Motta:

Thank you for the opportunity to review the Draft Program Environmental Impact Report (DPEIR) for the Fresno County General Plan Review and Zoning Ordinance Update. The DPEIR is a document that analyzes and discloses the potentially significant environmental impacts associated with the update of the Fresno County GP and Zoning Ordinance. The GP is a planning document that updates established policies and land uses that guide the growth and development for the City of Fresno, specifically looking toward the planning horizon of 2042.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

- 1. It is understood that the County has adopted transportation impact criteria based on the Vehicle Miles Traveled (VMT) as presented in the 2021 Fresno Council of Governments' Fresno County SB 743 Implementation Regional Guidelines, as noted in the DPEIR Appendix TIS, Vehicle Miles Traveled Technical Memorandum for the GP update. Caltrans encourages the County and project proponents of future developments to coordinate with Caltrans regarding projects that have the potential to impact the State Highway System (SHS) facilities. 8.1
- 2. Please note that future further studies such as transportation impact studies, queueing analyses, or safety analyses may be needed for the land uses near the state route facilities. 8.2
- 3. Pages 36 of the EIR document includes the following policy: 8.3

T-1: **VMT Policy**- This is consistent with the recommended threshold identified for 31

8.3  
cont.

unincorporated Fresno County in the *2021 Fresno County SB 743 Implementation Regional Guidelines* (pursuant to OPR's SB 743 technical advisory).

4. Caltrans encourages local agencies to consider creating a VMT Mitigation Impact Fee to help reduce impacts on the state highway system. 8.4
5. Local agencies are also encouraged to consider implementing policies that support multimodal transportation systems (such as bicycle and pedestrian facilities and public transportation services) to provide connectivity of modes within communities which also helps reduce VMT. 8.5
6. Active Transportation Plans and Smart Growth efforts support the state's 2050 Climate goals. Caltrans supports reducing VMT and GHG emissions in ways that increase the likelihood that people will use and benefit from a multimodal transportation network. 8.6
7. The County should consider promoting the leveraging of strategic investments to maintain and modernize a multimodal freight transportation system with innovative approaches, including advanced technology to optimize integrated network efficiency, improve travel time reliability, and achieve sustainable congestion reduction. 8.7

If you have any other questions, please call or email: Keyomi Jones, Transportation Planner at (559) 981-7284 or [keyomi.jones@dot.ca.gov](mailto:keyomi.jones@dot.ca.gov).

Sincerely,



Mr. Dave Padilla, Branch Chief,  
Transportation Planning – North

## Letter 8

**COMMENTER:** Dave Padilla, Branch Chief, Transportation Planning – North, California  
Department of Transportation

**DATE:** May 23, 2023

### Response 8.1

*The commenter encourages the County and project proponents for future developments to coordinate with Caltrans regarding projects that have the potential to impact the State Highway System facilities.*

This comment has been noted.

### Response 8.2

*The commenter states that further studies, including queueing and safety analyses, may be needed for the land uses near state route facilities.*

This comment has been noted. The PEIR is a programmatic document that discusses the impacts to the community as a whole as potentially direct and indirectly impacted by the implementation of the GPR/ZOU. Future individual development projects under the GPR/ZOU have not been proposed/identified and therefore the exact nature of those land uses and projects is speculative. As such the County cannot conduct specific environmental analyses of speculative projects. Once individual projects are proposed the County will comply with CEQA with regard to conducting environmental I analyses of such projects.

### Response 8.3

*The commenter notes that the Draft EIR includes policy T-1: VMT Policy. The commenter states that this policy is consistent with the recommended threshold identified for unincorporated Fresno County in the 2021 Fresno County SB 743 Implementation Regional Guidelines.*

This comment has been noted.

### Response 8.4

*The commenter states that Caltrans encourages local agencies to consider creating a VMT Mitigation Impact Fee to reduce impacts on the state highway system.*

This suggestion will be forwarded to decisionmakers for their review. VMT impacts are analyzed in Section 4.15, *Transportation and Traffic* of the EIR. As stated therein, “the proposed Fresno County GPR/ZOU would result in an increase in VMT per capita and an increase in VMT per employee above 87 percent of baseline 2019 Countywide conditions. VMT per capita and VMT per employee impacts from implementation of the proposed GPR/ZOU would be significant and unavoidable.”

Furthermore, while Mitigation Measure T-1 “would implement a new policy into the 2042 General Plan that would require projects to demonstrate a reduction of both VMT per capita and VMT per employee in unincorporated Fresno County to at least 13 percent below the baseline conditions countywide, the implementation of project-level VMT-reducing strategies may not be feasible for each project, and a reduction consistent with at least 13 percent below baseline conditions cannot be guaranteed on a project-by-project basis. Similarly, implementation of regional VMT-reducing

strategies, such as extending transit services, may not be feasible as there are currently no procedures or policies in place to establish such actions. Therefore, it is speculative to assume every project would meet such a requirement, and this impact would remain significant and unavoidable. No additional mitigation measures to reduce this impact to a less-than-significant level are feasible.”

### **Response 8.5**

*The commenter states that agencies are encouraged to consider implementing policies that support multimodal transportation systems.*

This comment is noted, and the General Plan contains such policies, including Policy TR-A.14 regarding Multi-modal Transportation Systems, and Policy TA-A.23, Urban Area Complete Streets. These policies are discussed in several sections of the EIR, including in Section 4.15, *Transportation and Traffic*, under Impact T-1.

### **Response 8.6**

*The commenter states that Caltrans supports reducing VMT and GHG emissions in ways that increase the likelihood that people will use and benefit from a multimodal transportation network.*

This comment has been noted. As discussed on page 4.11-9 of the DEIR, the 2042 General Plan Transportation and Circulation Element and Open Space and Conservation Element addresses efforts to meet regional planning air quality goals and reduce greenhouse gas emissions through the encouragement of alternative modes of transportation, active transportation and support for electric vehicle charging stations. Goal TR-A and applicable policies promote multi-modal transportation including travel by walking, bicycle, or transit. Policies TR-A.23 and TR-A.24 under Goal TR-A identify the importance of complete streets in both urban and rural areas to support pedestrian and transit-oriented development. Goal OS-G and its associated policies identify the importance of the County’s efforts to reduce emissions and improve air quality, particularly by reducing automobile travel and planning for a multi-modal transportation system that shifts travel away from single occupancy vehicles.

Goal LU-F encourages mixed-use development in urban and urbanizing areas in order to better promote better connectivity and locate residences near transit systems and services. These goals and policies promote infill development, prioritize VMT and emissions reductions, and promote a multimodal transportation network.

### **Response 8.7**

*The commenter suggests that the County should consider promoting the leveraging of strategic investments to maintain and modernize a multimodal freight transportation system.*

This comment has been noted. As discussed on page ES-3, the General Plan supports development of a multi-modal transportation system that meets community economic and freight mobility needs, improves air quality, and shifts travel away from single-occupant automobiles to less polluting transportation modes. The comment is not related to the analysis and conclusions of the Draft EIR and so no further response is required.

**From:** [Jimenez, Bernard](#)  
**To:** [nmrichardson@comcast.net](mailto:nmrichardson@comcast.net)  
**Cc:** [Nerland, Paul](#); [White, Steven](#); [Motta, Chris](#)  
**Subject:** RE: funding search for Climate Action Plan  
**Date:** Monday, June 19, 2023 3:06:10 PM  
**Attachments:** [image008.png](#)

Ms. Richardson I am responding on behalf of Mr. Nerland regarding your inquiry. The County is not yet currently seeking funding to develop a Climate Action Plan. However, as part of its ongoing General Plan Review process, the County has included draft policies in its General Plan that if adopted would commit the County to seek funding and prepare a Climate Action Plan. The County’s draft General Plan is in the public review phase with anticipated public hearings and consideration of adoption by the County Board of Supervisors expected to occur later this year. If you have any additional questions regarding this issue, please do not hesitate contact myself or Chris Motta, Principal Planner. This is copied on this email and his phone number is (559) 600-4227. Thanks.



**Bernard Jimenez** | Planning & Resource Management Officer  
Public Works and Planning | Administration  
2220 Tulare St. 6th Floor Fresno, CA 93721  
Direct: (559) 600-4234 / Main Office: (559) 600-4078  
[Your input matters! Customer Service Survey](#)

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**From:** NANCY M RICHARDSON <[nmrichardson@comcast.net](mailto:nmrichardson@comcast.net)>  
**Sent:** Friday, June 16, 2023 11:50 AM  
**To:** Nerland, Paul <[PNerland@fresnocountyca.gov](mailto:PNerland@fresnocountyca.gov)>  
**Subject:** funding search for Climate Action Plan

**CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK**

Mr. Nerland,

I have a question. Is anybody at the County actively seeking funding for the County to use to develop a Climate Action Plan?

Asking the question seems better than not knowing and speculating on that!

As to who I am, I have been involved in civic endeavors for 50 or so years. I served on the school board, chaired the first Foster Care Oversight Committee, chaired the Mental Health Board, served on the Juvenile Justice Commission, wrote studies on Juvenile Delinquency, served with CASA, and much more. Cathi Huerta is a dear and longtime friend.

9.1

I am old, but not so old that I want to spend my time playing bingo. So I am studying up on air pollution and trying to understand the County General Plan.

If you can respond to the question in the first paragraph, it would spare all the wondering. Many thanks.

Nancy M. Richardson  
559 905-5878

## Letter 9

**COMMENTER:** Nancy M. Richardson

**DATE:** June 16, 2023

### **Response 9.1**

*The commenter asks if the County is actively seeking funding for the County to use to develop a Climate Action Plan (CAP).*

The County responded to this comment during the public comment period. The County is not currently seeking funding to develop a CAP. The comment is not related to the analysis and conclusions of the Draft EIR and so no further response is required.

However, as discussed on pages 4.8-17 through 4.8-18 of the DEIR, Mitigation Measure GHG-1 would require the County to add Policy HS-G.12 to the General Plan. Policy HS-G.12 requires the County to seek a variety of sources including, but not limited to, grants, state funding, and or impact fees to fund the preparation and implementation of a Fresno County specific Climate Action Plan. Once funding is available, Policy HS-G.13 directs the County to prepare a Climate Action Plan.



June 19, 2023

Chris Motta, Principal Planner  
 Department of Public Works and Planning  
 2220 Tulare St., 6<sup>th</sup> Floor  
 Fresno CA 93721

RE: Comment on the draft EIR for the General Plan Review and Zoning Ordinance Update

Dear Mr. Motta:

These are comments from the League of Women Voters of Fresno on the Draft Program Environmental Impact Report for the Fresno County General Plan Review and Zoning Update dated April 28, 2023.

Sometimes official documents are most important for what they don't say. That is true of the document referenced above. We believe that there should be a forthright discussion of the environmental impact of *not* having a Climate Action Plan as part of the Draft General Plan Policy Document. As early as 2012, the County had planned to include a Climate Action Plan in its General Plan Policy Document.

10.1

We have read, with astonishment, the Plan Policy HS-H.10 as cited on Page ES-12, which calls for an unspecified time frame for seeking full funding for the development and implementation of a specific Climate Action Plan. We also note Policy HS-H, which proposes "*a two-year window during which to adopt General Plan Amendment GHG emissions reduction trajectory consistent with state law.*"

10.2

What is missing is any sense of urgency or any hint that this is a priority. Climate impacts in the last few years have been striking and cannot have gone unnoticed. It must be apparent, too, that having a strong Climate Action Plan within the adopted General Plan brings significant advantages in streamlining the CEQA approval process.

We wish to note, also, the following language from the Environmental Impact Analysis section titled Significance After Mitigation, page 4.8-18:

*Buildout of the 2042 General Plan exceeds the established EIR threshold established for this EIR and impacts would be significant and unavoidable until a CAP is prepared and implemented under Mitigation Measure GHG-1 and GHG-2 to reflect the per service population targets in line with the reduction trajectory that meets statewide targets for emissions reductions. **If and when a County CAP is prepared and***

10.3

***implemented in accordance with statewide emission targets, this impact may be reduced to a less than significant level. However, until the County prepared a CAP in accordance with Mitigation Measure GHG 1 and GHG-2, impacts from GHG emissions would remain significant and unavoidable. (Emphasis added.)***

Because the Draft EIR concludes that development envisioned under the GPR/ZOU would generate greenhouse gas emissions exceeding acceptable thresholds and because it is presently knowable that the adoption of a Climate Action Plan may reduce such impacts to a less than significant level, it is even more important that the County not defer for two years and longer, if funding is unavailable, the study of the range of mitigation that is currently available to reduce the impact of greenhouse gas emissions. The County must also include in the Final EIR information that supports this unfortunate conclusion in the Draft EIR that the adoption of a Climate Action Plan may reduce the impacts on climate change to a “*less-than-significant level*”.

10.3  
cont.

We urge you to begin immediately to prepare a Climate Action Plan. Much of the information is readily available. Waiting for full funding to pay for the development of a plan would waste valuable time, subject residents to needless suffering, and likely increase the cost of mitigation measures.

10.4

Sincerely,

Francine Farber and Kay Bertken  
Co-presidents of The League of Women Voters of Fresno

## Letter 10

**COMMENTER:** Francine Farber and Kay Bertken, Co-Presidents, The League of Women Voters of Fresno

**DATE:** June 19, 2023

### Response 10.1

*The commenter states that there should be a forthright discussion of the environmental impact of not having a Climate Action Plan as part of the Draft General Plan.*

As discussed on pages 4.8-17 through 4.8-18 of the DEIR, Mitigation Measure GHG-1 and Mitigation Measure GHG-2 require the County to add policies to the General Plan that would lead to the development and implementation of a County CAP to reflect the most recent GHG reduction regulations and establish a countywide GHG reduction target. The environmental significance of not having a CAP or GHG reduction plan is discussed under Impact GHG-1 on page 4.8-18 of the DEIR, and as stated therein, “Buildout of the 2042 General Plan exceeds the established EIR threshold established for this EIR and impacts would be significant and unavoidable until a CAP is prepared and implemented under Mitigation Measure GHG-1 and GHG-2 to reflect the per service population targets in line with the reduction trajectory that meets statewide targets for emissions reductions.” If and when a County CAP is prepared and implemented in accordance with statewide emissions targets, the impact regarding GHGs generated by development envisioned under the GPR/ZOU may be reduced to a less than significant level. However, until the County prepares a CAP in accordance with Mitigation Measure GHG-1 and GHG-2, impacts from GHG emissions would remain significant and unavoidable.

### Response 10.2

*The commenter states that Policy HS-H.10 on page ES-12 of the Draft General Plan does not have a specified timeframe. The commenter states a sense of urgency is missing. The commenter states that having a strong Climate Action Plan within the General plan brings advantages in streamlining the CEQA approval process.*

This comment is noted. The comment is not related to the analysis and conclusions of the Draft EIR and so no further response is required.

However, a timeframe for implementing a CAP is discussed on page 4.8-18 of the DEIR. Mitigation Measure GHG-2 requires the County to add Policy HS-G.13 to the General Plan. Policy HS-G.13 requires the County to undertake a countywide CAP within two years of the adoption of General Plan Amendment No. 529 (General Plan Review) with the objective of meeting a GHG emissions reduction trajectory consistent with State law (currently codified in Health and Safety Code Section 38566 et seq. [Senate Bill 32] and Executive Order B-55-18).

### Response 10.3

*The commenter notes that the Draft EIR concludes that development envisioned under the General Plan Review and Zoning Ordinance Update would have significant and unavoidable impacts regarding GHGs. The commenter states that including a Climate Action Plan could reduce this impact to a less than significant level and requests that the County include in the FEIR information that supports the conclusion of the DEIR.*

This comment is noted. The Draft EIR notes that because the County does not have a GHG reduction plan or CAP and the GHG impacts of the project exceeds the EIR's significance thresholds, the impact was determined to be significant and unavoidable. Impact GHG-1 on Page 4.8-18 of the EIR contains information regarding how adoption of a CAP may, but is not guaranteed to, reduce impacts to a less than significant level. As stated therein, "If implemented in accordance with Mitigation Measures GHG-1 and GHG-2, a revised target may be included in the CAP that incorporates more detailed and County specific inventory information than is provided within this EIR analysis of the GPR/ZOU. Buildout of the 2042 General Plan exceeds the established EIR threshold established for this EIR and impacts would be significant and unavoidable until a CAP is prepared and implemented under Mitigation Measure GHG-1 and GHG-2 to reflect the per service population targets in line with the reduction trajectory that meet statewide targets for emissions reductions. If and when a County CAP is prepared and implemented in accordance with statewide emissions targets, this impact may be reduced to a less than significant level. However, until the County prepares a CAP in accordance with Mitigation Measure GHG-1 and GHG-2, impacts from GHG emissions would remain significant and unavoidable."

#### **Response 10.4**

*The commenter urges the County to prepare a Climate Action Plan.*

This comment has been noted and passed to decision makers.



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June 20, 2023

Letter 11

Chris Motta, Principal Planner  
County of Fresno Department of Public Works and Planning  
2220 Tulare Street, Sixth Floor  
Fresno, CA 93721

Re: General Plan Review and Zoning Ordinance Update Project

Dear Principal Planner Motta:

I am writing on behalf of the Kings River Conservancy (KRC). Thank you for the opportunity to comment on the draft County General Plan Policy Document and associated Draft Program Environmental Impact Report (DPEIR).

As you know, KRC is a 501(c)(3) non-profit corporation founded on the principle that advocating for and protecting the lower Kings River benefits the community at large. The mission of the KRC is to foster community involvement in protecting and enhancing environmental values, to enhance and control public access for recreation, to educate the public on matters related to environmental values, to preserve agricultural lands and to encourage sound public conservation practices along the Kings River corridor between Pine Flat Dam and Highway 99.

We appreciate policies in the General Plan that recognize the importance of the Kings River and the County's relationship with the KRC. For example:

- Policy LU-C.11: Kings River Coordination. "The County shall work with the **Kings River Conservancy** and other similar organizations to develop opportunities for conservation and recreation consistent with the Kings River Regional Plan" (emphasis added).
- Policy LU-C.12: Ribbon of Gems: "The County recognizes the natural, aesthetics and recreational benefits of the Kings River and supports the **Kings River Conservancy's** implementation of the Ribbon of Gems" (emphasis added).

11.1

We are also glad that the County recognizes that the Kings River Regional Plan, adopted in 1983, is in need of updating. Specifically:

- Policy OS-H.9 provides that the "County shall develop a recreation plan for the Kings River as part of the update to the Kings River Regional Plan."
- Implementation Program LU-C.A provides that as "funding becomes available, the County will update and maintain the Kings River Regional Plan to guide County decision-making concerning land use and environmental quality within the Kings River influence area."

11.2



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The DPEIR recognizes that updating the Kings River Regional Plan, along with implementation of other policies in the General Plan, would avoid or mitigate significant environmental effects from the Project on the Kings River.

11.2  
cont.

One area of note in the General Plan is the reference to a 7,000-acre State Route 180 / Trimmer Springs Road Special Study Area. (Policy LU-E.25.) This policy provides that the "County shall evaluate the Special Study Area for possible future urban residential, educational, office, and commercial land use." The Special Study Area will directly impact the lower Kings River. As such, the KRC requests that the Kings River Regional Plan be updated prior to, or concurrently, with review of the Special Study Area. Considering 40 years have passed since originally adopted, the Kings River Regional Plan is simply too outdated to serve as current guidance in line with modern standards and regulations for any urban style development to be considered along the Kings River corridor.

11.3

The KRC requests that a specific mitigation measure be added to the DPEIR, which requires that the Kings River Regional Plan be updated before any urban style development occurs along or near the Kings River influence area, including prior to or concurrently with evaluation of the Special Study Area. Additionally, consistent with Agriculture and Land Use Policies C.11 and C.12 (noted above), KRC requests to participate in the development of the updated Kings River Regional Plan as an involved public stakeholder.

11.4

Sincerely,

Susan Buckley, President  
Kings River Conservancy

10942 East Promontory Way  
Clovis, CA 93619  
661-755-3308 / [vk909sar@gmail.com](mailto:vk909sar@gmail.com)

## Letter 11

**COMMENTER:** Susan Buckley, President, Kings River Conservancy

**DATE:** June 20, 2023

### Response 11.1

*The commenter introduces the Kings River Conservancy (KRC) and states that the KRC appreciates the inclusion of General Plan policies Policy LU-C.11 and Policy LU-C.12.*

This comment has been noted.

### Response 11.2

*The commenter states they appreciate the County's recognition of the Kings River Regional Plan, specifically noting Policy OS-H.9 and Implementation Program LU-C.A. of the Draft General Plan. The commenter states that the Draft EIR recognizes updating the Kings River Regional Plan, along with the implementation of other policies in the General Plan, would avoid or mitigate significant environmental effects from the project on the Kings River.*

This comment has been noted.

### Response 11.3

*The commenter states that implementation of Policy LU-E.25 and creation of the Special Study Area will directly impact the lower Kings River. The commenter requests that the Kings River Regional Plan be updated prior to, or concurrently, with review of the Special Study Area.*

This comment has been noted. The comment is not related to the analysis and conclusions of the Draft EIR and so no further response is required. However, the following revision has been made to Policy LU-E.25:

#### **State Route 180/Trimmer Springs Road Special Study Area**

The approximately 7,000-acre area generally located north of the State Route 180/Trimmer Springs Road interchange is designated as a Special Study Area. The County shall evaluate this Special Study Area for possible future urban residential, educational, office, and commercial land uses. A future application to develop the Study Area shall include an update of the Kings River Regional Plan.

Please refer to Master Response GPR/ZOU for additional information regarding recommendations related to the GPR/ZOU.

### Response 11.4

*The commenter requests that a mitigation measure in the Draft EIR requiring that the Kings River Regional Plan be updated before any urban style development occurs along or near the Kings River influence area, prior to or concurrently with evaluation of the Special Study Area. The commenter requests that the KRC participate in the development of the updated Kings River Regional Plan as a public stakeholder.*

No specific impact related to the Kings River Regional Plan was identified in the Draft EIR, and requiring the Kings River Regional Plan be updated is outside the scope of the GPR/ZOU because the

project does not propose land use changes near the Kings River. However, this recommendation will be forwarded to the decision makers for consideration regarding future updates to the Kings River Regional Plan. Additionally, while the GPR/ZOU does not involve land use changes near the Kings River, though it does encourage recreational development in the area.

June 21, 2023

Letter 12

Chris Motta | Principal Planner  
Department of Public Works and Planning  
2220 Tulare St., 6<sup>th</sup> Floor  
Fresno, CA 93721

RE: Comments on the Draft Environmental Justice Element

This letter is comment on the Environmental Justice Element being added to the Fresno County General Plan.

I will address two aspects of the new element: (1) the wording and workability of policies and programs and (2) the degree to which the new element satisfies the objectives and policies required by SB 1000.

12.1

This letter also addresses environmental impacts not addressed in the Environmental Justice Element, those that stem from years of governmental indifference to the needs of disadvantaged communities.



Although Fresno County is one of the richest agricultural regions in the nation, it is also home to some of the poorest communities.

Among the poorest are unincorporated communities that lack the most basic features of healthy, sustainable neighborhoods: safe housing, recreational facilities, sewer systems, potable drinking water and access to critical services. Isolated for decades and governed by a county government that is not set up to provide urban services, these poorer communities have been systematically underserved in the overall allocation of public resources and have frequently been left out of local decision-making processes.

Away from the public eye, the number and condition of these communities was not widely known until quite recently. That changed with the passage of Senate Bill 244 (Wolk, 2011), which required cities and counties to update their respective general plans to identify disadvantaged communities and to assess the adequacy of public facilities and services within them, including water supply, sewers, storm drainage and fire protection.

12.2

The County of Fresno failed to comply with AB 244 in a timely manner. As a consequence, in 2018, *Comunidades Unidas por un Cambio*, represented by the Leadership Counsel for Justice and Accountability, filed suit, and in March 2020, the Fresno County Superior Court gave the County 270 days to incorporate into its General Plan the information required by SB 244. On October 20, 2020, the County complied with the court order by incorporating an SB 244 analysis into the General Plan.

SB 244 was followed by SB 1000 (Leyva, 2016), which required cities and counties to add an environmental justice component to their respective general plans to include goals, policies, and objectives to reduce health risks, prioritize improvements in facilities and services and promote civil engagement in the decision-making processes that affect disadvantaged communities.

45

SB 1000 amended Government Code 65302, to read, in part, as follows:

“The general plan...shall include the following elements:

- (h) (1) An environmental justice element, or related goals, policies, and objectives integrated in other elements, that identifies disadvantaged communities within the area covered by the general plan of the city, county, or city and county, if the city, county, or city and county has a disadvantaged community. The environmental justice element, or related environmental justice goals, policies, and objectives integrated in other elements, shall do all of the following:
  - (A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.
  - (B) Identify objectives and policies to promote civil engagement in the public decisionmaking process.
  - (C) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.

12.2  
cont.

It is important to note that there is nothing in the language above to suggest that the application of SB 1000 is in any way limited to or focused on the processing of new discretionary land use projects.



I will begin my critique of the Environmental Justice Element by identifying wording errors and by flagging text that needs defining. This will be followed by discussions of funding uncertainties, timing concerns, implementation problems and SB 1000 compliance.

## 1. The County should correct errors in wording.

To improve readability, I suggest the Environmental Justice Element be edited as shown below.

ITEM	RECOMMENDED REVISION	REASONING / DISCUSSION
EJ-A.2	...require buffering and screening <del>requirements</del> as part of...	The word <u>requirements</u> is redundant.
EJ-A.4	...improving <del>resident</del> <u>residential</u> air quality...	Typically, the word <u>resident</u> is used for people; the word <u>residential</u> for buildings.
EJ-A.6	...near <del>existing</del> sensitive land uses.	The word <u>existing</u> is unneeded.
EJ-B.3	The County shall <del>collaborate</del> <u>partner</u> with	Delete either the word <u>collaborate</u> or the word <u>partner</u> .

12.3

EJ-B.7	The County shall work with local community services districts in disadvantaged communities to <del>provide support and assistance in their development of develop</del> park improvement funds for parks in disadvantaged communities that are not owned or operated by the County.	I recommend deleting the phrase <i>provide support and assistance</i> simply because it does not add meaning to Policy EJ-B.7.
EJ-C.4	The County shall encourage <del>the consistent</del> access to healthy foods...	The word <i>consistent</i> implies that access to healthy foods is discontinuous, i.e., existing at times and not at others, which I don't think is the case. If an adjective is needed, I suggest using <i>sustained, continuous</i> or <i>unbroken</i> ."
EJ-C.5	access to food for <del>insecure</del> residents in disadvantaged communities.	The word <i>insecure</i> is used incorrectly and is unneeded.
EJ-E.1	... conduct <del>ongoing</del> periodic workshops in...	The word <i>ongoing</i> is used incorrectly.
EJ-E.4	...information is equitably dispersed and <del>simply</del> understood.	The word <i>simply</i> is used incorrectly.
EJ-A.A	...potential project impacts associated with odor, light, glare, <del>groundwater contamination</del> and air emissions...	I don't believe the County approves projects that contaminate groundwater.
EJ-A.C	... to <del>the</del> local commercial and industrial <del>industry operations</del> .	These changes improve readability.
EJ-D.B	Implements Policy EJ-D. <del>32</del>	The Environmental Justice Element does not contain a policy labeled EJ-D.3. My assumption is that Program EJ-D.B implements Policy EJ-D.2.
Goal EJ-A	<del>To ensure the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation and enforcement of environmental laws, regulations and policies do not disproportionately impact any individual race, any culture, income or education level.</del> <u>To ensure the fair treatment of all people regardless of race, culture, national origin, income, and educational level through the development, implementation and enforcement of protective environmental laws, regulations, and policies.</u>	As currently written (struck-through), the goal is difficult to understand.  The underlined text at the left is but one way to restate the goal. There are several phrases that can substitute for the word <i>through</i> . They include <i>as regards, with respect to and vis-à-vis</i> .
Goal D	<u>To</u> <del>E</del> nsure that...	Add the word <i>To</i> to match the format of other goals in the General Plan.
Goal E	<u>To</u> <del>E</del> nsure that...	Add the word <i>To</i> to match the format of other goals in the General Plan.

12.3  
cont.

## 2. The County should define inexplicit terms or use words with more specific meaning.

I have a background in linguistics and am aware of the challenges associated with drafting policy statements that are at once concise and unambiguous. I see in the Environmental Justice Element many opportunities to strengthen understanding through careful editing. Unnecessary descriptors can be eliminated. As needed, words and phrases with indistinct or ambiguous semantic features can be more precisely defined.

### 2A. NOUNS AND ADJECTIVES

TEXT	ITEM	REASONING / DISCUSSION
<i>Adjacent</i>	EJ-A.2	Does <u>adjacent</u> mean <u>contiguous with</u> or <u>at a certain distance from</u> , in which case, what is that distance?
<i>Agencies, local</i>	EJ-E.1	Can these <u>agencies</u> be identified? And have they consented to partner with the County to hold periodic workshops?
<i>Applicable</i>	EJ-A.7	What are <u>applicable</u> permits, as opposed to those that are not?
<i>Appropriate</i>	EJ-A.1 EJ-A.15	In Policy EJ-A.1, perhaps the phrase <u>appropriate distance</u> should be replaced by the phrase <u>safe distance</u> .  In Policy EJ-A.15, what are <u>appropriate</u> measures, as distinct from inappropriate measures? Perhaps the word <u>mitigation</u> should replace the word <u>appropriate</u> .
<i>Emissions</i>	EJ-A.3	What kind of <u>emissions</u> are these? Because Program EJ-A.C ensures implementation of Policy EJ-A.3, and since the Air District is mentioned in Program EJ-A.C, I assume that these are <u>air emissions</u> . If so, Policy EJ-A.3 should so state.
<i>Food banks</i>	EJ-C.G	For the purpose of this policy, what defines <u>food banks</u> ? Are these food banks the same food pantry and fresh produce distribution centers currently mapped on the County Health Department's website? <a href="https://www.fresnocountyca.gov/Departments/Public-Health/About-Us/Fresno-County-Food-Map">https://www.fresnocountyca.gov/Departments/Public-Health/About-Us/Fresno-County-Food-Map</a>
<i>Food deserts</i>	EJ-C.2, EJ-C.4, EJ-C.D	Program EJ-C.D requires the County to develop its own local definition of <u>food deserts</u> and develop a map of food access points. As pointed out directly above, the County already has a map of food distribution locations. With respect to defining <u>food deserts</u> , I highly recommend the County incorporate into the Environmental Justice Element a definition similar to what has been adopted by our federal and California governments.
<i>Food network</i>	EJ-C.5	Policy EJ-C.5 currently reads, " <i>The County shall partner with local stakeholders and <u>food networks</u> to decrease the barriers to accessing the <u>food network</u> and develop policy solutions to address food insecurity and building resilience in the <u>food network</u> to increase consistent, readily available access to food for insecure residents in disadvantaged communities.</i> "

12.3  
cont.

Because *food network* is undefined, there is no way to know whom the County will partner with, nor is it possible to know the nature of the barriers that block access to those networks.

<i>Infrastructure</i>	EJ-A.11, EJ-A.H	Although the word <i>transportation</i> appears in this policy, to make clear that the infrastructure under consideration is related to transportation and transportation only, perhaps the policy should read <i>transportation infrastructure</i> . This change also should also be made to Implementation Program EJ-A.H.
<i>Issues, roadway</i>	EJ-B.8	As proposed, Policy EJ-B.8 reads, “ <i>The County shall prioritize street safety and accessibility by developing a Rural Complete Streets program addressing roadway issues in rural areas of the community.</i> ” Rather than refer to <i>roadway issues</i> , wording from the definition of “complete street,” as found in the Transportation and Circulation Element glossary could be added so that the policy would read, “ <i>The County shall prioritize street safety and accessibility by developing a Rural Complete Streets program to provide safe mobility for all users, including bicyclists, pedestrians, transit vehicles, truckers, and motorists.</i> ” If it’s necessary to actually list issues, a short list is found in Policy TR-A.24 (Rural Area Complete Streets).
<i>Local</i>	EJ-A.3	What are <i>local commercial and industrial developments</i> , as distinct from those that are not local?
<i>Medical service providers</i>	EJ-C.B	Who are these <i>medical service providers</i> ? Are they hospitals, clinics, or integrated managed care consortiums like Kaiser?
<i>Nonprofits</i>	EJ-A.4, EJ-E.1, EJ-C.G	Which <i>nonprofit</i> organizations are these? And have they agreed to partner with the County to enhance public awareness of ways to improve residential air quality (EJ-A.4), conduct periodic workshops in disadvantaged communities (EJ-E.1) and (3) help establish a countywide food recovery program (EJ-C.G)?  I doubt it, and I’m of the opinion that the County should not adopt policies it is not certain it can implement as written.
<i>Periodic, Periodically</i>	EJ-E.1, EJ-B.A, EJ-C.E	The periods of time between recurring workshops (EJ-E.1), meetings (EJ-B.A) and the updating of stakeholder lists (EJ-C.E) are not defined. As a result, the timing of implementation is completely uncertain. Do the words <i>periodic</i> and <i>periodically</i> mean weekly, monthly, yearly — or whenever there’s benefit?
<i>Resources</i>	Goal C	If the <i>resources</i> mentioned in Goal C are not described or listed by name, how will the County be able to determine if the goal has been achieved?
<i>Stakeholder Stakeholders</i>	EJ-C.3, EJ-C.5, EJ-C.6	The words <i>stakeholder</i> and <i>stakeholders</i> appear a total of seven times in the seven elements of the Draft Policy Document under review: once in the Economic Development Element, once in the Public Facilities and Services Element, and five times in the new Environmental Justice Element.

12.3  
cont.

The term *stakeholder* is undefined. As a result, with respect to the Environmental Justice Element, there is no way to know who will be participating with the County to educate the public about chronic diseases (EJ-C.3 and EJ-C.6) or develop policy solutions related to food insecurity (EJ-C.5).

**2B. VERBS**

TEXT	ITEM	REASONING / DISCUSSION
<i>Collaborate</i>	EJ-B.3	<p>What is the nature of this collaboration? Perhaps Policy EJ-B.3 should be edited to read: <i>“The County shall <del>collaborate partner with local school districts and local, regional, and state organizations, if requested, to</del> develop safe and walkable pedestrian routes to school <u>in consultation with school districts and with local, regional and state organizations.</u>”</i></p>
<i>Consider</i>	EJ-E.4	<p>Policy EJ-E.4 should read <i>“The County shall <del>consider</del> <u>accommodate the</u> diversity of its residents....”</i></p>
<i>Coordinate</i>	EJ-A.3	<p>The use of the word <u>coordinate</u> is ineffectual because the County already maintains standards that require developers to incorporate the latest technologies and best practices into commercial and industrial projects.</p>
<i>Encourage</i>	EJ-A.6, EJ-B.1, EJ-C.1, EJ-C.2, EJ-C.4, Goal E	<p>The word <u>encourage</u> has at least these three meanings:</p> <ol style="list-style-type: none"> <li>1. To offer confidence or hope; to hearten or inspire</li> <li>2. To give support or advice; to urge or persuade</li> <li>3. To promote or champion an action or outcome</li> </ol> <p>Since the encourager is focused on a goal or end to be accomplished by another person or entity, ultimately, success resides with the party that’s receiving the encouragement.</p> <p>I recommend that the County find a way to eliminate from the Environmental Justice Element every use of the word <u>encourage</u>, as encouragement does little to ensure success and does not get to the heart of the matter. In Goal E, the word can simply be deleted. In Policy EJ-B.1, it can be replaced by the word <u>facilitate</u>. Policy EJ-A.6 can be deleted altogether because encouraging Caltrans to take action is a pointless exercise.</p> <p>Lastly, it will take some ingenuity to reword policies that <u>encourage</u> the location of health care facilities within disadvantaged communities (EJ-C.1), the establishment of full-service (small and large) grocery stores (EJ-C.21) and consistent access to healthy foods (EJ-C.4). The County should choose language that puts the burden for the targeted action on the County rather than on other parties.</p>
<i>Explore</i>	EJ-B.2	<p>The phrase <u>explore opportunities</u> is vague. I cannot recommend alternative wording because I don’t know if the objective of Policy EJ-B.2 is to remove all or some of the <i>“barriers to outdoor activity”</i> in disadvantaged communities, whatever barriers those might be.</p>

12.3  
cont.

<i>Partner (partnership)</i>	EJ-A.4, EJ-A.9, EJ-B.3, EJ-B.6, EJ-C.3, EJ-C.5, EJ-C.6, EJ-E.1, EJ-C.G	<p>These policies state as fact that the County will be partnering with various local, regional and state organizations. These organizations are, of course, autonomous, i.e., self-governing.</p> <p>The organizations include, by name, the San Joaquin Valley Air Pollution Control District and the Fresno County Tobacco Free Coalition. The Environmental Justice Element also mentions school districts generally and unnamed stakeholders, agencies, food networks and nonprofit organizations.</p> <p>There needs to be in the new element evidence that these organizations can and will enter into partnerships with the County. More specifically, prior to including in the General Plan any declaration of partnership, there needs to be a written description of how the partnership will function and written confirmation that the partner agrees to the partnership.</p>
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<i>Support</i>	EJ-A.9, EJ-D.2	<p>The use of the word <u>support</u> is unneeded.</p> <p>Policy EJ-A.9 can be revised to read: <i>“The County shall partner with the San Joaquin Valley Air Pollution Control District to <del>support-dispersing disburse</del> public education and information...”</i></p> <p>Policy EJ-D.2 can be revised as follows: <i>“The County shall <del>support vulnerable residents from disadvantaged communities by continuing to administer its programs that provide funding to support necessary fund</del> housing rehabilitation projects for senior residents, residents with disabilities, and low-income residents <del>as funding allows.</del>”</i></p>
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12.3  
cont.

### 3. The County should remove from policies and programs all reference to funding.

At first blush, my request that every reference to funding be removed from policies and programs may seem nonsensical, but I reason that it’s not. It’s a simple fact that every policy and program requires staff time and resources — and that takes dollars, but restating this truth ad nauseum does not help; instead, it distracts the reader from the ultimate purpose of these policies and programs.

Statements regarding the need for funding are found throughout the Draft Policy Document, but far more so in the Environmental Justice Element. By my calculation, funding is mentioned in 26% of the policies in the Environmental Justice Element but in only 4% of the policies in the other six elements of the Draft Policy Document. Likewise, funding is mentioned in 28% of the programs in the Environmental Justice Element as opposed to 12% elsewhere in the Draft Policy Document.

This heavy emphasis on funding tells me that the County is unsure it can implement the new element. And unwelcomely, focusing on the pursuit of funding may instill in under-served populations a sense that the County is doing all it can to achieve environmental justice.

In my opinion, because of the paucity — and unreliability — of the funding needed to fully implement the Environmental Justice Element, the County should add to the Draft Policy Document a separate section that outlines the County’s approach to establishing a dedicated funding stream, with contingencies, that ensures full implementation of that element.

Below are references to funding found in the policies and programs of the Environmental Justice Element.

TEXT	ITEM	REASONING / DISCUSSION
<i>As funding allows</i>	EJ-A.4, EJ-C.3, EJ-D.2	<p>The phrase <i>as funding allows</i> appears as the last three words in three policies. These policies address in-home air quality (EJ-A.4), public awareness of diet-related chronic diseases (EJ-C.3) and an avenue for residents with disabilities and others to rehabilitate their homes. By adding the phrase <i>as funding allows</i> to these policies, the County is essentially conceding up front that full implementation is unlikely.</p>
<i>Funding opportunities</i>	EJ-A.10, EJ-D.1, EJ-A.E	<p>These two policies and one program reference funding opportunities for the upgrade and expansion of community water and sewer systems (EJ-A.10), the financing of home-based improvements for income qualified residents (EJ-D.1) and the mitigation of roadway pollution (EJ-A.E).</p> <p>The identification of <i>funding opportunities</i> is an expression of hope that funding will be attainable, but as we all know, there is no assurance that funding will materialize or that it will be sufficient to meet the needs delineated in these three policies.</p> <p>Therefore, since funding is always sought, and since it most often falls short of what’s needed, I highly recommend that the County not refer to funding in individual policies and programs but, instead, devote a special section in the new element to a thoroughly discussion of this all-important subject.</p>
<i>Identify funding necessary to implement</i>	EJ-B.A	<p>It’s admirable that this program calls for the County to periodically work with local school districts and with local, regional, and state organizations to <i>identify funding necessary to implement</i> safe pedestrian routes to schools.</p> <p>However, holding meetings periodically or at the time that unincorporated community plans are updated (which rarely happens), is very likely a path to failure. There is no reason to take a piecemeal approach to establishing safe routes to schools. Instead, this program can be amended to require the County, on its own accord, to prepare a study that assesses pedestrian safety and the funding needed for a global solution to the problem of safe routes to schools. By doing this, projects can be “shovel ready” when funding becomes available.</p>
<i>Seek funding</i>	EJ-A.5, EJ-A.11, EJ-B.5, EJ-B.7, EJ-A.D, EJ-A.H, EJ-B.B, EJ-B.C, EJ-D.B	<p>These policies and programs state that the County will <i>seek funding</i> to mitigate roadway pollution (EJ-A.5), develop transportation projects that support the use of bicycles, wheelchairs, electric scooters, skates and skateboards (EJ-A.11 and EJ-A.H), expand and maintain existing bicycle routes (EJ-B.5), improve parks (EJ-B.7 and EJ-B.B), establish a Healthy Homes HVAC retrofitting subsidy program (EJ-A.D), develop a Rural Complete Streets Program (EJ-B.C) and implement various housing programs (EJ-D.B).</p>

12.3  
cont.

These are worthwhile endeavors, and I'm sure the County is seeking funding for hundreds of other projects, but based on past and present County practices, the creation of new policies and programs directing the County to seek funding is no triumph and nothing about which to be satisfied. In March 2019, the League of Women Voters of Fresno published a report titled 2017 General Plan Annual Progress Report (For Fresno County) in which the League determined that the County has been unable to demonstrate complete and successful implementation of two thirds of the programs in the current 2000-2020 General Plan. And what is cause of this shortcoming? As explained in the League publication, the County asserts that the lack of implementation is primarily due to the absence of a funding stream dedicated to implementing the General Plan.

If it's true that the lack of a dedicated funding stream is the primary reason for plan failure, then I reason that if the County is truly serious about achieving the goals contained in this new element, it will prepare, as part of this revision of the General Plan, a fiscal analysis of the funding needed to fully implement each policy and program in the new element. Documentation is essential, and it's necessary to note here that directives in the Environmental Justice Element requiring the County to seek funding have no provision for the establishment of paper trails. If the new element is adopted as written, there will be no trouble-free way for the public to ascertain whether the County has been following through on its obligations to seek funding.

12.3  
cont.

#### **4. The County should provide better information about timing and timeframes.**

It's common for Fresno County General Plan policies and programs to contain the word continue. The word typically appears between the word "shall" and an infinitive, as for example in Policy OS-E.7, which reads, "*The County shall continue to closely monitor pesticide use in areas adjacent to habitats of special-status plants and animals.*" The word seems to express unceasing due diligence by the County when it comes to matters pertaining to public safety and environmental protection.

The word continue appears three times in the new Environmental Justice Element — in one policy and in two programs — and it could just as easily have been added to other policies and programs. For example, the word continue could be added to Policy EJ-A.2 to read, "*The County shall continue to require buffering and screening requirements as part of the development review process for all new potentially pollution producing land uses proposed to be located adjacent to existing sensitive land uses....*"

Now it may seem counterintuitive, but I recommend that the County delete the word continue from policies and programs in the Environmental Justice Element. The reason? First of all, the word doesn't enhance the public's understanding of the essence of the directives in these policies and programs. Secondly, the word continue calls to question the need to add such policies and programs to the Environmental Justice Element, for if the County is currently engaged in such tasks as a result of directives in other parts of the General Plan, why take steps to write them into the new element?

Should the County agree that the word continue can be deleted, these edits can be made:

**Policy EJ-D.1**

The County shall ~~continue to~~ administer its Housing Assistance Rehabilitation Program (HARP) and explore expanded funding opportunities to finance home-based improvements for income qualified residents.

**Program EJ-A.F**

The County shall ~~continue coordination~~ coordinate with the San Joaquin Valley Air Pollution Control District for project review and comment on both County- and privately-initiated projects.

**Program EJ-C.A**

The County shall ~~continue to~~ promote Federally Qualified Health Centers (FQHCs) within disadvantaged areas through letters of support and engagement with local city and County decision-making bodies.

12.3  
cont.

Evaluation of the word continue brings to mind this question: Just how many of the directives and tasks listed in the Environmental Justice Element are new to the County? Asked another way, how many of the programs in the new element are already being implemented?

Because the new element is short on explanation, this question is a bit difficult to answer. Still, there are ways to reason things out. One way is to imagine what program startup might look like. Another is to check the timeframes listed in Part III of the Draft Policy Document.

**4A. VARIABILITY IN THE STARTUP TIMES FOR NEW IMPLEMENTATION PROGRAMS**

The six programs listed below illustrate the variability in program startup times. The first two programs are already being implemented, so no startup is needed. The next two are partially implemented at this time, and the last two will not be implemented until after the Draft Policy Document is adopted.

**Program EJ-A.A**      *During the development review process, the County shall ensure that adequate measures, including but not limited to, landscaping, buffers, and setbacks are incorporated into each project to minimize potential project impacts....*

What’s known:      **Described above is the County’s current procedure for processing permits.**

What’s unknown:    **Nothing.**

Conclusion:        **This program is in effect and will not change the way the County functions.**

**Program EJ-A.F**      *The County shall continue coordination with the San Joaquin Valley Air Pollution Control District for project review and comment on both County- and privately-initiated projects.*

What’s known:      **This program reflects County practice for processing new permits.**

What’s unknown:    **Nothing.**

Conclusion:        **This program is in effect and will not change the way the County functions.**

<b>Program EJ-C.A</b>	<i>The County shall continue to promote Federally Qualified Health Centers (FQHCs) within disadvantaged areas through letters of support and engagement with local city and County decision-making bodies.</i>
What's known:	<b>The County currently has a list of FQHCs on its website.</b>
What's unknown:	<b>Are there additional opportunities available to the County to promote FQHCs?</b>
Conclusion:	<b>This program is partially in effect and may change the way the County functions.</b>
<b>Program EJ-C.H</b>	<i>The County shall establish, in partnership with local nonprofits and food banks, a countywide food recovery program focused on increasing food access in low-income communities.</i>
What's known:	<b>The County currently has on its website information regarding twelve key food recovery organizations operating within the County.</b>
What's unknown:	<b>How will entering into partnerships increase access to food?</b>
Conclusion:	<b>This program is partially in effect and may change the way the County functions.</b>
<b>Program EJ-C.D</b>	<i>The County shall develop a local definition of food desert and develop a food desert map (food access points). The County will evaluate available public transportation routes and assess feasibility of integration into an existing public asset or increasing/adding healthy food availability services.</i>
What's known:	<b>The County does not have a definition of <i>food deserts</i>, and no map as well.</b>
What's unknown:	<b>Nothing.</b>
Conclusion:	<b>This program is not in effect and will change the way the County functions.</b>
<b>Program EJ-C.F</b>	<i>The County shall include provisions in its Zoning Ordinance that permits [sic] the establishment and operation of farmer's markets without the need for a discretionary development review permit.</i>
What's known:	<b>The County currently requires a permit to operate a farmers market.</b>
What's unknown:	<b>Nothing.</b>
Conclusion:	<b>This program is not in effect and will change the way the County functions.</b>

12.3  
cont.

These six programs illustrate variability and uncertainty with respect to the start times for individual implementation programs and, in consequence, the potential impact on the way the County does business. By my calculation, of the twenty-five programs added to the General Plan through the Environmental Justice Element, five are currently being implemented and will not alter the way the County does business, and seven will most definitely change the way the County operates.

Of the remaining thirteen programs, there's no way to know whether they will have much effect on the way County government functions, and this is because the County has not provided supporting documentation to explain how these new programs will operate.

The chart on the following page represents my best guess as to the degree in which the timing of each new implementation program will affect the workings of the County.

## All 25 IMPLEMENTATION PROGRAMS IN THE ENVIRONMENTAL JUSTICE ELEMENT

ITEM	PRINCIPAL PURPOSE OF THE NEW IMPLEMENTATION PROGRAM	<i>Changes the Way the County does Business</i>		
		No	Maybe	Yes
EJ-A.A	Ensure adequate mitigation measures to protect sensitive uses	✓		
EJ-A.B	Incorporate pollution standards into the Zoning Ordinance		✓	
EJ-A.C	Develop a list of pollution reducing technologies and best practices		✓	
EJ-A.D	Seek funding to establish an HVAC retrofitting subsidy program			✓
EJ-A.E	Seek funding to mitigate roadway pollution		✓	
EJ-A.F	Receive comments from the Air District regarding new projects	✓		
EJ-A.G	Provide public notice of new discretionary projects		✓	
EJ-A.H	Develop a list of infrastructure and active transportation projects		✓	
EJ-A.I	Apply to new uses the industrial standards in the Zoning Ordinance		✓	
EJ-B.A	Seek funding to implement safe routes to schools		✓	
EJ-B.B	Develop a targeted Park Improvement Fund			✓
EJ-B.C	Seek funding to develop a Rural Complete Streets Program			✓
EJ-C.A	Continue to promote Federally Qualified Health Centers		✓	
EJ-C.B	Identify obstacles to providing medical services			✓
EJ-C.C	Maintain/add new routes to health facilities and shopping outlets			✓
EJ-C.D	Develop a definition of food deserts and map the same		✓	
EJ-C.E	Develop a stakeholders list for education on diet-related diseases		✓	
EJ-C.F	Eliminate the permit requirement for operating farmers markets			✓
EJ-C.G	Establish a food recovery program		✓	
EJ-C.H	Evaluate resources to support a food recovery program		✓	
EJ-C.I	Provide public information about chronic diseases	✓		
EJ-D.A	Provide public notices about discretionary projects	✓		
EJ-D.B	Seek funding from state and federal housing programs	✓		
EJ-E.A	Educate residents about health services and housing programs		✓	
EJ-E.B	Adopt a public notice and outreach policy document			✓

12.3  
cont.

Without more information from the County, it’s not possible for county residents to anticipate when new programs will go into effect and, therefore, how they will transform County practices and ultimately improve resident health and sustainability of disadvantaged communities.

A good example of the lack of information is Program EJ-A.G., which is designed to provide residents in disadvantaged communities with opportunities to review and comment on discretionary land use projects in their communities. Program EJ-A.8 implements Policy EJ-A.8. The policy and program are printed below.

### **Policy EJ-A.8**

*The County shall provide residents within disadvantaged communities the opportunity to review and comment on discretionary development projects within their communities.*

### **Program EJ-A.G**

*The County shall mail a written notice to property owners and occupants within 15 days of the County’s acceptance of a discretionary development review application located within a disadvantaged community. Notification shall be in English and Spanish and shall provide the opportunity for residents to submit written comments within 15 days following the date of the notice. Notification shall be from the exterior boundary of the property proposed for development and shall be in accordance with the Fresno County Zoning Ordinance public noticing requirements.*

Policy EJ-A-8 will not alter County practice, as the task expressed in the policy is already in effect. It’s standard practice for the County to notify residents when discretionary land use projects are proposed in their communities and to provide opportunities for review and comment.

But what of Program EJ-A.G? Are the two 15-day time periods a departure from current practice? And will printing notices in English and Spanish be a change as well? Without this information, there’s no way to know whether adoption of Program EJ-A.G constitutes a change in the way the County does business or whether the program simply memorializes what’s already taking place.

**4B. IMPLEMENTATION TIMEFRAMES LISTED IN PART 3 OF THE DRAFT POLICY DOCUMENT**

Part 3 of the Draft Policy Document houses the implementation programs for the new Environmental Justice Element. Included in Part 3 is a grid that lists the anticipated timeframes for the implementation of each program.

Important to the timely implementation of General Plan programs is this statement on page 3-6 of the Draft Policy Document:

*“Each implementation program is followed by...an estimated timeframe for implementation. **The identified timeframes are general guidelines and may be adjusted based on County staffing and budgetary considerations.**”* [My highlighting.]

12.3  
cont.

Now admittedly, the statement that timeframes can be “*adjusted based on County staffing and budgetary considerations*” is a major defect in the General Plan, as a lack of funding could postpone program implementation indefinitely. But be that as it may, there are other problems associated with these timeframes, most notably their lack of definition and their misapplication to individual programs.

The Draft Policy Document lists four possible timeframes for program implementation: *2021-2025*, *2025-2030*, *Annual* and *Ongoing*. Shown below are the timeframes assigned to 24 of the 25 programs in the Environmental Justice Element. (The County failed to assign a timeframe for Program EJ-C.D.)

<b>Timeframe</b>	<b>Implementation Program</b>
<b>2021-2025</b>	EJ-A.D, EJ-C.E, EJ-C.F, EJ-C.G, EJ-C.H, EJ-E.B
<b>2025-2030</b>	∅
<b>Annual</b>	∅
<b>Ongoing</b>	EJ-A.A, EJ-A.B, EJ-A.C, EJ-A.E, EJ-A.F, EJ-A.G, EJ-A.H, EJ-A.I, EJ-B.A, EJ-B.B, EJ-B.C, EJ-C.A, EJ-C.B, EJ-C.C, EJ-C.I, EJ-D.A, EJ-D.B, EJ-E.A

Unfortunately, the Draft Policy Document does not define these timeframes other than to say that they are estimated time periods for “implementation” of each program. But that simple definition is of no help at all. There are too many unknowns. For example, is the 2021-2025 timeframe the period in which to start implementation — or is it the period in which to complete it? And what happens to a program post 2025? There are similar uncertainties with the Ongoing timeframe. Are the 18 programs with that designation already in effect? If not, what are the target years for their initiation and completion?

Because timeframes are undefined and because program implementation can be delayed indefinitely due to insufficient funding, the designation of timeframes for implementing programs is, quite frankly, a rather valueless exercise. Programs EJ-A.B and EJ-B.C serve to illustrate this point.

**Program EJ-A.B**

The timeframe for Program EJ-A.B is listed as Ongoing. The aim of this program is to incorporate “*development standards*” into the Zoning Ordinance — more particularly, the screening and buffering standards identified in companion Policy EJ-A.2.

Program EJ-A.B and Policy EJ-E.8 are printed below:

**Program EJ-A.B**

*The County shall incorporate into its Zoning Ordinance development standards and [sic] that address potentially pollution producing land uses that are proposed to be located adjacent to existing sensitive land uses (such as residential uses, schools, senior care facilities, and day care facilities).*

**Policy EJ-A.2**

*The County shall require buffering and screening requirements as part of the development review process for all new potentially pollution producing land uses proposed to be located adjacent to existing sensitive land uses that have historically been associated with heightened levels of pollution. These land uses associated with pollution include industrial land uses, agricultural operations using pesticides applied by spray techniques, wastewater treatment plants, and landfills and waste treatment facilities.*

The timeframe Ongoing is inappropriate for Program EJ-A.B simply because the placement of screening and buffering standards into the Zoning Ordinance must take place at a discrete point in time — either as part of the concurrent update of the Zoning Ordinance, which is anticipated to be approved in late 2023 or early 2024, or as a separate task to be completed shortly thereafter. In either case, the incorporation of screening and buffering standards is time-specific is not an Ongoing process.

The pending update of the Zoning Ordinance contains new Section 8.22.3.090 (*Screening and Buffering*). It also contains new Section 181.2.080 (*Highway Beautification Overlay Zone Property Development Standards*), which promotes consistent aesthetic provisions for the screening and buffering of new development along Highway 99.

I’m not sure whether the screening and buffering standards written into the draft update of the Zoning Ordinance are the same standards required by Program EJ-A.B and Policy EJ-A.2, but if they are, once the Zoning Ordinance is updated, the tasks specified in Program EJ-A.B will be moot — and the Ongoing timeframe will be meaningless.

If, on the other hand, Program EJ-A.B and Policy EJ-A.2 require the development of screening and buffering standards that are not part of the present update of the Zoning Ordinance, then, the incorporation of such standards into the Zoning Ordinance would still need doing. However, the Ongoing timeframe would still be inappropriate, as the County would need to select either 2012-2025 or 2025-2030 for the initiation and completion of that task.

12.3  
cont.

## **Program EJ-B.C**

The timeframe for implementing Program EJ-A.B is also listed as *Ongoing*. The aim of this program is to seek funding to develop a Rural Complete Streets program. The companion policy is identified as Policy EJ-A.8; however, Policy TR-A.24 is equally applicable.

Program EJ-A.B and Policies EJ-E.8 and TR-A.24 are printed below:

### **Program EJ-B.C**

*The County shall seek funding from the Department of Transportation's Safe Streets and Roads to develop the Rural Complete Streets Program.*

### **Policy EJ-B.8**

*The County shall prioritize street safety and accessibility by developing a Rural Complete Streets program addressing roadway issues in rural areas of the community.*

### **Policy TR-A.24**

*The County shall strive to serve all users on rural roadways in the county by designing and constructing rural roadways to serve safely bicyclists, transit passengers, and agricultural machinery operators. This includes:*

- a. Constructing wide shoulders to provide a safe space for bicyclists, and agricultural machinery vehicles;*
- b. Removing visual barriers along rural roads, particularly near intersections, to improve the visibility of bicyclists; and*
- c. Coordinating with local jurisdictions and Fresno COG to ensure multimodal connections are established and maintained between jurisdictions.*

Program EJ-B.C has two deliverables: (1) the search for funding and (2) the development of a Rural Complete Streets program. The only way this program could be *Ongoing* is if the County fails to find funding over the life of the plan, i.e., over the twenty years from 2023 to 2042.

Two questions come to mind: What year will the County begin to seek funding? and what is the target year for developing a Rural Complete Streets program? Unfortunately, there's no way to know. It would make far greater sense to choose either 2012-2025 or 2025-2030 as the timeframe for developing a Rural Streets Program.

It's my strong belief that the absence of meaningful timeframes for the initiation and completion of implementation programs can lead to plan failure and can disengage county residents who feel disempowered when they cannot figure out what to expect in the way of progress toward implementing and completing General Plan programs. The timeframe *Ongoing* is totally inappropriate in this instance unless, of course, it actually means not likely to ever get done.

## **5. The County must include objectives in the Environmental Justice Element.**

SB 1000 requires the County to add to its General Plan an environmental justice element that includes goals, policies and objectives that will reduce health risks, promote civil engagement and prioritize improvements for those residing in disadvantaged communities.

I see goals, policies and programs in the Environmental Justice Element, but no objectives.

For me, the words *goal* and *objective* have these meanings: A *goal* is an achievable outcome that is generally broad and long term while an *objective* is a shorter-term measurable component of a strategy designed to achieve a particular goal. Sometimes the words *goal* and *objective* are used interchangeably, but in the case of SB 1000, that's not the case, as the two words appear together as part of a string of nouns in the statute: "*goals, policies and objectives.*" The two words must have dissimilar meanings.

Objectives can be applied to policies and programs alike. Policy EJ-A.4 and Program EJ-A.H are good examples to show how this can be done.

#### **Policy EJ-A.4**

This policy has two deliverables. They are...

- To partner with the Fresno County Tobacco Free Coalition and local nonprofit organizations.
- To enhance public awareness of ways to improve residential air quality.

Policy EJ-A.4 is printed below:

#### **Policy EJ-A.4**

*The County shall partner with the Fresno County Tobacco Free Coalition, and local nonprofits to educate and enhance public awareness on improving resident air quality, including lead mitigation and clean air technologies (HEPA filters and ventilation systems) and reducing secondhand smoke exposure to residents in multi-unit housing as funding allows.*

While there are many objectives that can be applied to this policy, depending on how carefully one wants to map out a strategy for successful implementation, for the purposes of this comment letter, I've listed three straightforward, commonsense objectives.

- Obj. 1 To ascertain the level air pollution in homes within disadvantaged communities.
- Obj. 2 To develop the educational materials needed to enhance public awareness.
- Obj. 3 To determine which nonprofits have the capacity to help implement the policy.

With regard to this particular policy, it's important to note that since the County has already partnered with the Fresno County Tobacco Free Coalition, the Coalition is probably well-suited to help implement the first two objectives. Note also that in deference to Section E of the Environmental Justice Element, these three objectives would need to be developed in cooperation with the communities that Policy EJ-A.4 is targeted to serve.

And whatever objectives are ultimately developed, it's importance to recognize the value of routine data collection. One can't target problems one doesn't measure.

(As an aside, I believe Policy EJ-A.4 is wrongly placed in the Environmental Justice Element. It's located in Section A, which has as its goal the fair treatment of people with respect to the development, adoption, implementation and enforcement of environmental laws, regulations and policies. It would probably make more sense to move the policy to Section D, which has as its goal, access to safe and sanitary living conditions.)

12.3  
cont.

## **Program EJ-A.H**

This program also has two deliverables. They are...

- To annually develop a list of infrastructure and active transportation improvement projects.
- To seek grant funding to implement these same projects.

Program EJ-A.H is printed below:

### **Program EJ-A.H**

*Annually, the County shall develop a list of viable infrastructure and active transportation improvement projects for its disadvantaged communities and shall seek available grant funding*

To successfully implement this program, the County could adopt objectives such as these:

- Obj. 1 To evaluate the infrastructure needs of disadvantaged communities.
- Obj. 2 To meet with residents to elicit their priorities to address these needs.
- Obj. 3 To determine the cost of said improvements and set annual revenue goals.

12.3  
cont.

By adding to the Environmental Justice Element objectives that are welcomed by those living in disadvantaged communities, the County will be able to demonstrate that its embrace of environmental justice is genuine, that civil engagement is meaningful and that planned infrastructure upgrades are appropriate to the needs expressed by community members.

At first blush, it may seem cumbersome to add objectives to the Environmental Justice Element. However, there is already in the General Plan an example of how this can be done. The County's Housing Element contains goals, policies, programs — **and objectives**. By way of example, under Housing Goal 4, which calls for providing a range of housing types and services to meet the needs of individuals and households with special needs, the County has adopted Program 10. This program removes governmental constraints to securing adequate housing by amending zoning regulations. Printed below are two of the five objectives associated with this program.

#### *Timeframe and Objectives:*

- *Examine, in 2016, alternatives to requiring discretionary approval for the development of multifamily housing in the C-4 Zone District and adopt appropriate actions to expedite the review and processing of multi-family housing development applications.*
- *Annually review the effectiveness and appropriateness of the Zoning Ordinance and process any necessary amendments to remove or mitigate potential constraints to the development of housing.*

Adding objectives to the Environmental Justice Element is a must. But as an alternative to adding objectives directly to the element itself, the County has the option to develop a strategic plan to guide implementation of the new element. This approach is also not new to the County. The last time the County added a new element to the General Plan, it also created a companion document. In 2000, at the time the Board of Supervisors added an Economic Development Element to the General Plan, it also adopted a 58-page document titled "Economic Development Strategy," which provided a framework for achieving the County's vision of economic development.

The Economic Development Element and the Economic Development Strategy worked well together. To ensure successful economic development, both documents contained a requirement that the County create an “*Economic Development Action Team*” — a committee consisting of experts in the field of economics who were charged with coordinating the County’s plan for economic development. The new element and strategy also directed the County to create a staff position in the County Administrative Office to support the work of the team. And finally, the two documents stipulated that the County retain an independent institution to conduct periodic evaluations of the County’s success in achieving the goals and targets of the County’s Economic Development Strategy.

The following citation from the 2000 Economic Development Strategy encapsulates the value of this type of detailed, comprehensive planning.

*“A successful economic strategy is one that identifies and efficiently mobilizes available resources around the achievement of a clear and comprehensive vision for the community. It is also one that commands a broad base of support from among its citizens. The efficient mobilization of these resources is measured by how well the strategy identifies priority issues, articulates its goals and objectives consistent with those priorities, and takes advantage of available resources that can be fully committed to addressing these issues during the implementation process.”* (2000 Economic Development Strategy, page 19) (My underlining)

12.3  
cont.

Perhaps we should all ask ourselves whether the Environmental Justice Element incorporates these same principles of good planning.

**Does the Environmental Justice Element identify and efficiently mobilize available resources around the achievement of a clear and comprehensive vision for the community?**

No, it does not. In fact, an argument can be made that the Environmental Justice Element envisions that rural communities will remain disadvantaged. Significant is the limited focus of the new element: “*To help ensure new development does not disproportionately impact disadvantaged communities.*” (Draft General Plan Policy Document, page 2-197) The County needs to do much more than protect disadvantaged communities from further harm.

**Does the new element command a broad base of support from among its citizens?**

No to that question as well. The County developed the Environmental Justice Element inhouse, that is, without input from the communities the plan is designed to serve. And, just as was done when the General Plan as last updated in 2000, the County has chosen again to exclude from the review of the General Plan any discussion of the viability of the antiquated community plans that continue to trouble many disadvantaged communities.

**Does the new element “prioritize” issues and articulate goals and objectives consistent with those priorities?**

No. Environmental justice issues are not prioritized. That said, the new element does state that the County will give priority to disadvantaged communities when seeking funding opportunities. The County also asserts that adopting a Rural Complete Streets program is one way to prioritize street safety and create a balanced multimodal transportation network.

**Does the new element take advantage of available resources that can be fully committed to addressing these issues during the implementation process?**

No. Two available resources that are left untapped. The first is the participation of the county’s own citizenry. The second is the use of the County’s own financial resources.

**Citizenry**

I attended the May 24, 2023 County workshop on the Environmental Justice Element held in Malaga. Malaga is listed as a “*disadvantaged community*” in federal, state and local documents. Below is a description of the environmental burden in Malaga as described in Section 3.12 (Environmental Justice) of the County’s Draft General Plan Background Report.

*“Malaga is a census-designated place in central Fresno County, directly southeast of the City of Fresno, and is located in Census Tract 6019001500. This census tract experiences extremely high burden from both pollution and population characteristics. Overall, this census tract experiences burden from ozone, PM 2.5, pesticides, toxic releases, drinking water contaminants, cleanup sites, groundwater threats, hazardous waste sites, solid waste sites, high rates of asthma, high rates of cardiovascular disease, low levels of education, linguistic isolation, poverty, unemployment, and housing burden.”* (Draft General Plan Background Report, page 3-123)

12.3  
cont.

At that meeting, one prominent member of the Malaga community entreated the County to empower residents to help resolve environmental problems in their community, saying (1) that residents had firsthand experience with such problems and (2) that Malaga residents, working with County staff, had the capacity to improve livability in their community. But his request seemed to fall on deaf ears. It can’t be emphasized enough that the County drafted the Environmental Justice Element without input from the people who live in disadvantaged communities. In addition, the County has, for years, kept at arm’s-length individuals and non-governmental organizations that champion better planning for such communities.

**County Funding**

Although the County has a stable General Fund budget reserve of at least \$70 million, the County does not budget for the update of community plans. In 2003, in compliance with General Plan Program H-A.H, which required the County to establish a plan (with timeframes) for updating regional and community plans, the Board of Supervisors accepted a prioritization plan prepared by the Planning Commission which called for the update of all regional and community plans by 2010, including those for disadvantaged communities.

But twenty years later, only two of the fourteen plans have been updated. County records indicate that the delay is caused by a lack of County funding and the absence of private development projects to fund the update of community plans. It’s clear that unless there’s a sea change, disadvantaged communities such as Biola, Caruthers, Del Rey, Easton, Lanare, Riverdale and Tranquillity, will not see their respective community plans updated anytime soon. The Del Rey Community Plan was last updated in 1976 — nearly 50 years ago.

## 6. The County must describe better to whom policies and programs apply.

A careful reading of the Environmental Justice Element reveals that 80% of the element’s goals and roughly 50% of its policies and programs are universal, that is to say that they apply to all rural areas of the county — disadvantaged or not. Other goals, programs and policies apply variably to different groups of people or to different locations within the county.

For example, while Goal EJ-A (the warranty of nondiscrimination) applies to everyone, Goal EJ.B (the promotion of a physically active lifestyle) applies to those living in “unincorporated communities.” Implementation programs have a similar range of application; for example, Program EJ-A.E (the mitigation of roadway pollution) applies across the county while Program EJ-C.G (increasing food access) applies only to those living in “low-income communities.” Not surprisingly, the same holds true for policy statements. Policy EJ-A.13 (the standards for shade coverage for industrial parking areas) applies to all new industrial development in the county, but Policy EJ-A.7 (coordination with the Air Pollution Control District to address air emissions) applies only to new projects located within the South-Central Fresno area.

It may be appropriate that goals, policies and programs in the Environmental Justice Element target different groups of people and locations, but if that’s so, the new element should include text that explains that wide range of application.

The element should also define key terminology. To understand how policies and programs are supposed to function, one must have a good understanding of the fourteen phrases listed in the chart below. They identify the communities and areas that are targeted to benefit from the implementation of policies and programs.

The phrases listed in the left column are defined. (For the definitions, see pages 8 and 9 of Appendix A — Policy Document glossary.) The phrases listed in the right column are not. One possible solution is to include in the glossary the seven phrases that are not defined, but I don’t recommend it. Instead, I suggest the County add to the opening pages of the Environmental Justice Element definitions for all fourteen terms. The introductory pages to the Environmental Justice Element already contain a lengthy description of existing environmental justice conditions in Fresno County. It can just as easily include a section that defines the terminology that appears in policies and programs.

### Terminology Used to Describe the Groups of People and Places that are to Benefit from the Implementation of the Environmental Justice Element

#### Defined in the General Policy Document

1. Disadvantaged Community
2. Disproportionate Effects
3. Environmental Justice (EJ)
4. Low-Income
5. Low-Income Area
6. Meaningful Involvement
7. Overburdened Community

#### Undefined in the General Plan Policy Document

1. Disadvantaged Areas
2. Income-Qualified Residents
3. Residentially-Zoned Neighborhood
4. Rural Areas of the Community
5. Sensitive Land Uses
6. South-Central Fresno Area
7. Unincorporated Communities

While the County may not think it necessary to define all the terminology listed above, it has no choice but to provide a more precise definition of the term “*disadvantaged community*.” In April 2017, for the purpose of SB 535, CalEPA identified 62 disadvantaged communities in Fresno County. Those communities are listed on pages 2-193 and 2-194 of the Draft General Plan Policy Document. Three years later, for the purpose of SB 244, Fresno County identified 36 disadvantaged communities. They’re listed on pages 3-61 and 3-62 of the Draft General Plan Background Report.

The term “unincorporated community” is found in 11 policies and in 7 programs of the new element. It’s imperative that the County include a precise definition of the term. The need to do this is obvious, considering, for example, the implementation of Program EJ-A.H, which requires the County to annually “*develop a list of viable infrastructure and active transportation improvement projects for its disadvantaged communities.*” Does this directive apply to the group of 36 or to the group of 62?



To conclude, I find the current Draft Environmental Justice Element far from satisfactory, so much so, in fact, that I suggest it would be best for the County set it aside and start afresh. I’m saddened to report that the document is muddled, incomplete and ineffective as a plan to achieve environmental justice.

The County can restart the process by first creating an equitable vision for environmental justice in Fresno County. From what I can see in the draft element, the vision touted by the County is basically to do no more harm. While laudable, it’s far from sufficient. Healing is needed, and vision setting must be done with the engagement of those will be directly affected by the new element. In the spirit of Goal EJ-E, which is to “*facilitate equitable civic engagement in the decision-making process,*” the County needs to afford residents of disadvantaged communities a place at the table.

The County will need to enlist the help of residents as it examines further the needs of disadvantaged communities and develops and prioritizes measurable environmental justice objectives (with benchmarks and outcomes) that are satisfactory to residents. At the same time, the County will need to devise a plan to bring community plans up to date, and all this planning will need careful cost analysis.

To ensure that the Environmental Justice Element is successfully implemented, I highly recommend that the next iteration of the element also include policies and programs that direct the County to...

- Draft a companion strategy document for achieving the public’s vision of environmental justice
- Organize a team of professionals from the community to guide implementation
- Create a citizens oversight committee to advise County staff and the Board of Supervisors
- Establish a staff position with the sole duty to oversee implementation of the new element
- Develop a procedure to routinely report out progress toward achieving environmental justice goals.

Sincerely,

Radley Reep  
[radleyreep@netzero.com](mailto:radleyreep@netzero.com)  
 (559) 326-6227

## Letter 12

**COMMENTER:** Radley Reep

**DATE:** June 21, 2023

### Response 12.1

*The commenter states that in their comment letter they will be addressing the workability of policies and programs in the new Environmental Justice Element, and the degree to which the Environmental Justice Element satisfies the objectives of Senate Bill (SB) 1000.*

This comment has been noted. Please refer to Master Response GPR/ZOU for additional information regarding recommendations related to the GPR/ZOU.

### Response 12.2

*The commenter provides a narrative description of disadvantaged communities in Fresno County and summarizes the County's history with Assembly Bill (AB) 244 and SB 1000 compliance. The commenter notes that the language in SB 1000 does not suggest that the application of SB 1000 is limited to the processing of discretionary land use projects.*

This comment has been noted. Please refer to Master Response GPR/ZOU for additional information regarding recommendations related to the GPR/ZOU.

### Response 12.3

*The commenter provides recommendations on how to improve the text within the Draft General Plan.*

This comment has been noted. Please refer to Master Response GPR/ZOU for additional information regarding recommendations related to the GPR/ZOU.

### Response 12.4

*The commenter concludes by stating that the Draft Environmental Justice Element is not satisfactory. The commenter suggests that the County redraft the element beginning with an equitable vision for environmental justice in the county. The commenter includes several other recommendations regarding the Draft Environmental Justice Element.*

This comment has been noted. Please refer to Master Response GPR/ZOU for additional information regarding recommendations related to the GPR/ZOU.

\* Vanquetas para comunidades desfavorecidas (Lanare)  
 \* desarrollo de vivienda de bajos ingresos  
 \* alumbrado publico  
 \* fondos para mantenimiento de parques

13.1

Isabel S. gmail.

Isabel Solari001@gmail.com

**Translation:**

- Sidewalks for disadvantaged communities
- Low income housing development
- Street lighting
- Funds for park maintenance

## Letter 13

**COMMENTER:** Isabel S.

**DATE:** June 22, 2023

### **Response 13.1**

*The commenter states that what the County needs are sidewalks for disadvantaged communities, low-income housing development, street lighting, and funds for park maintenance.*

This comment has been noted and passed onto decision makers for further consideration. The DEIR includes a discussion of existing conditions related to individual impact areas specific to *CEQA Guidelines Appendix G* questions. Individual impact areas include a discussion of the existing conditions which are then compared to the anticipated change induced by the project. While the concerns of the commenter regarding the issues listed in the comment are noted, no specific comments regarding the analysis and conclusions of the EIR were made. No revisions to the Draft EIR are necessary in response to this comment.

Comments

Fresno County General Plan currently is using An  
outdated Kings River Regional / specific Plan to Manage / Guide  
Kings River ~~Development~~ Regional Development Concerns, The outdated  
Plan currently is Not Modern enough to Address  
the talked ~~Ab~~ about Development by the Harris Company  
Near Pine Flat / Advocado Lakes.

The Kings River Region has changed significantly since  
the last General Plan update (Highway 180 extension, Increased <sup>Recreation</sup> Recreation Activity  
in the River Corridor, Ground extraction has Increased (A well))

14.1

Phase include A modernized Kings River Regional / specific Plan in the Grand Plan update. The last Grand Plan update was silent on ~~the~~ an updated Kings River Specific Plan -

### ISSUES

Open Space & Conservation, Land Use, Recreation, Agriculture, Growth  
Resource Protection, Enhanced Quality of Life, <sup>Accountable</sup>

John GRAY

977-5231

14.1  
cont.

Comments

I Live Near Kings River. It is where  
A Large Port of my Neighbors ~~Area~~ take Advantage  
of Recreational opportunities - The ~~the~~ Majority of Fresno  
County Parks ARE Along the Kings River. The Surrounding  
towns Along the Kings River are many disadvantaged Communities  
(Sanger, Orange Cove, Palmar, Del Rey, Reedley, Orosi, Coalinga, Dinuba, Kingshew, Selma)  
Please Address more Resources going to Argument Recreational  
Development Along the Kings River.

14.2

14.2  
cont.

Issues = open space, Recreation, Environmental Justice, Enhanced Quality of Life.

Thank You - John GRAY  
977-5231

Comments

I live near Parker A disadvantaged Community -  
Please Address the ROAD SIDE Trash Dumping -  
Typically North of the Disadvantaged Cities / towns  
(Lincoln Ave, Palmer Ave, Adams Ave, Newmark Ave And Kings River)  
I have had A Boat<sup>20'</sup>, kitchen, Bedroom, Roof, Tires, oil,  
500 lbs Marijuana - All dumped on my Street last Year / recently  
This is ongoing chronic Issue <sup>(past 20 yrs)</sup> ~~It~~ Could Fresno  
County Please Make Available long term, low cost  
Dump Sites - It would be more cost effective to have <sup>one</sup>

14.3

14.3  
cont.

The ~~for~~ County Have Dumpster drop offs at Conty Yards  
(One on Manny Ave). Currently the ~~for~~ County Contracts for  
ROADSIDE Trash - It's expensive And Not Working.

Plus there is Tons of Dumping Along the  
Rail ROAD Tracks -

Thank You - John GRAY

977-5231

~~Pick up~~ ~~the~~

Comments

Shower Lake has AN ISSUE with Fire  
Management, Fresno County / Shower Lake in the Past Had a  
~~Fire~~ Pine Needle Dump AREA, The Dump AREA was for  
Shower Lake Residents to have a Place to Clear their  
Home/Lots and <sup>Dispose</sup> ~~Dispose~~ of ~~the~~ "Pine Needle Dump"  
has been Closed for Years - Resulting in Build up All  
our town & Surrounding AREAS ~~in~~ are Increasing Fire Risk  
Please Consider Reestablishing A Low Cost / Free  
"Pine Needle Dump" This will help Fire Management, Air Quality, →

14.4

open space, Conservation, LAND USE, Public Services, Resource Protection

Please Re-Establish The Pine Needle Dump in  
Shaver LAKE

John GRAY  
977-5231

14.4  
cont.

## Letter 14

**COMMENTER:** John Gray

**DATE:** June 22, 2023

### Response 14.1

*The commenter states that an updated Kings River Regional Plan is needed. The commenter asks that a modernized version of this plan is included in the General Plan update.*

This comment has been noted and passed onto decision makers for further consideration. Please refer to Master Response GPR/ZOU for additional information regarding recommendations related to the GPR/ZOU.

### Response 14.2

*The commenter opines on the value of the Kings River. The commenter asks that the County direct more resources to augmenting recreational opportunities along the Kings River.*

This comment has been noted and passed onto decision makers for further consideration. Impacts to parks are discussed under Impact PS-5 in Section 4.14, *Public Services*. The comment is not related to the analysis and conclusions of the Draft EIR and so no further response is required.

### Response 14.3

*The commenter asks that the County address roadside trash dumping within the County, adding emphasis on dumping happening in disadvantaged communities.*

This comment, which concerns existing conditions, has been noted and passed onto decision makers for further consideration. Please note that Chapter 8.22 of the Fresno County Code covers unauthorized dumping; compliance with the code is a code enforcement issue rather than a policy or CEQA issue. The comment is not related to the analysis and conclusions of the Draft EIR and so no further response is required.

### Response 14.4

*The commenter asks the County to reestablish the free pine needle dump area near Shaver Lake.*

This comment has been noted and passed onto decision makers for further consideration. The comment is not related to the analysis and conclusions of the Draft EIR and so no further response is required.

Comments

\* Regulations on dairies to avoid them affecting the water  
quality of the community and the homes here

\* Lack of affordable & dignified housing

\* EXcessive flooding when it rains

\* Need for an Emergency Community Center

\* Need of trees on Mt Whitney St

15.1

## Letter 15

**COMMENTER:** No Name

**DATE:** June 22, 2023

### Response 15.1

*The commenter states that the County is in need of regulations on dairy farms to minimize their impacts on water quality, affordable and dignified housing, an emergency community center, and trees on Mount Whitney Street. In addition, the commenter states there is excessive flooding when it rains.*

This comment has been noted and passed onto decision makers for further consideration. Impacts to water quality and flooding are discussed in Section 4.10, *Hydrology and Water Quality*, and impacts to trees are discussed in Section 4.4, *Biological Resources*. Regarding existing conditions, the DEIR includes a discussion of existing conditions related to individual impact areas specific to *CEQA Guidelines Appendix G* questions. Individual impact areas include a discussion of the existing conditions which are then compared to the anticipated change induced by the project. While the concerns of the commenters regarding the issues listed above are noted, no specific comments were made regarding the analysis and conclusions of the EIR. No revisions to the Draft EIR are necessary in response to this comment.

## Comments

More attention should be given to review and improve the dangerous county ~~inter~~ intersections. That is to say, if there is a need to at the very least establish four way stop signs at intersections that have a high ratio of accidents. In particular the intersection of Excelsior Ave. and Marks Ave, Fresno Co. in cooperation with Kings Co. should make that intersection with four stop signs since there is reoccurrence of vehicle accidents and of those some have been fatal.

Improved remaking of rural county roads or lasting repairs (not just patch work) is critically needed.

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---

16.1

## Letter 16

**COMMENTER:** No Name

**DATE:** June 22, 2023

### Response 16.1

*The commenter urges the County to conduct a review of dangerous intersections, and the addition of four-way stop signs at intersections found to be dangerous. The commenter also requests improvements being made on rural county roads.*

This comment has been noted and passed onto decision makers. The comment does not refer to the analysis and conclusions of the Draft EIR; however, traffic and transportation-related impacts related to the GPR/ZOU are analyzed in Section 4.15, *Transportation and Traffic*, of the DEIR. As stated therein, the GPR/ZOU would implement transportation design improvements to make roadways safer. Therefore, the proposed GPR/ZOU would not substantially increase hazards due to geometric design features or incompatible land uses and impacts would be less than significant. Regarding rural county roads, as stated on page 4.15-22 of the DEIR, Policy TA-A.24 would require the County to strive to serve all users on rural roadways in the county by designing and constructing rural roadways to serve safely bicyclists, transit passengers, and agricultural machinery operators.

## Comments

The presentation was a strange format that was not cohesive. I would recommend a traditional presentation format. Also, take into consideration that the general plan does not cater to the specific needs of smaller communities like Lanare & Riverdale.

17.1

What are the details of the general plan relating to the agricultural ~~and~~ environmental impacts that are already developed in these

17.2

17.2  
cont.

communities with little regulation at the very expensive cost of the community's well-being (air & water pollution, bad road conditions from heavy machinery, manure transport that creates unsafe road conditions). Will farming land also be considered in the zoning ordinance.

Rosa Espinoza

## Letter 17

**COMMENTER:** Rosa Espinoza

**DATE:** June 22, 2023

### Response 17.1

*The commenter suggests that future presentations should be conducted in a traditional presentation format. The commenter states that the General Plan does not cater to the specific needs of smaller communities.*

This comment does not pertain to the analysis or conclusions of the EIR. Regarding the presentation format, this comment has been noted and passed onto decision makers.

Regarding the comment on the Draft General Plan, the comment has been noted. Please refer to Master Response GPR/ZOU for additional information regarding recommendations related to the GPR/ZOU.

### Response 17.2

*The commenter asks how the General Plan will address the environmental impacts of existing dairy farms in the county. The commenter states that dairy farms are largely unregulated at the expense of the smaller, unincorporated communities surrounding the farms.*

This comment has been noted. Please refer to Master Response GPR/ZOU for additional information regarding recommendations related to the GPR/ZOU. The dairy farms the commenter mentions are existing facilities, and therefore the impact of continuing operation of these farms is not an impact of the project and is not discussed, nor required to be discussed, in the EIR.

**From:** David Jens Thomas Pedersen <djtpedersen@gmail.com>  
**Sent:** Friday, June 23, 2023 2:53 AM  
**To:** GPR <gpr@fresnocountyca.gov>  
**Subject:** Please protect our air and climate and reject the proposed 3,000-acre Malaga industrial park

**CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK**

Dear Fresno County Public Works and Planning:

Late yesterday, I was alarmed to learn via a tweet (<https://twitter.com/AshleyEWerner/status/1672003017095393280>) about a proposed 3,000-acre industrial park that would be located in the suburb of Malaga just a few miles away from Fresno's core.

Malaga already has some of the worst particulate pollution in California and neither wants nor needs more.

As you may know, particulate pollution is the worst kind of air pollution because the particles can be small enough to get into the bloodstream and get lodged in every cell in the body where they stay and cannot be removed.

18.1

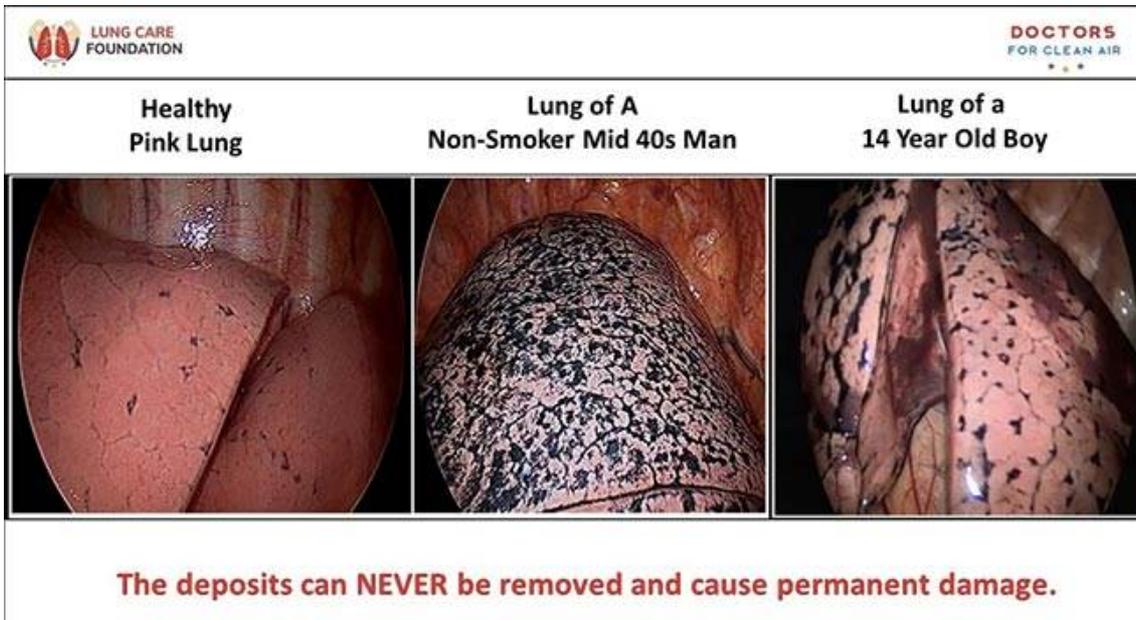


Image courtesy: Lung Care Foundation

Your citizens are counting on you to protect their health, and foreigners like me are counting on you to refrain from engaging in actions that will further jeopardize the climate of the future.

For the sake of human rights and the environment, I respectfully urge you to reject this disastrous proposal, or at the very least find a location for it outside of a populated airshed so people's health is not endangered by it.

Thank you for your time and consideration.

Regards,

David Pedersen

Saanichton, British Columbia, Canada

## Letter 18

**COMMENTER:** David Pedersen

**DATE:** June 23, 2023

### **Response 18.1**

*The commenter expresses concerns about particulate air pollution related to a proposed industrial park in Malaga.*

Refer to Response 4.1 regarding the proposed industrial park.

Agriculture and Land Use

Fresno County General Plan Update – May 2023.

June 26,2023

To Chris Motta

Principle Planner

Department of Public Works and Planning

Fresno County,

California

From Rosie Hayashi and Family

Background

My family has owned four parcels listed as Fresno County APNs 300-320-20s, 300-320-21s, 300-320-22s, and 300-320-23s consisting of a total of approximately 80 acres for over 18 years. This property is currently designated as Exclusive Agriculture (AE-20) with 20 acre minimum parcel size. Even though this property is designated Exclusive Agriculture it is assessed by Fresno County at approximately \$40,000 per acre. This land cannot be used for irrigated agriculture because there is not sufficient ground water and no surface is available to these properties. Irrigated agriculture at this site would need 2 to 4 acre feet per acre per year which is not feasible for these properties and under the current restrictions of SGMA. There is however sufficient water for houses on 5 acre parcels. The current Draft General Plan Update, recommends a change of the designation for the property surrounding our subject 4 parcels. This new proposed designation contiguous to our Parcels is on land similarly situated

19.1

to our property. Our property has legal access from both Friant Road to the West and Auberry Road to the East

The proposed new text in the General Plan Update is set out in LU-E. 24 and in the Map at Figure-LU- 4 and is shown in Attachment 1 to this request. We are asking to modify the acreage and language in LU-E. 24 and Figure LU-4 as shown in Attachment 2 to this request, to include our 4 parcels containing a total of approximately 80 acres. This seems only fair in light of the contiguous property being so designated.

Personally and on behalf of the entire Hayashi family I want to thank you, the Planning Commission and the Fresno County Board of Supervisors for considering our request and would appreciate the approval of this request.

19.1  
cont.

Thank you,

A handwritten signature in black ink, appearing to read "RS Rosie Hayashi". The signature is written in a cursive, flowing style.

Rosie Hayashi and Family

Arthur Hayashi Trustee

Gordon S. Hayashi Trustee

Gordon S. Hayashi Trustee

Kimberly K. Hayashi (Grossman) et al

c/o. 5458 N. Pleasant

Fresno, CA 93711

# GOALS AND POLICIES 2

## AGRICULTURE AND LAND USE

Attachment 1

### RENO, GARONNE, WILLOW BLUFF RURAL RESIDENTIAL AREA

#### LU-E.24 Reno, Garonne, Willow Bluff Rural Residential Area

The Rural Residential designation comprising an approximate 400-acre area generally 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 the Birkhead Road alignment to the north and encompassing those parcels to the west of the full length of Willow Bluff Avenue, recognizes an area committed to rural-sized parcels. The Limited Agricultural zoning reflects potential water resource constraints in the general vicinity. Future rezoning of this area to the implementing Rural Residential zoning district shall maintain a minimum five-acre parcel size and shall be subject to a determination of adequate water supply per Agriculture and Land Use Policy LU-E.8, and adequate road access and road maintenance as determined by the Director of the Department of Public Works and Planning (See Figure LU-4).

### F. URBAN DEVELOPMENT PATTERNS

The fundamental policy directive of this General Plan is to direct intensive development to cities, unincorporated communities, and other areas where public facilities and infrastructure are available or can be provided consistent with the adopted General Plan or Community Plan to accommodate such growth (see page 9, Agricultural Land Protection Vision Statement). Fresno County recognizes, however, that because of state-mandated directives, including the Regional Housing Needs Allocation, the County may be forced to consider approval of urban development in areas that are not currently planned for such uses. Careful consideration and Board policy direction will be necessary if Fresno County needs to designate new areas for urban development. The County has a direct role in shaping the character of urban development as it continues to manage growth in

the existing unincorporated communities and specific plan areas. At the same time, the County seeks to support and encourage the cities in their land use planning efforts to ensure that a quality living environment is provided for all existing and future residents of the county.

This section addresses development patterns in urban and urbanizing areas. The policies in this section have two main purposes. The first is to encourage pedestrian- and transit-oriented development and infill of vacant or under-utilized urban land. These policies seek to create well-designed, mixed-use, higher-density developments in which jobs, commercial activities, and amenities are located along transit corridors and closer to residential areas to encourage pedestrian and transit access. The second purpose of this section is to establish development guidelines and standards for urban residential, commercial, and industrial development. Related policies are included in Section TR-B, Transit, Section TR-D, Bicycle Facilities, Section PF-I, School and Library Facilities; Section PF-C, Water Supply and Delivery, Section LU-D, Wastewater Collection, Treatment, and Disposal.

#### GOAL LU-F

To encourage mixed-use pedestrian and transit-oriented development and to establish development standards for residential, commercial, and industrial development in urban and urbanizing areas.

#### PEDESTRIAN AND TRANSIT-ORIENTED DEVELOPMENT

##### LU-F.1 Mixed-use Development

The County shall encourage mixed-use development that locates residences near compatible jobs and services. (RDR)



# GOALS AND POLICIES 2

## AGRICULTURE AND LAND USE

### RENO, GARONNE, WILLOW BLUFF RURAL RESIDENTIAL AREA

#### LU-E.24 Reno, Garonne, Willow Bluff Rural Residential Area

The Rural Residential designation comprising an approximate 40-acre area generally 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 the Birkhead Road alignment to the north and encompassing those parcels to the west of the full length of Willow Bluff Avenue, recognizes an area committed to rural-sized parcels. The Limited Agricultural zoning reflects potential water resource constraints in the general vicinity. Future rezoning of this area to the implementing Rural Residential zoning district shall maintain a minimum five-acre parcel size and shall be subject to a determination of adequate water supply per Agriculture and Land Use Policy LU-E.8, and adequate road access and road maintenance as determined by the Director of the Department of Public Works and Planning (See Figure LU-4).

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the existing unincorporated communities and specific plan areas. At the same time, the County seeks to support and encourage the cities in their land use planning efforts to ensure that a quality living environment is provided for all existing and future residents of the county.

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<b>GOAL LU-F</b>	To encourage mixed-use pedestrian and transit-oriented development and to establish development standards for residential, commercial, and industrial development in urban and urbanizing areas.
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### PEDESTRIAN AND TRANSIT-ORIENTED DEVELOPMENT

#### LU-F.1 Mixed-use Development

The County shall encourage mixed-use development that locates residences near compatible jobs and services. (RDR)

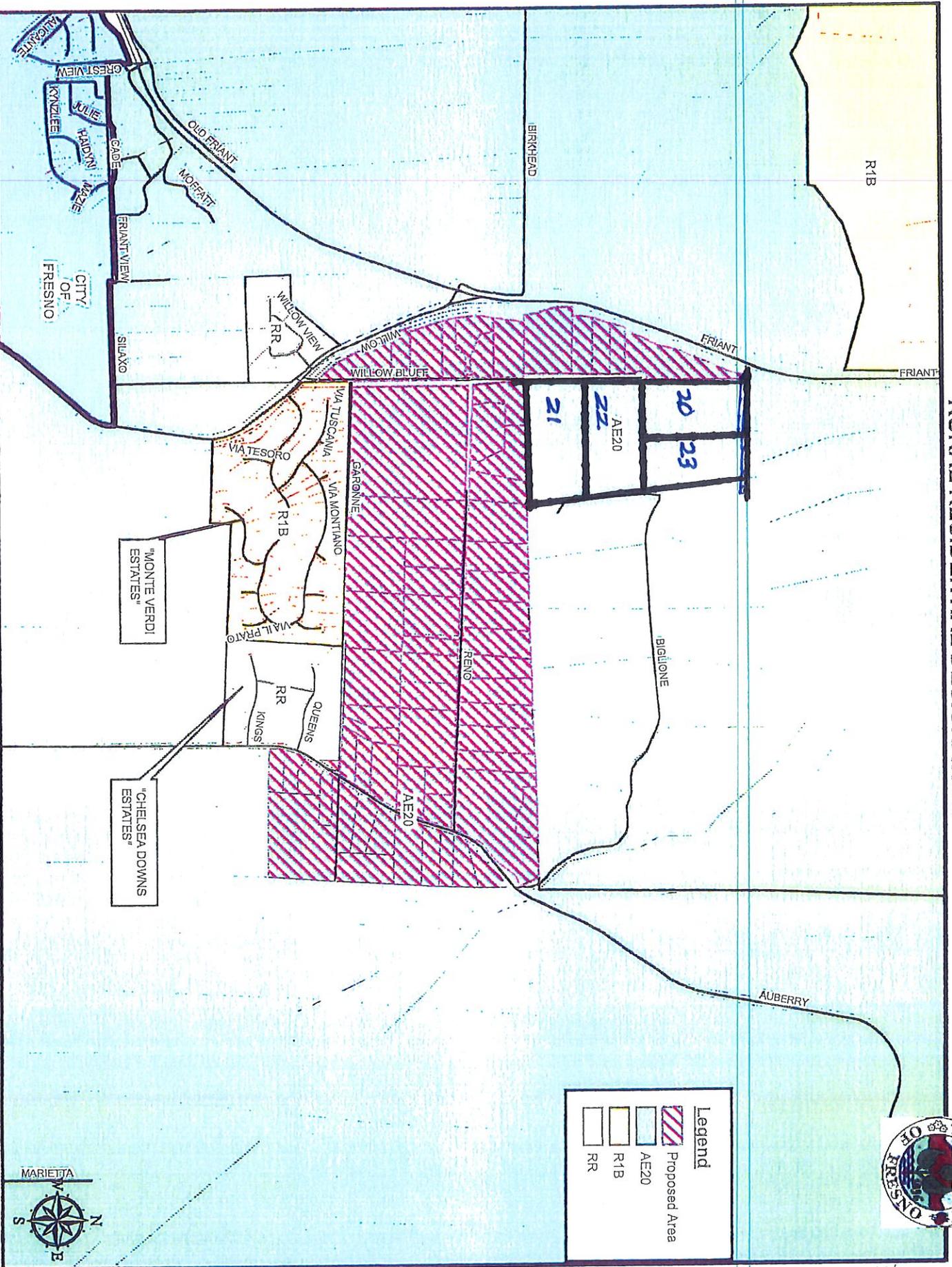
ATTACHMENT 2

RENO ROAD / WILLOW BLUFF FIVE-ACRE  
RURAL RESIDENTIAL DESIGNATION



**Legend**

-  Proposed Area
-  AE20
-  R1B
-  RR



Prepared by: County of Fresno Department of Public Works and Planning, Development Services Division  
G:\4360\Devel&Plan\GIS\Maps\Specific



## Letter 19

**COMMENTER:** Rosie Hayashi and family

**DATE:** June 26, 2023

### Response 19.1

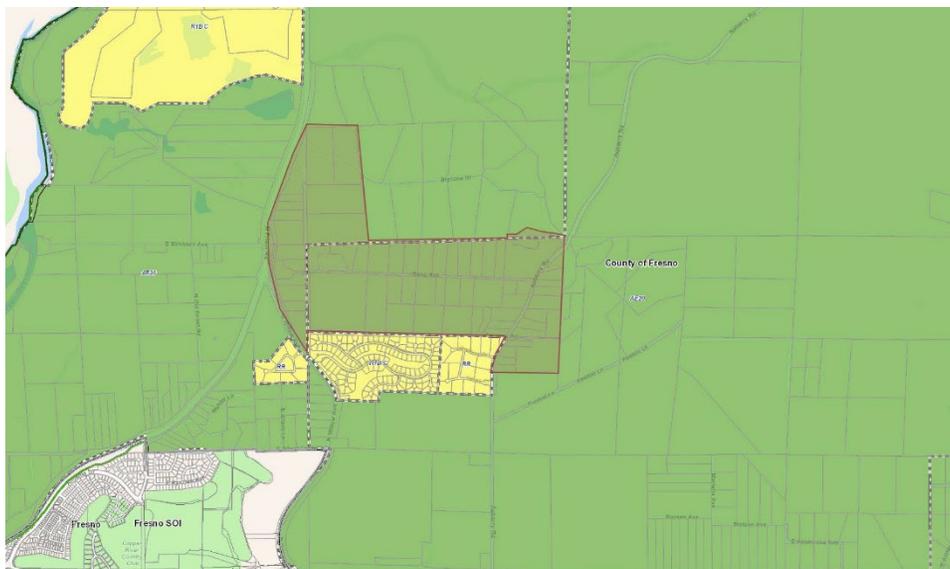
*The commenter expresses concerns about groundwater resources for irrigated agriculture on parcels currently designated as Exclusive Agriculture (AE-20). The commenter requests a modification to the acreage and language in LU-E.24 and Figure LU-4 of the General Plan Review and provides an attachment with the requested modifications.*

This comment has been noted and passed to decision makers for review. The following revision has been made to Policy LU-E.24:

#### **Reno, Garonne, Willow Bluff Rural Residential Area**

The Rural Residential designation comprising an approximate ~~400~~ 481-acre area generally 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, ~~recognizes~~ This is an area committed to rural-sized parcels. The Limited Agricultural zoning reflects potential water resource constraints in the general vicinity. Future rezoning of this area to the implementing Rural Residential zoning district shall maintain a minimum five-acre parcel size and shall be subject to a determination of adequate water supply per Agriculture and Land Use Policy LU-E.8, and adequate road access and road maintenance as determined by the Director of the Department of Public Works and Planning (See Figure LU-4).

The following revisions have been made to Figure LU-4 of the 2023 Public Draft Policy Document:



Please refer to Master Response GPR/ZOU for additional information regarding recommendations related to the GPR/ZOU.



**SANGER UNIFIED SCHOOL DISTRICT**

1905 SEVENTH STREET • SANGER, CA 93657

(559) 524-6521

FAX (559) 875-0311

**ADELA MADRIGAL JONES  
SUPERINTENDENT**

June 26, 2023

Chris Motta, Principal Planner  
County of Fresno Department of  
Public Works and Planning  
Development Services Division  
2220 Tulare Street, Sixth Floor  
Fresno, CA 93721

Subject: Draft Program Environmental Impact Report for the Fresno General Plan Review  
and Zoning Ordinance Update (SCH#2018031066)

Dear Mr. Motta:

This letter presents the comments of the Sanger Unified School District on the Draft Program Environmental Impact Report (DPEIR) for the Fresno General Plan Review and Zoning Ordinance Update. Our comments will focus on Section 4.14.4, Schools.

On page 4.14-11, the DPEIR states that “[t]he California Code of Regulations, Title 5 Education Code, governs all aspects of education within the state.” This is incorrect. The California Education Code is not part of the California Code of Regulations (CCR) and provides the governing regulations for education in the state. The Education Code contains 3 Titles and numerous divisions, parts, chapters, and articles containing hundreds of code sections, or individual statutes. CCR Title 5 does, however, include regulations that relate to school facility siting, design and construction.

20.1

On page 4.14-19, the following impact statement is made under IMPACT PS-3:

DEVELOPMENT UNDER THE GPR/ZOU WOULD FACILITATE DEVELOPMENT THAT WOULD ADD SCHOOL AGED CHILDREN TO THE COUNTY’S POPULATION. HOWEVER, FACILITIES HAVE ADEQUATE CAPACITY [EMPHASIS ADDED] AND NEW DEVELOPMENT WOULD BE REQUIRED TO PAY IMPACT FEES WHICH WOULD RESULT IN LESS THAN SIGNIFICANT IMPACTS WITH REGARD TO THE PROVISION OF SCHOOL FACILITIES. IMPACTS WOULD BE LESS THAN SIGNIFICANT.

20.2

We did not see any supporting information backing up the statement that “facilities have adequate capacity.” Is this statement indicating that all school districts in Fresno County have adequate capacity to accommodate anticipated growth? We very much doubt this is the case and we know for a fact that this is not true for Sanger Unified.

~~~~~ *Every Child, Every Day, Whatever it Takes!* ~~~~~

**Trustees: Peter R. Filippi Va Her Ismael Hernandez  
Jesse Solorio G. Brandon Vang Jesse Vasquez Tammy Wolfe**

Chris Motta, Principal Planner  
June 25, 2023  
Page 2

Furthermore, although new development would be required to pay impact fees, the reality of the situation, which has been the case for many years, is that developer impact fees are inadequate to fund the new facilities necessary to accommodate students from new development.

Schools in California are funded by a combination of statewide bond measures, local bond measures in school districts and developer fees. State bond measures require voter approval and are anything but certain. When they are approved, the funds are often depleted quickly due to a backlog of unfunded projects. To get state funding, school districts must match it with a local funding contribution that mostly comes from local bond measures which must be approved by local voters. The amount of the bond measures are based on assessed valuation, and the measures require a supermajority vote of either a 55% or 66.6% vote depending on the amount requested. While developer fees are an important school funding component, they are substantially inadequate for funding schools unless state and local bond measures are approved. Obtaining the funding necessary for new school facilities in Sanger Unified has been difficult as the District has traditionally had inadequate assessed valuation to provide for bond amounts necessary to meet its school facility needs.

Thank you for the opportunity to review and comment on the DPEIR. Please let me know if you have any questions regarding this letter.

Sincerely,



Jimmy Robles  
Chief Operations Officer

20.2  
cont.

## Letter 20

**COMMENTER:** Jimmy Robles, Sanger Unified School District

**DATE:** June 26, 2023

### Response 20.1

*The commenter states that the California Education Code is incorrectly referred to as part of the California Code of Regulations on page 4.14-11 of the DPEIR.*

Page 4.14-11 of the Draft EIR has been revised to clarify the role of California Code of Regulations, Title 5 (changes shown in ~~strikeout~~/underline):

#### **CALIFORNIA CODE OF REGULATIONS**

The California Code of Regulations, Title 5 ~~Education Code~~, governs all aspects of education within the state provides standards for school site selection.

### Response 20.2

*The commenter states that they did not find supporting information for the statement that Fresno County school facilities have adequate capacity to accommodate anticipated growth. The commenter states that developer impact fees are inadequate to fund necessary facilities to accommodate students from new development.*

In follow up communication with the commenter and the Sanger Unified School District, the commenter clarified that “Sanger Unified schools are primarily impacted by development that occurs within the incorporated cities within or partially within the District, including the cities of Sanger, Fresno and Clovis. Thus, the District is planning to construct new facilities to accommodate development in these cities. Since the County seeks to direct growth to existing communities, and in the absence of any major development proposals in the unincorporated areas of the District, it is not anticipated that the County of Fresno General Plan Review and Zoning Ordinance Update would have a major impact on District facilities, although all new development does have an impact.” (Robles, 2023).

As well, in follow up-communications, the commenter confirmed that “the current school facilities fees charged to new development are \$4.79 for residential development and \$0.78 per square foot for commercial/industrial development. These fees will be adjusted in early 2024.” The commenter noted that developer fees alone would not guarantee adequate funding for schools, as “Schools are funded by a combination of statewide bond measures, local bond measures and developer fees.”

As discussed on page 4.14-19, pursuant to Section 65995 (3) (h) of the California Government Code (Senate Bill 50, chaptered August 27, 1998), the payment of statutory fees “...is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization.” With payment of mandatory school impact fees by developers in the County, impacts would be less than significant. Based on this information and the communications documented above stating that the GPR/ZOU would not have a major impact on District facilities, the information in the EIR is correct, and no text changes are warranted.



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Central Region  
1234 East Shaw Avenue  
Fresno, California 93710  
(559) 243-4005  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



June 27, 2023

Chris W. Motta, Principal Planner  
County of Fresno, Department of Public Works and Planning  
Development Services and Capital Projects Division  
2220 Tulare Street, Sixth Floor  
Fresno, California 93721  
(559) 600-4497  
gpr@co.fresno.ca.us

**Subject: Fresno County General Plan Review and Zoning Ordinance Update  
(General Plan Amendment No. 529 and Amendment to Text No. 372)  
State Clearinghouse Number: 2018031066**

Dear Chris Motta:

The California Department of Fish and Wildlife (CDFW) received a Draft Environmental Impact Report (DEIR) from Fresno County for the above-referenced Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under Fish and Game Code.

**CDFW ROLE**

CDFW is California’s **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

21.1

<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW’s lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

21.1  
cont.

**Nesting Birds:** CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

21.2

**PROJECT DESCRIPTION SUMMARY**

**Proponent:** Fresno County

**Objective:** The proposed Project consists of a comprehensive update of the County’s General Plan (GP) and is intended to build on the major policies of the current 2000 GP but expand and strengthen them to meet the challenges and community needs through planning horizon year 2042. The revised GP would accommodate County population growth projected through 2042. In addition, the revised GP 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 GP 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 GP. The majority of revisions are to goals, policies, and implementation programs of the GP.

21.3

**Location:** The entirety of Fresno County.

**Timeframe:** To the horizon year of 2042.

**COMMENTS AND RECOMMENDATIONS**

CDFW understands that the Project seeks to update Fresno County’s General Plan that has been in place since the mid-1970s, and that the County sees its primary role to be the protector of productive agricultural lands, open space, recreational opportunities,

21.4

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and environmental quality, and the coordinator of countywide efforts to promote economic development.

21.4  
 cont.

Given the county-wide implications of this Plan, CDFW is concerned that subsequent projects tiering from this General Plan/Program EIR (projects) could impact special-status plant and animal species that are present in Fresno County (CDFW 2023). These species include, but are not limited to the following: the State endangered (SE), federally endangered (FE), and State fully protected (FP) Sierra Nevada bighorn sheep (*Ovis canadensis sierrae*) and blunt-nosed leopard lizard (*Gambelia sila*); the SE and FE southern mountain yellow-legged frog (*Rana muscosa*), least Bell's vireo (*Vireo bellii pusillus*), giant kangaroo rat (*Dipodomys ingens*), Fresno kangaroo rat (*Dipodomys nitratooides exilis*), Hartweg's golden sunburst (*Pseudobahia bahiifolia*), and California jewelflower (*Caulanthus californicus*); the SE Bogg's Lake hedge-hyssop (*Gratiola heterosepala*); the SE and Federally threatened (FT) San Joaquin Valley ymose grass (*Orcuttia inaequalis*); the State Rare (SR) Greene's tuctoria (*Tuctoria greenei*); the SE and FP bald eagle (*Haliaeetus leucocephalus*); the SE and federally proposed endangered (FPE) foothill yellow-legged frog-south Sierra distinct population segment (DPS) (*Rana boylei* pop. 5); the SE and FT western yellow-billed cuckoo (*Coccyzus americanus occidentalis*); the State threatened (ST) and FE San Joaquin kit fox (*Vulpes macrotis mutica*); the SE great gray owl (*Strix nebulosa*) and willow flycatcher (*Empidonax trailii*); the SE and FT succulent owl's clover (*Castilleja campestris* var. *succulenta*); the FE Keck's checkerbloom (*Sidalcea keckii*); the FT Mariposa pussypaws (*Calyptridium pulchellum*); the FP American peregrine falcon (*Falco peregrinus anatum*); the ST and FE Sierra Nevada yellow-legged frog (*Rana sierrae*) and Sierra Nevada red fox-Sierra Nevada DPS (*Vulpes vulpes necator* pop. 2); the State species of special concern (SSC) Fisher-southern Sierra Nevada evolutionary significant unit (ESU) (*Pekania pennanti* pop. 2); the FE longhorn fairy shrimp (*Branchinecta longiantenna*) and vernal pool tadpole shrimp (*Lepidurus packardii*); the ST and FT California tiger salamander (*Ambystoma californiense*) and giant gartersnake (*Thamnophis gigas*); the FT valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*); the State proposed threatened (PT), FT, and FP wolverine (*Gulo gulo*); the FP northern California ringtail (*Bassariscus astutus raptor*) and golden eagle (*Aquila chrysaetos*); the FT and SSC California red-legged frog (*Rana draytonii*); the State Candidate Endangered (SCE) Crotch bumble bee (*Bombus crotchii*) and western bumble bee (*Bombus occidentalis*); the SCE and SSC Temblor legless lizard (*Anniella alexanderae*); the ST Swainson's hawk (*Buteo swainsoni*), tricolored blackbird (*Agelaius tricolor*), bank swallow (*Riparia riparia*), and Nelsons (=San Joaquin) antelope squirrel (*Ammospermophilus ymose*); the FP white-tailed kite (*Elanus leucurus*); the FT steelhead – Central Valley DPS (*Oncorhynchus mykiss irideus* pop. 11); and the following SSC including but not limited to: the burrowing owl (*Athene cunicularia*), western pond turtle (*Actinemys marmorata*), Yosemite toad (*Anaxyrus canorus*), northern harrier (*Circus hudsonius*), mountain plover (*Charadrius montanus*), yellow-headed blackbird (*Xanthocephalus xanthocephalus*), loggerhead shrike (*Lanius ludovicianus*), black tern (*Chlidonias niger*), Le Contes thrasher (*Toxostoma lecontei*), yellow warbler (*Setophaga petechia*), short-eared owl (*Asio flammeus*), long-eared owl

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(*Asio otus*), California spotted owl (*Strix occidentalis occidentalis*), white sturgeon (*Acipenser transmontanus*), hardhead (*Mylopharodon conocephalus*), Tulare grasshopper mouse (*Onychomys torridus tularensis*), short-nosed kangaroo rat (*Dipodomys nitratooides exilis*), western mastiff bat (*Eumops perotis californicus*), American badger (*Taxidea taxus*), pallid bat (*Antrozous pallidus*), Townsends big-eared bat (*Corynorhinus townsendii*), spotted bat (*Euderma maculatum*), western red bat (*Lasiurus frantzii*), Northern legless lizard (*Anniella pulchra*), California legless lizard (*Anniella* spp.), California glossy snake (*Arizona elegans occidentalis*), San Joaquin coachwhip (*Masticophis flagellum ruddocki*), two-striped gartersnake (*Thamnophis gigas*), coast horned lizard (*Phrynosoma blainvillii*), and western spadefoot toad (*Spea hammondii*).

Additional plant species listed below have the potential to occur within Fresno County and are ranked as “Rare, Threatened, or Endangered in California and Elsewhere”. These species include, but are not limited to the following: Shevock’s copper moss (*Mielichhoferia shevockii*), Sanford’s arrowhead (*Sagittaria sanfordii*), Abram’s onion (*Allium abramsii*), San Benito onion (*Allium howellii* var. *sanbenitense*), spiny-sepaled button-celery (*Eryngium spinosepalum*), Howell’s tauschia (*Tauschia howellii*), Muir’s tarplant (*Carlquistia muirii*), Hall’s tarplant (*Deinandra halliana*), Hall’s daisy (*Erigeron aequifolius*), Keil’s daisy (*Erigeron inornatus* var. *keilii*), Winter’s sunflower (*Helianthus winteri*), Monarch golden-aster (*Heterotheca monarchensis*), short-leaved hulsea (*Hulsea brevifolia*), Diablo Range hare-leaf (*Lagophylla diabolensis*), forked-hare-leaf (*Lagophylla chrysantha*), alkali-sink goldfields (*Lasthenia chrysantha*), rayless layia (*Layia discoidea*), pale-yellow layia (*Layia heterotricha*), Munz tidy-tips (*Layia munzii*), showy golden madia (*Madia radiata*), San Joaquin woollythreads (*Monolopia congdonii*), San Joaquin adobe sunburst (*Pseudobahia peirsonii*), Tulare cyptantha (*Cryptantha incana*), Yosemite popcornflower (*Plagiobothrys torreyi* var. *torreyi*), Tulare rockcress (*Boechera tularensis*), Lemmon’s jewelflower (*Caulanthus lemmonii*), Mt. Whitney draba (*Draba sharsmithii*), Sierra draba (*Draba sierrae*), Panoche pepper-grass (*Lepidium jaredii* ssp. *album*), Tehipite Valley jewelflower (*Streptanthus fenestratus*), chaparral harebell (*Ravenella exigua*), heartscale (*Atriplex cordulata* var. *cordulata*), Earlimart orache (*Atriplex cordulata* var. *erecticaulis*), Lost Hills crownscale (*Atriplex coronate* var. *vallicola*), brittlescale (*Atriplex depressa*), lesser saltscale (*Atriplex minuscula*), subtle orache (*Atriplex subtilis*), San Joaquin spearscale (*Extriplex joaquinana*), Pierpoint Springs dudleya (*Dudleya ymose* ssp. *costatifolia*), orange lupine (*Lupinus citrinus* var. *citrinus*), Raven’s milk-vetch (*Astragalus ravenii*), Bolander’s clover (*Trifolium bolanderi*), aromatic canyon gooseberry (*Ribes menziesii* var. *ixoderme*), tree anemone (*Carpenteria californica*), Mono Hot Springs evening-primrose (*Camissonia sierrae* ssp. *alticola*), slender moonwort (*Botrychium lineare*), slender-stalked monkeyflower (*Erythranthe gracilipes*), Stanislaus monkeyflower (*Erythranthe marmorata*), Monarch gilia (*Gilia yorkii*), Madera leptosiphon (*Leptosiphon serrulatus*), shining navarretia (*Navarretia nigelliformis* ssp. *radians*), prostrate vernal pool navarretia (*Navarretia prostrata*), Monarch buckwheat (*Eriogonum ovalifolium* var. *monarchense*), recurved larkspur (*Delphinium recurvatum*), field ivesia (*Ivesia campestris*), and grey-leaved violet (*Viola pinetorum* ssp. *grisea*).

21.5  
cont.

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While this list may not include all special-status species present in the Project area, it does provide a robust source of information as to which species could potentially be impacted by future projects. CDFW recommends for all future projects tiered from this General Plan that qualified biologists assist with the scoping effort for projects by conducting a database search for potential wildlife, plant, and invertebrate species, rare habitat types, conduct early consultation with CDFW to help with this identification effort, and then perform appropriate reconnaissance, biological, and protocol surveys, as appropriate, as part of the biological technical studies conducted in support of the ensuing CEQA document.

21.5  
cont.

**Mitigation Measure BIO-1 (Protection of Nesting Birds)**

Mitigation Measure BIO-1 in the DEIR lists the appropriate nesting birds season timeframe (February 1 through September 15), and lists that a qualified biologist shall determine an appropriate avoidance buffer for construction activities; however, CDFW recommends that additional information be added, this includes the following: a qualified biologist shall conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the work site to identify nests and determine their status. A sufficient area means any area potentially affected by a project. In addition to direct impacts (i.e., nest destruction), noise, vibration, odors, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends a qualified biologist continuously monitor nests to detect behavioral changes resulting from the project. If behavioral changes occur, CDFW recommends the work causing that change cease and that CDFW be consulted for additional avoidance and minimization measures.

21.6

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variances from these no-disturbance buffers are possible when there is a compelling biological or ecological reason to do so, such as when the construction area would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify and obtain concurrence from CDFW in advance of implementing a variance.

Please note that implementation of certain mitigation measures such as the relocation of listed species would constitute take of listed species under the California Endangered Species Act (CESA), and erecting exclusion fencing could also result in take of listed species under CESA. Such take of any species listed under CESA would be

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unauthorized if an Incidental Take Permit (ITP) pursuant to Fish and Game Code section 2081 subdivision (b) was not acquired in advance of such actions. It is recommended to consult with CDFW early in the project development process to discuss the potential for a project to take CESA-listed species and to obtain an ITP if take (including capture related to salvage and relocation) cannot be avoided.

21.7  
cont.

**Lake or Streambed Alteration Agreement (LSA Agreement)**

It is likely that some projects and their activities will be subject to CDFW’s regulatory authority pursuant to Fish and Game Code section 1600 et seq. If an LSA Agreement is needed, CDFW is required to comply with CEQA in the issuance or the amendment of an LSA Agreement. Therefore, for efficiency in environmental compliance, we recommend that any potential impacts to lakes or streams that may result from project activities be described, and mitigation for the disturbance be developed as part of the project’s CEQA document. This will reduce the need for CDFW to require extensive additional environmental review for an LSA Agreement in the future. If inadequate or no environmental review has occurred for project activities that are subject to notification under Fish and Game Code section 1602, CDFW will not be able to issue the Final LSA Agreement until CEQA analysis for the project is complete. This may lead to considerable project delays.

21.8

**Policy OS-D.1 and OS-E.1**

Policy OS-D.1 (No-Net-Loss Wetlands Policy, page 4.4-19) and Policy OS-E.1 (Avoid Habitat Loss, page 4.4-20) paragraphs list the “California Department of Fish and Game”. Please edit “Game” to read “Wildlife”.

21.9

**Cumulative Impacts**

CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of Projects tiered from this General Plan, including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the project, even if those impacts are relatively small (i.e., less than significant). CDFW recommends cumulative impacts be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the Project. An appropriate resource study area identified and utilized for this analysis is advised. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

21.10

**ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make

21.7

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subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

21.11  
cont.

**FILING FEES**

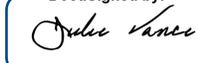
If it is determined that the Project has the potential to impact biological resources, an assessment of filing fees will be necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

21.12

CDFW appreciates the opportunity to comment on the Project to assist the County of Fresno in identifying and mitigating the Project’s impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW’s website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). If you have any questions, please contact Kelley Nelson, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 580-3194, or by electronic mail at [Kelley.Nelson@wildlife.ca.gov](mailto:Kelley.Nelson@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
FA83F09FE08945A...

Julie A. Vance  
Regional Manager

ec: State Clearinghouse, Governor’s Office of Planning and Research  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov).

California Department of Fish and Wildlife  
LSA Program; [R4LSA@wildlife.ca.gov](mailto:R4LSA@wildlife.ca.gov)  
Kelley Nelson; [Kelley.Nelson@wildlife.ca.gov](mailto:Kelley.Nelson@wildlife.ca.gov)

United States Fish and Wildlife  
Patricia Cole; [Patricia\\_Cole@fws.gov](mailto:Patricia_Cole@fws.gov)

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## **LITERATURE CITED**

California Department of Fish and Wildlife (CDFW). 2023. Biogeographic Information and Observation System (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>.

## Letter 21

**COMMENTER:** Julie Vance, California Department of Fish and Wildlife

**DATE:** June 27, 2023

### Response 21.1

*The commenter states that the California Department of Fish and Wildlife (CDFW) is a Trustee Agency for fish and wildlife resources and is submitting comments as a Responsible Agency.*

The comment is noted. The comment does not pertain to the adequacy of the Draft EIR, and no response is required. CDFW does not have discretionary approval authority over the GPR/ZOU, and therefore per Public Resources Code section 21069, is not a responsible agency for this project. Future individual projects within the incorporated areas of the County, however, may be subject to CDFW's regulatory authority or require CDFW permits, in which case CDFW may, in the future, be a responsible agency with regard to CEQA review of such projects.

### Response 21.2

*The commenter states that the CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. The commenter also references California Fish and Game Code (CFG) Sections 3503, 3503.5, and 3513 which protect birds, their eggs, and nests.*

The comment provides information regarding protections for nesting and migratory birds but does not pertain to the adequacy of the Draft EIR. The EIR notes the CFG sections protecting birds in the section covering statewide regulations in Section 4.4.1 of Section 4.4, *Biological Resources*, of the Draft EIR. The comment is noted, and no response is required.

### Response 21.3

*The commenter provides a summary of the project, the project's location, and the project's timeframe.*

The comment is noted. The comment does not pertain to the adequacy of the Draft EIR, and no response is required.

### Response 21.4

*The commenter states an understanding of the project's objective and the necessity to update the Fresno County General Plan to promote county wide efforts to protect productive agricultural lands, open space, recreational opportunities, environmental quality, and economic development.*

The comment is noted. The comment does not pertain to the adequacy of the Draft EIR, and no response is required.

### Response 21.5

*The commenter expresses a concern that due to the programmatic nature of the General Plan projects tiering from the Draft EIR could impact special-status plant and animal species present throughout Fresno County. The commenter lists several special-status plant and animal species known to occur throughout the County. The commenter recommends that all future tiered projects*

*work with a qualified biologist to assist during the scoping effort and perform appropriate biological resources surveys and/or technical studies.*

As discussed in Impact BIO-1 in Section 4.4.2 of the Draft EIR, implementation of General Plan Policy OS-E.9 requires biological resources evaluations for projects prior to the approval of discretionary development permits and/or requires environmental review to determine whether specific projects have potential to impact special status biological resources including special-status species. Following the project-specific assessment, required by Policy OS-E.9, additional mitigation measures may be required on individual projects depending on the findings of the biological resources evaluation. Therefore, impacts to special-status species would be appropriately evaluated with coordination from a qualified biologist prior to project approval for projects tiering from the GPR/ZOU EIR. As such, no revisions to the Draft EIR are required in response to this comment.

## Response 21.6

*The commenter states that Mitigation Measure BIO-1 in the Draft EIR for nesting bird protection references the appropriate nesting bird season, and correctly lists that a qualified biologist shall determine appropriate buffers for construction activities if a nest is found. However, the commenter recommends that Mitigation Measure BIO-1 include a timeframe for surveys to be conducted, determination of a specific survey area size, as well as a requirement for monitoring and buffer zones if an active nest is identified. The commenter recommends revising Mitigation Measure BIO-1 in the Draft EIR to ensure impacts are less than significant.*

While Mitigation Measure BIO-1 of the Draft EIR would be sufficient to preclude impacts to nesting birds while providing individual project design flexibility, revisions have been made to incorporate the commenter's recommendations into Mitigation Measure BIO-1 for clarity and to ensure survey protocols, monitoring requirements, and buffers are appropriate. However, the survey window prior to construction has been set at 14 days to allow project proponents enough time to coordinate with qualified biologists to conduct appropriate surveys at individual project sites. Changes to Mitigation Measure BIO-1 (as noted below) do not rise to the level of "new information" as defined in Section 15088.5 of the *CEQA Guidelines*, and thus recirculation of the Draft EIR is not required. Page 4.4-25 of the Final EIR has been revised with the following (changes shown in ~~strikeout~~/underline):

### **BIO-1 Protection of Nesting Birds**

**Policy OS-E.19: Nesting Birds.** For development projects on sites where tree or vegetation/habitat removal is necessary and where the existence of sensitive species and/or bird species protected by California Fish and ~~Game~~Wildlife Code Sections ~~30503~~ 3503 and ~~305-3~~ 3503.5 and Migratory Bird Treaty Act has been determined by a qualified biologist, surveys for nesting birds shall be conducted within 14 days prior to project activities by a qualified biologist for all construction sites where activities occurring during nesting bird season (February 1 through September 15). The surveys shall include the entire disturbance area plus at least a 500-foot buffer around the project site.

If active nests are located, all construction work shall be conducted outside a buffer zone from the nest to be determined by the qualified biologist. The buffer shall be a minimum of 250 feet for non-raptor bird species and at least 500 feet for raptor species, unless determined otherwise by the qualified biologist. Buffer distances for bird nests shall be site-specific and an appropriate distance, as determined by a qualified biologist. The buffer distances shall be specified to protect the bird's normal behavior thereby preventing nesting failure or abandonment. The buffer distance recommendation shall be developed after field investigations that evaluate the

bird(s) apparent distress in the presence of people or equipment at various distances. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established.

Larger buffers may be required depending upon the status of the nest and the construction activities occurring in the vicinity of the nest. The buffer area(s) shall be closed to all construction personnel and equipment until the adults and young are no longer reliant on the nest site. A qualified biologist shall confirm that breeding/nesting is completed, and young have fledged the nest prior to removal of the buffer. The biologist shall submit a report of these preconstruction nesting bird surveys to the County to document compliance within 30 days of its completion. (PSR)

~~If active nests are located onsite, then a qualified biologist shall determine appropriate measures necessary to mitigate impacts associated with proposed construction activities.~~

## Response 21.7

*The commenter states that the implementation of certain mitigation measures such as relocation of listed species would constitute take of listed species under the California Endangered Species Act (CESA). The commenter opines that a CESA Incidental Take Permit (ITP) must be obtained and encourages early consultation due to the possibility of significant modification to the project and mitigation measures to obtain a CESA Permit.*

The comment is noted. Implementation of General Plan Policy OS-F.5 would require public and private development projects to engage a qualified biologist to identify potential impacts to rare, threatened, or endangered species prior to project approval. If this evaluation for future individual projects identified presence of listed species, project proponents would be required to consult with CDFW and potentially obtain an ITP if take cannot be avoided.

## Response 21.8

*The commenter states that some projects would likely be subject to CDFW's regulatory authority pursuant to CFGC Section 1600 et seq and therefore a Lake and Streambed Alteration (LSA) Notification(s) may be required and obtained from the CDFW.*

The comment is noted. General Plan Policy OS-D.1 requires that the County shall support the "no-net-loss" wetlands policy of resource agencies including CDFW. This policy also requires that the County and individual projects coordinate with these agencies at all levels of a project to ensure that appropriate mitigation measures and concerns of the agencies are adequately addressed. Additionally, Policy OS-E.1 requires that agencies are consulted to avoid habitat loss including loss of vernal pools, riparian habitats, and stream habitats. State law requires project sponsors to notify CDFW's Lake and Streambed Alteration Program pursuant to Fish and Game Code section 1600 et seq., prior to conducting any project activities that affect waters regulated under this program; thus, it is unnecessary to include this requirement as a mitigation measure.

## Response 21.9

*The commenter requests revisions to General Plan Policies OS-D.1 and Policy OS-E.1 to change the word “Game” to “Wildlife” when referencing the CDFW.*

The comment is noted, and changes to Policies OS-D.1 and OS-E.1 do not rise to the level of “new information” as defined in Section 15088.5 of the CEQA Guidelines, and thus recirculation of the Draft EIR is not required. The following revisions have been made to these General Plan policies on pages 4.4-19 and 4.4-20 of the Final EIR (changes shown in ~~strikeout~~/underline):

**Policy OS-D.1:** No-Net-Loss Wetlands Policy. The County shall support the “no-net-loss” wetlands policies of the US Army Corps of Engineers, the US Fish and Wildlife Service, and the California Department of Fish and ~~Game~~Wildlife. Coordination with these agencies at all levels of project review shall continue to ensure that appropriate mitigation measures and the concerns of these agencies are adequately addressed.

**Policy OS-E.1:** Avoid Habitat Loss. The County shall support efforts to avoid the “net” loss of important wildlife habitat where practicable. In cases where habitat loss cannot be avoided, the County shall impose adequate mitigation for the loss of wildlife habitat that is critical to supporting special-status species and/or other valuable or unique wildlife resources. Mitigation shall be at sufficient ratios to replace the function and value of the habitat that was removed or degraded. Mitigation may be achieved through any combination of creation, restoration, conservation easements, and/or mitigation banking. Conservation easements should include provisions for maintenance and management in perpetuity. The County shall recommend coordination with the US Fish and Wildlife Service and the California Department of Fish and ~~Game~~Wildlife to ensure that appropriate mitigation measures and the concerns of these agencies are adequately addressed. Important habitat and habitat components include nesting, breeding, and foraging areas, important spawning grounds, migratory routes, migratory stopover areas, oak woodlands, vernal pools, wildlife movement corridors, and other unique wildlife habitats (e.g., alkali scrub) critical to protecting and sustaining wildlife populations.

## Response 21.10

*The commenter recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of projects tiered from the General Plan. The commenter further recommends that cumulative impacts be evaluated based on impacts to resources resulting from past, present, and reasonably foreseeable future projects.*

The General Plan addresses cumulative conditions within the Planning Area, which encompasses unincorporated Fresno County. As described in Section 2, *Project Description*, of the Draft EIR, the General Plan functions as a guide 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.” As such, the regional environmental analysis of the General Plan presented throughout this Draft EIR is a cumulative analysis consistent with CEQA requirements. Furthermore, this Draft EIR contains detailed analysis of regional (cumulative) impacts, which are differentiated from localized impacts that may occur at the County level.

A project's environmental impacts are "cumulatively considerable" if the "incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects" (CEQA Guidelines Section 15065[a][3]). The geographic scope for cumulative biological resources impacts includes the Planning Area and the immediate vicinities in adjacent cities and in unincorporated Fresno County. This geographic scope is appropriate for biological resources because it encompasses the mosaic of representative land cover and habitat types (and associated biological resources) affected by the project, including primarily urban, residential, commercial, and industrial development with areas of natural habitats.

As described in Section 3.4, *Cumulative Development*, of the Draft EIR, due to the programmatic nature of the General Plan, analysis of cumulative impacts is treated somewhat differently than it would be for a specific development project. For general plan amendments, impacts should be based on a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or areawide conditions contributing to the cumulative impact. As such, the analysis contained in Section 4.4, *Biological Resources*, of the Draft EIR discusses cumulative development in Fresno County in combination with potential growth envisioned under the GPR/ZOU as it pertains to potential impacts to biological resources. While the GPR/ZOU would increase density and intensity of existing land uses, implementation of goals and policies contained within the GPR/ZOU would conserve existing natural resource and limit impacts on special-status species. Furthermore, as described in the Draft EIR, adherence to existing regulations and implementation of General Plan polices, as well as Mitigation Measure BIO-1, which would provide a new policy reducing impacts to nesting birds, would reduce potential impacts to biological resources to a less than significant level. Therefore, the GPR/ZOU would not have an incremental contribution to cumulative impacts associated with biological resources and impacts to biological resources would not be cumulatively considerable. Cumulative impacts would be less than significant.

### **Response 21.11**

*The commenter asks that any special-status species and natural communities detected during project surveys be reported to California Natural Diversity Database (CNDDDB).*

The comment is noted. Any special-status species and natural communities detected during individual project surveys will be sent to the CNDDDB for reporting. The comment does not pertain to the adequacy of the Draft EIR, and no response is required.

### **Response 21.12**

*The commenter states that the project would have an impact to biological resources and an assessment of environmental document filing fees is necessary. The commenter also states that the payment of environmental document filing fee is required for the project approval to be operative, vested, and final.*

The comment is noted. The County will submit applicable environmental document filing fees upon filing of the Notice of Determination. The comment does not pertain to the adequacy of the Draft EIR, and no response is required.



June 27, 2023

Chris Motta  
Principal Planner  
County of Fresno, Department of Public Works and Planning  
2220 Tulare Street, Sixth Floor  
Fresno, California 93721

Re: Draft PEIR on Fresno County General Plan Policy Document

Dear Mr. Motta,

The Central Valley Partnership is a nonprofit organization, based in Fresno County, working in the San Joaquin Valley with a mission to achieve social, racial, economic and environmental justice.

We submit this comment letter on the Draft Programmatic Environmental Impact Report (“Draft PEIR”) for the Fresno County General Plan Review released in April 2023 with grave concerns for its inadequacies in addressing the county’s systemic injustices, vague and qualifying language that inhibits direct policy implementation, and in other cases, completely lacks adequate implementation measures especially related to mitigation for identified environmental harms.

22.1

Fresno County has some of the highest levels of poverty and pollution in California, particularly in its rural areas dominated by industrial agribusiness. These issues are so long-lasting that they could be considered endemic. Yet, they are caused by earlier policy choices and failure to implement laws.<sup>1</sup> The simplest illustration of this truth is found in the General Plan Policy Document’s citation of CalEnviroScreen 3.0 as it “identifies communities that are most affected by pollution by measuring environmental, health, and socioeconomic data” in Fresno County.<sup>2</sup>

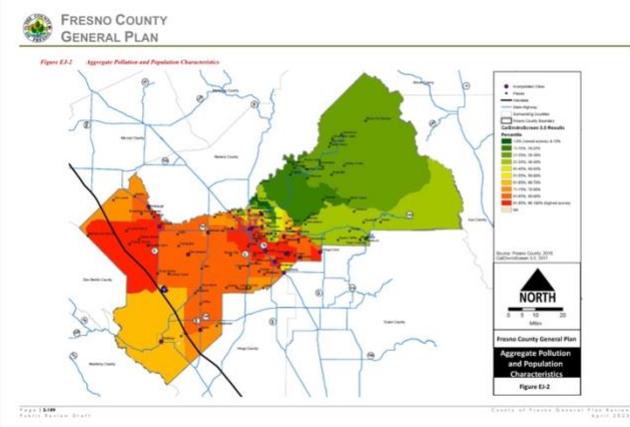


Figure 1: Fresno County General Plan, Aggregate Pollution and Population Characteristics (Figure EJ-2)

<sup>1</sup> O’Connell and Peters, *In The Struggle: Scholars and the Fight against Industrial Agribusiness in California*. New York: New Village Press, 2021.  
<sup>2</sup> 2023 Fresno County General Plan Policy Document, Environmental Justice, pg. 2-186.

With this past as prologue, and as we enter an era of widening economic disparity and climate crisis, why is Fresno County’s response so tepid, and in a number of ways, regressive to its economic and environmental problems? This General Plan amendment (rather than the more comprehensive update that is warranted after two decades) functions to meet the minimum requirements demanded by changes in state law while signaling an open permissiveness to the status quo characterized by a reticence to comply with state mandates, and indifference to the needs of unincorporated communities comprised of immigrants and historically racialized communities.

In deference to allied organizations submitting comment letters in their areas of expertise, and cognizant of the expansiveness of general plan analysis and our limited capacity, we focus our comments on the Agriculture and Forestry Resources (4.2) as exemplary of the overall problems and inadequacies with Fresno County’s 2023 General Plan.

#### I. Agriculture and Forestry Resources (4.2)

As Fresno County is the top agricultural producer in California, representing 20 percent of its total employment, the protection of its farmlands is of foundation importance for the region, state and country. Yet, in the twenty-three years since the adoption of its 2000 General Plan, the County still has yet to develop and implement operational farmland conservation and associated mitigation programs.

In Fresno County’s 2000 General Plan, under “Implementation Programs” for its Agriculture and Land Use Element, a number of modest programs were adopted to develop a farmland conservation program focused on conservation easements. However, to our knowledge, these have remained inactive and unrealized. Here are a few of those implementation programs:

- Program LU-A.D “The County shall periodically review agricultural land preservation programs and assess their effectiveness in furthering the County’s agricultural goals and policies.”
- Program LU-A.G “The County shall actively pursue grant funds under provisions of the Agricultural Land Stewardship Program of 1995, to assist interested farmers and ranchers in obtaining funds for conservation easements.”
- Program LU-A.H “The County shall develop a program establishing criteria to prioritize funding for agricultural conservation easements.”

In these absence of a farmland conservation program over the last decades, thousands of acres of Prime Farmland and Farmland of Statewide Importance were lost to sprawl development. A snapshot of this loss of farmland in Fresno County is cited in this current Draft PEIR, where “Between 2016 and 2018, Fresno County lost a net total of 21,937 acres of important Farmland, including 7,237 acres of Prime Farmland and 3,945 acres of Farmland of Statewide Importance.”<sup>3</sup>

If a farmland mitigation program had been in place, functioning as others do across the state, the loss of these farmlands would have been offset in conservation easements at a 1:1 ratio. An ancillary benefit of such a policy would have been the investment of millions of dollars into the region’s agricultural economy while conserving thousands of acres of farmland in perpetuity. Today, in this context and history, the Draft PEIR acknowledges that the buildout of the GPR/ZOU could again result in the loss of farmland and forestland to non-agricultural use, then identifies these impacts as significant and unavoidable.<sup>4</sup> Like death by a thousand cuts, each acre of farmland is lost incrementally accumulated until entire areas are paved over.

<sup>3</sup> Draft PEIR, Agriculture and Forestry Resources, pg. 4.2-3.

<sup>4</sup> Draft PEIR, Agriculture and Forestry Resources, pg. 4.2-10 and 4.2-11.

The identified “Mitigation Measures” for farmland loss in the Draft PEIR are inadequate and lack sufficient definition to be meaningfully implemented and enforced. Foremost among these omissions, as mentioned previously, is the absence of a mitigation program to address the loss of Prime Farmland and Farmland of Statewide Importance. Fresno County has had decades to put in place such a program, many of which exist in other cities and counties across California, including one adopted at the City of Visalia earlier this year. The sole mitigation measure identified for the loss of farmland in the Draft PEIR is Policy LU-A.23, which stipulates, “Should documentation indicate a loss of productive agricultural land would occur due to project development, *consideration shall be given* to offsetting land conversion through grants of perpetual conservation easements, deed restrictions, establishment of land trusts, in-lieu fee payment program or other County-approved farmland conservation mechanisms for the purpose of preserving agricultural land.”<sup>5</sup> The added italicized text is an illustration of the ambiguous and qualified language that allows this policy’s implementation to forever drift into the future muddled by a lack of clarity and direction. Inevitably, as seen in the County’s past behavior, these suggested “conservation mechanisms” are never enabled, constructed and authorized.

22.2  
cont.

An additional weakening of Policy LU-A.23 is that it increases the minimum permitted parcel size from twenty acres in the 2000 General Plan to “discretionary land use projects which propose the permanent conversion of forty acres or more of Prime Farmland (as designated by the Farmland Mapping and Monitoring Program) to non-agricultural uses.”<sup>6</sup> In other jurisdictions across the state, farmland mitigation programs are set at a minimum 1:1 ratio for lands lost to development, needing to be offset in agricultural conservation easements of similar soil quality. Here, Policy LU-A.23 also omits identifying the need to include Farmland of Statewide Importance. Finally, the LU-A.23 adds another layer of unnecessary obfuscation by inserting the need for an “evaluation” to analyze the proposed project’s soil, crop history, and access to water, when such an analysis is readily at hand in the California’s determinative Farmland Mapping and Monitoring Program, a regularly updated reference to identify Prime Farmland and Farmland of Statewide Importance.

22.3

The Draft PEIR does not enable or identify a farmland conservation monitoring program. Perhaps in the absence of any meaningful farmland conservation program, Fresno County finds it unnecessary to monitor how and where mitigation funds and conservation easement acquisitions are or should be occurring, but such monitoring is an essential part of future farmland conservation and mitigation programs. A number of Land Trust Alliance (LTA)-accredited land trusts, specializing in farmland conservation in Fresno and the San Joaquin Valley already exist, and will be important partners with the County for such programs, including Sequoia Riverlands Trust and the California Farmland Trust. These land trusts, and others like them, specialize in scientific natural and agricultural resource assessments, provide educational outreach to farmers and ranchers, have capacity to acquire property and property rights, provide mitigation services to developers, and are a conduit for directing conservation investments to local agricultural producers. Over time, in conjunction with local governments, land trusts play a role to decrease speculation in land development and ultimately help to secure the region’s agricultural economy.

22.4

Finally, as the Draft PEIR on Agriculture and Forestry Resources references CEQA’s Guidelines on cumulative impacts, “a project’s environmental impacts are ‘cumulatively considerable’ if the ‘incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of future projects’.”<sup>7</sup> The report goes on to acknowledge that “Agriculture is a large contributor to the economy of Fresno County thus loss of agricultural land as a result of the GPR/ZOU could impact Fresno County’s economy. While General Plan policies attempt to reduce impacts to agricultural resources, they would not ensure the preservation of all

22.5

<sup>5</sup> Draft PEIR, Agriculture and Forestry Resources, pg. 4.2-12.

<sup>6</sup> Ibid.

<sup>7</sup> Draft PEIR, Agriculture and Forestry Resources, pg. 4.2-14.

agricultural land in the Planning Area, therefore cumulative impacts to agricultural lands would be significant and unavoidable.”<sup>8</sup>

The lack of fiscal and economic analysis in the Draft PEIR of the cumulative impacts of the loss of farmland cannot be understated. Such changes threaten not only the viability of productive agriculture in the region but the economic integrity of urban centers as sprawl development negatively affects housing markets, commercial corridors, market centers and downtown viability. Fiscal and economic analysis of such cumulative impacts are readily available, and simply have not been appropriately authorized.

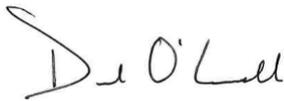
22.5  
cont.

The Draft Programmatic Environmental Impact Report to Fresno County’s General Plan Policy Document is inadequately analyzed, lacks specific implementation measures, and avoids or omits readily available mitigation measures consistent with other local and statewide jurisdictions. After assessing all comment letters input and recommendations, the County should revise and recirculate the Draft PEIR for public review and comment.

22.6

General plans have broadly been described as the “economic constitutions” of a city or county. Given the longstanding systemic and structural problems of extreme poverty and environmental pollution in Fresno County, the 2042 General Plan needs to be a visionary and innovative policy document that forcefully impacts its economic disparities, historic racialized discrimination and burgeoning environmental problems.

Sincerely,



**Daniel O’Connell**  
**Executive Director**  
**Central Valley Partnership**

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<sup>8</sup> Ibid.

## Letter 22

**COMMENTER:** Daniel O’Connell, Central Valley Partnership

**DATE:** June 27, 2023

### Response 22.1

*The commenter states that the DPEIR and GPR inadequately address systemic injustices and lack adequate implementation measures related to environmental mitigation. The commenter states that Fresno County has some of the highest levels of poverty and pollution in California, and cites a CalEnvironScreen 3.0 Figure from the General Plan Policy Document.*

This comment has been noted and passed onto decision makers for further consideration. Regarding existing conditions, the DEIR includes a discussion of existing conditions related to individual impact areas specific to *CEQA Guidelines Appendix G* questions. Individual impact areas include a discussion of the existing conditions which are then compared to the anticipated change induced by the project. Per CEQA, the EIR does not address existing conditions, which are not a result of the project. The Draft EIR includes all Air Quality-related information and analysis required by CEQA. No revisions to the Draft EIR are necessary in response to this comment.

### Response 22.2

*The commenter states that the mitigation measures related to farmland loss in the DPEIR are inadequate and that there is no mitigation program addressing the loss of Prime Farmland and Farmland of Statewide Importance. The commenter states that language in Policy LU-A.23 is ambiguous.*

In response to commenters, the County has revised mitigation contained in Section 4.2, *Agricultural and Forestry Resources*. This mitigation would apply to prime farmland, unique farmland and farmland of statewide importance, as detailed below. Policy LU-A.23 on page ES-6 and 4.2-12 of the DEIR has been revised with the following (changes shown in ~~strikeout~~/underline), which expand applicability of the mitigation measure and increase commitments to mitigating:

#### **Policy LU-A.23**

~~The County shall require discretionary land use projects which propose the permanent conversion of forty acres or more of Prime Farmland (as designated by the Farmland Mapping and Monitoring Program) to non-agricultural uses to undertake an evaluation of soil type, existing crop history and access to surface irrigation water to support the non-viability of the land for agricultural use. Should documentation indicate a loss of productive agricultural land would occur due to project development, consideration shall be given to offsetting land conversion through grants of perpetual conservation easements, deed restrictions, establishment of land trusts, in-lieu fee payment program or other County-approved farmland conservation mechanisms for the purpose of preserving agricultural land. This policy does not apply to land zoned or designated in the General Plan for non-agricultural land uses.~~

For discretionary land use projects that are not directly related to or supportive of agricultural uses and which propose the permanent conversion of twenty acres or more of Prime Farmland, Unique Farmland or Farmland of Statewide Importance (as designated by the Farmland Mapping and Monitoring Program) to nonagricultural uses, the County shall consider and adopt feasible measures including, but not limited to:

- Acquisition of conservation easements at a 1:1 ratio for lands lost to nonagricultural uses.
- Fee title of agricultural mitigation land that may be held by a third party or the County.
- In lieu fees paid to the County that may be used to acquire future mitigation property.
- Mitigation banks.

The County may exempt projects from agricultural mitigation requirements when it has been determined that conversion is occurring pursuant to a local groundwater sustainability plan, or the project is for housing which is predominately for persons of low or moderate income as defined in section 50093 of the Health and Safety Code. Further, the County may exempt discretionary land use projects from agricultural mitigation requirements if it finds that the loss of agricultural land caused by the proposed conversion is outweighed by specific overriding economic, legal, social, technological, or other benefits of the conversion, as contemplated by section 21081(b) of the Public Resources Code.

These changes do not alter the findings or analysis in the DEIR and do not result in a new or substantial increase in any environmental impacts compared to the DEIR.

### **Response 22.3**

*The commenter notes that Policy LU-A.23 increases the minimum permitted parcel size from 20 acres to forty acres of Prime Farmland to non-agricultural uses. The commenter notes that the need for evaluation of a proposed project's soil, crop history, and access to water is unnecessary with the existence of the Farmland Mapping and Monitoring Program.*

See Response 22.2 for revisions made to Policy LU-A.23, including the change to 20 acres rather than 40 acres.

### **Response 22.4**

*The commenter states that the DPEIR does not identify a farmland conservation monitoring program. The commenter suggests that Land Trust Alliance-accredited land trusts will be important partners for these programs.*

This comment has been noted and passed on to decision makers. Refer to the updated mitigation described in Response 22.2, which while not specifically mentioning land trusts, mentions agricultural easements, fee title of agricultural mitigation land, and mitigation banks.

### **Response 22.5**

*The commenter expresses concern about the cumulative impacts of loss of farmland and suggests that there is inadequate fiscal and economic analysis of this issue in the DPEIR.*

This comment has been noted and will be passed along to decision makers. The commenter is correct that there would be a significant and unavoidable cumulative agricultural impact. As stated on Page 4.2-14 of the EIR, "While General Plan policies attempt to reduce impacts to agricultural resources, they would not ensure the preservation of all agricultural land in the Planning Area, therefore impacts cumulative impacts to agricultural lands would be significant and unavoidable." Pursuant to CEQA Guidelines Section 15131, economic or social effects of a project shall not be treated as a significant effect on the environment. As such, formal analysis of economic or social impacts is not required, which includes fiscal and economic analysis regarding loss of agricultural land.

## Response 22.6

*The commenter states the opinion that the DPEIR does not contain adequate analysis, implementation measures, and mitigation measures. The commenter requests that the County revise and recirculate the DPEIR after assessing all comment letters and recommendations.*

This comment has been noted. See Responses to Comments 22.1 through 22.5 above. Specifically, refer to Response 22.2 for revisions made to Policy LU-A.23, including suggested measures provided by the commenter. The commenter does not cite any basis under which recirculation of this EIR would be required. Pursuant to CEQA Guidelines Section 15088.5, recirculation is required only if significant new information is added to an EIR that changes it in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect. No changes to the DEIR are included in this FEIR that would result in a more substantial adverse environmental effect than in the previously circulated DEIR.

**Planning & Development Department**

2600 Fresno Street, Third Floor, Room 3043  
Fresno, California 93721-3604  
(559) 621-8003

**Jennifer K. Clark, AICP**  
**Director**

June 27, 2023

Chris Motta  
Department of Public Works and Planning  
County of Fresno  
2220 Tulare Street, 6<sup>th</sup> Floor  
Fresno, CA 93721

RE: Draft Environmental Impact Report for the Fresno County General Plan Review  
and Zoning Ordinance Update (SCH#201803106)

Dear Mr. Motta:

The City of Fresno has the following comments:

<sup>1</sup> The

**Public Facilities**

1. The City of Fresno has invested significantly in both infrastructure and purchased surface water supplies to attain a groundwater balance, allowing for the balanced use of groundwater beneath its boundaries. The City has strong concerns of any new development relying on the overdraft of groundwater supplies to sustain any new development. Any project being considered within the City’s sphere of influence or within close proximity of the City’s boundaries, will have to demonstrate the use of groundwater: is done so in a sustainable manner; is compliant with North Kings Groundwater Sustainability Plan; will not have an adverse impact on the City nor rely on the City’s proactive programs to demonstrate the project’s groundwater balanced usage. If any impacts are identified, the project developer will have to mitigate for any such impacts to the satisfaction of the City of Fresno.

23.1

2. PF-C.16 Water Supply Evaluation – “...If use of groundwater is proposed, a hydrogeologic investigation may be required... Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the

23.2

property in question, those impacts shall be mitigated”.

- a. Comment: The City of Fresno Department of Public Utilities requests to be notified and involved in the discussion when evaluating the impacts of groundwater pumping on any development within or near the Fresno Sphere of Influence.

3. PF-C.22 Out-of-County Groundwater Transfers – “The County shall support efforts to regulate the transfer of groundwater for use outside of Fresno County. This support shall extend to the substitution of groundwater for transferred surface water.”

23.2  
cont.

- a. Comment: The City of Fresno Department of Public Utilities request that any groundwater transfers that originate from pumping within or near the Fresno Sphere of Influence be discussed with the City prior to completion of the transfer.

### **Traffic and Transportation**

1. Policies for pedestrian facilities within the City of Fresno Sphere of Influence should be included. The document discusses policy to ensure street designs that encourage walking yet very little policies mention pedestrian activity. The City of Fresno has one of the highest pedestrian fatality and severe injury rates in the state. Policies for sidewalks or asphalt walking paths, especially in school areas, should not be ignored.

23.3

2. Roadway classifications along roadways within the City of Fresno Sphere of Influence should match the classifications shown on the City of Fresno General Plan Land Use and Circulation map. Examples (not all inclusive) of differences include:

- a. Temperance Avenue – City of Fresno designation is Super Arterial but shown as an Expressway on Figure TR-1b
- b. Jensen Avenue - City of Fresno designation is Super Arterial but shown as an Expressway on Figure TR-1b
- c. Herndon Avenue, west of Riverside - City of Fresno designation is Super Arterial but shown as an Expressway on Figure TR-1b
- d. Friant Road, south of Audubon to SR 41 southbound ramps - City of Fresno designation is Super Arterial but shown as an Arterial on Figure TR-1b
- e. Grantland Avenue, south of Veterans Blvd - City of Fresno designation is Super Arterial but shown as an Arterial on Figure TR-1b
- f. California Avenue, west of West Avenue - City of Fresno designation is Collector but shown as an Arterial on Figure TR-1b

23.4

- g. Shields Avenue, west of SR 99 – City of Fresno designation is Collector but shown as an Arterial on Figure TR-1b
  - h. McKinley Avenue, west of Polk Avenue – City of Fresno designation is Collector but shown as an Arterial on Figure TR-1b
  - i. Belmont Avenue – City of Fresno designation is Collector but shown as Arterial on Figure TR-1b.
  
- 3. The City of Fresno Public Works Department has developed a policy and access plans regarding access points along Super Arterial roadways. Access points along roadways designated Super Arterial within the City of Fresno Sphere of Influence should be subject to the same access point spacing requirements.
  - a. Limited to one (1) three-quarter (3/4) opening in each direction per one-half (1/2) mile segment. These openings shall prohibit left-turning movements onto the super arterial roadway.
  - b. Limited to four (4) driveways and/or streets in each direction per one-half (1/2) mile segment. Spacing of these openings should be equidistance (i.e. approximately two (2) per quarter mile - cluster openings should be avoided). Driveways and/or streets shall be limited to right-turn movements only
  
- 4. The City of Fresno has adopted four (4) level of service (LOS) Traffic Impact Zones (TIZ) which state the LOS and peak hour trip threshold allowed in each TIZ. Please reference General Plan Map MT-4 for more information.
  
- 5. TR-A.22 – Right-of-way in the City of Fresno Sphere of Influence should be preserved based on City standards/roadway classifications.
  
- 6. The City of Fresno is supportive of policy TR-A.23. The City of Fresno adopted a Complete Streets Policy in 2019 that prioritizes infrastructure to support active transportation modes. Policy TR-A.23 should also include areas within the City of Fresno Sphere of influence.
  
- 7. The Safe Routes to School, Policy TR-B.7 has no mention of pedestrian facilities.
  
- 8. The Air Quality section policies mentions planning for a multi-modal transportation system but there are no pedestrian policies in the Transportation section.

9. Typo in Policy TR-A.15 on page 4.3-12:

- a. Correct the last sentence in the policy from “The County shall seek funding for construction and maintenance of bicycle and trails.”
- b. To “The County shall seek funding for construction and maintenance of bicycle facilities and trails.”

23.8  
cont.

**Aviation**

1. Page 4.12-10:

- a. Aviation: Second sentence, Fresno Yosemite International Airport serves over 2,000,000 passengers per year. (Calendar year 2022)

2. Page 4.12-13 and 4-12-16:

- a. Table 4.12-1 identifies residential development in noise levels less than 65 CNEL as conditionally acceptable.
- b. Policy HS-H.9 ...shall not allow the development of new residential land uses in areas ..... which exceed 60 CNEL. This statement seems to be contradictory to Table 4.12-1 and not consistent with the ALUCP.

23.9

3. Page 4.15-7:

- a. Aviation Facilities: Second sentence, Fresno Yosemite International Airport serves over 2,000,000 passengers per year. (Calendar year 2022)

**Land Use and Planning**

1. Page 4.11-1 and 4.11-2. Are the references to the 2000 General Plan intentional or should it be updated?

2. Page 4.11-5 (and elsewhere). All references to the Fresno COG RTS/SCS should be updated to the latest one, adopted in 2022. The analysis of the RTS/SCS should also be updated.

23.10

3. Page 4.11-6 (and elsewhere). Recommend the River Conservancy review, if they haven't already been invited to.

4. Page 4.11-8 Existing Land Use Designations. Typo. Change “27” to “Twenty-seven” because it is at the beginning of the sentence.

5. Page 4.11-13. Impact LU-2. “The proposed project promoted compact growth by directing most new urban development into incorporated cities and existing unincorporated communities....” Most? Why wouldn’t the County direct all new urban-level growth into such areas? This seems like a carve-out for Friant Ranch.
6. Page 4.11-15. “LU-A.16: Agricultural Land Preservation Programs. The County should implement...” recommend replacing “should” with “shall” to assert its commitment.
7. Page 4.11-16. Support for policy LU-G.4.

23.10  
cont.

### **Agriculture and Forestry Resources**

1. Page 4.2-1. Typos. “18.1percent” and “18percent” should be “18.1 percent” and “18 percent” respectively.
2. Page 4.2-2. Two references to the 2008 FMMP map should be updated to say 2018.
3. Page 4.2-10 to 4.2-11. “...due to regional housing needs, the County may be required to approve urban development in areas that are currently not planned for urban development.” I read this as meaning that some ag land may need to be zoned for non-ag uses to accommodate RHNA, however, the County’s Housing Element would require the County to proactively assign land uses to accommodate regional housing needs targets. This means that the land necessary to accommodate regional housing needs will already be zoned for urban/residential uses. Therefore, there should not be a need to accommodate growth in areas that are not planned for development.
4. Page 4.2-12. Policy LU-A.23. This mitigation measure could be strengthened. First, it only is triggered by a conversion of 40 or more acres. Other local jurisdictions have used 20 acres as a threshold. Second, it only applies to Prime Farmland. CEQA states the protected categories are Prime Farmland, Farmland of Statewide Importance, and Unique Farmland, therefore the policy should apply to the three categories. By only applying to Prime Farmland, the measure would automatically leave out 490,500 acres of Important Farmland; productive farmland is an important part of our economy and cultural heritage. Third, the policy says that when a project will result in the loss of productive farmland, “consideration” shall be given to mitigating such loss. I don’t believe this policy would withstand legal scrutiny. See *Masonite Corporation v. County of Mendocino* (2013) and *King & Gardiner Farms, LLC v. County of Kern* (2020).

23.11

Please note that The City of Fresno intends to follow up with additional comments.

If you have any further questions regarding this matter, please contact Jennifer Clark at (559) 621-8003 or [jennifer.clark@fresno.gov](mailto:jennifer.clark@fresno.gov).

Sincerely,



Sophia Pagoulatos on behalf of  
Jennifer Clark, Director  
City of Fresno Planning and Development Department

## Letter 23

**COMMENTER:** Sophia Pagoulatos on behalf of Jennifer Clark, Director, City of Fresno Planning and Development Department

**DATE:** June 27, 2023

### Response 23.1

*The commenter expresses concerns about groundwater overdraft and states that any project within the City's sphere of influence or within proximity of the City's boundaries will have to demonstrate that use of groundwater is sustainable, compliant with the North Kings Groundwater Sustainability Plan, and will not have adverse impact on the City, and that any impacts will need to be mitigated.*

As described on page 2-20 of the DEIR, the growth projections compiled by Fresno Council of Governments (FCOG) generally show growth focused for areas of the unincorporated County that are within the sphere of influence of incorporated cities as part of the individual cities, rather than assigning this growth to the County. FCOG uses this methodology because those areas, if developed, would be built in accordance with city land use policy and may become a part of the individual cities through annexation.

As described on page 4.17-23 of the DEIR, Policy OS-A.10 requires the County to coordinate with the relevant Groundwater Sustainability Agency(ies) concerning their Groundwater Sustainability Plan(s) and refer any substantial proposed General Plan amendment to the agency for review and comment prior to adoption and give consideration to the adopted groundwater sustainability plan when determining the adequacy of water supply.

As discussed under Impact HWQ-1, the GPR/ZOU includes Goal PF-C, which is to ensure the availability of an adequate and safe water supply for domestic and agricultural consumption. As such, in combination with the local GSPs, the GPR/ZOU would improve groundwater sustainability for all users within the local basins.

Policy analysis in Table 4.17-6 demonstrates that with the goals and policies of the 2042 General Plan, future development under the GPR/ZOU would be required to plan for anticipated water demands and the sufficiency of available sources and incorporate water conservation efforts to the maximum extent feasible. However, at this time the County cannot determine with certainty whether water supply sources may be available in an amount sufficient to accommodate the demands of anticipated growth (which is assumed to be up to approximately 6,000 to 8,000 AFY, based on per capita water demand rates reported in five UWMPs throughout the County). Therefore, because the County cannot determine whether sufficient water supply will be available for this anticipated growth, the potential impacts associated with such water demands have been identified in the EIR as significant and unavoidable.

While development within the Plan Area would adhere to the 2042 General Plan policies, the substantial increase to the County's population would result in water demand that exceeds projected supply. The only way to avoid or reduce this impact would be to cap population growth in the County or prohibit new uses that would demand water; however, such restrictions would be unenforceable. Therefore, the County has determined that no feasible mitigation exists.

### **Response 23.2**

*The commenter requests that The City of Fresno Department of Public Utilities be notified and involved in the discussion when evaluating impacts of groundwater pumping within or near Fresno Sphere of Influence and that any groundwater transfers that originate within or near Fresno Sphere of influence be discussed with the City prior to completion of the transfer.*

This comment has been noted and will be passed on to decision makers for review.

### **Response 23.3**

*The commenter requests that policies for pedestrian facilities including sidewalks and walking paths within the City of Fresno be included.*

This comment has been noted and passed on to decision makers. The project contains such policies including Policy TR-A.23 and Policy TA-A.24, which require the County to coordinate with local jurisdictions to ensure multi-modal connections are established and maintained between jurisdictions.

### **Response 23.4**

*The commenter states that roadway classifications along roadways within the City of Fresno Sphere of Influence should match the Land Use and Circulation map.*

This comment has been noted and will be passed on to decision makers for review.

### **Response 23.5**

*The commenter states that access points along roadways designated as Super Arterial within the City of Fresno Sphere of Influence should be subject to the same access point spacing requirements.*

This comment has been noted and will be passed on to decision makers for review. For the purposes of this EIR, the Planning Area is defined as unincorporated Fresno County and is the land over which the County has land use authority and where the policies and goals proposed in the General Plan Review and Zoning Ordinance Update are applicable. Therefore, County policies, not the City's, apply in the Sphere of Influence.

### **Response 23.6**

*The commenter states that The City of Fresno has adopted four level of service (LOS) Traffic Impact Zones (TIZ) that they describe in their General Plan Map.*

This comment does not relate to the analysis or conclusions in the Draft EIR. This comment is noted.

### **Response 23.7**

*The commenter states that regarding TR-A.22, Right-of-Way in the City of Fresno Sphere of Influence should be preserved based on City Standards and classifications. The commenter expresses support for Policy TR-A.23 and states the policy should also include areas within the City of Fresno Sphere of Influence.*

This comment has been noted. Please refer to Master Response GPR/ZOU for additional information regarding recommendations related to the GPR/ZOU.

## Response 23.8

*The commenter states that Policy TR-B.7 has no mention of pedestrian facilities. The commenter states that there are no pedestrian policies in the Transportation section of the DEIR. The commenter requests correction of a typo in Policy TR-A.15 on page 4.3-12 of the DPEIR.*

This comment has been noted. To address other modes of transportation, Policy TR-B.7 states that the County will work with school districts to encourage other modes of transportation such as biking. Additionally, Policy PF-I.2 encourages school facilities to be located in areas that have safe pedestrian and bicycle access. Policy EJ-B.3 directs the County to collaborate with school districts to develop safe and walkable pedestrian routes to schools if requested.

The commenter is incorrect that the Transportation section of the DEIR does not contain policies regarding pedestrians, as Section 4.15, *Transportation*, contains policies regarding pedestrians, including Policy TR-A.23 and Policy LU-F.8.

Page 4.3-12 of the Final EIR has been revised with the following (changes shown in ~~strikeout~~/underline):

The County shall seek funding for construction and maintenance of bicycle facilities and trails.

This update was also made to the policy in the policy document.

## Response 23.9

*The commenter suggests edits of text related to aviation on pages 4.12-10, 4.12-13, 4.12-16, and 4.15-7 of the DPEIR. The commenter states they believe there is a discrepancy in table 4.12-1 which notes residential development in less than 65 CNEL as conditionally acceptable and Policy HS-H.9 which prohibits development of new residential land uses in areas exposed to existing or projected levels of noise from aircraft operations at any airport or air base which exceed 60 dB Ldn or CNEL.*

The criteria outlined in Table 4.12-1 indicate the maximum acceptable airport noise levels, described in terms of CNEL, for the listed land uses. To protect residential and other noise-sensitive uses from exposure to harmful or annoying noise levels the County may implement more stringent policies that are compatible with amended comprehensive airport land use plans. To ensure consistency with the comprehensive airport land use plan, Policy HS-H.9 has been revised with the following (changes shown in ~~strikeout~~/underline):

### Noise Impacts Adjacent to Airports

The County shall not allow the development of new residential land uses in areas exposed to existing or projected levels of noise from aircraft operations at any airport or air base which exceed ~~60~~65 dBLdn or CNEL.

Page 4.12-10 of the Final EIR has been revised with the following (changes shown in ~~strikeout~~/underline):

Fresno Yosemite International Airport is the busiest in Fresno County, serving over ~~850,000~~2,000,000 passengers per year (City of Fresno 2023).

Page 4.15-7 of the Final EIR has been revised with the following (changes shown in strikeout/underline):

As a passenger terminal, the Fresno Yosemite International Airport serves over ~~680,000~~ 2,000,000 passengers per year, including visitors to the Sierra National Forest and heavily visited tourist sites in the Sierra Nevada Mountains.

**Response 23.10**

*The commenter questions if references to the 2000 General Plan on pages 4.11-1 and 4.11-2 are intentional. The commenter suggests edits of text related to land use on pages 4.11-5, 4.11-6, 4.11-8, 4.11-13, 4.11-15, and 4.11-16 of the DPEIR.*

This comment has been noted. Pages 4.11-1 and 4.11-2 refer to existing plans and policies, therefore the references to the adopted 2000 General Plan are correct.

Regarding the reference to the RTP/SCS on page 4.11 and elsewhere, please note that the 2018-2042 RTP/SCS was the current plan at the time the NOP for this project was filed. The 2022-2046 RTP/SCS was adopted on July 28, 2022. The baseline for analysis is typically set at the time the NOP is published, consistent with *CEQA Guidelines* Section 15125. Therefore, no revisions to the EIR are necessary.

However, for informational purposes, information about the 2022-2046 RTP/SCS is included below. The 2022-2046 RTP/SCS comprehensively assesses all forms of transportation available in Fresno County as well as travel and goods movement through 2046. The RTP/SCS contains land use, housing, and transportation strategies that, if implemented, would allow the region to meet its GHG emission reduction targets. Similar to the 2018-2042 RTP/SCS, the 2022-2046 RTP/SCS contains five goals with 20 supporting objectives and policies. The table below includes the 2022-2046 RTP goals, objectives, and policies related to environmental protection and describes consistency of the proposed land use designations and patterns in the 2042 General Plan with these goals and policies.

| FCOG 2022 – 2046 RTP/SCS Goals and Policies                                                                                                                                                                                                                                                                                                                                                                                                             | General Plan Consistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Goal: Improved mobility and accessibility for all.</b></p> <p>Policy: Encourage and prioritize full, fair, and equitable participation by all affected communities in transportation decision-making and planning processes.</p> <p>Policy: Actively work to ensure equitable distribution of the benefits and burdens of transportation projects.</p> <p>Policy: Promote the improvement and expansion of accessible transportation options.</p> | <p><b>Consistent.</b> The Environmental Justice Element addresses community participation in the planning process. Goal EJ-E encourages equitable civic engagement in the decision-making process by all County residents. Policy EJ-E.2 ensures that residents of disadvantaged communities are provided the opportunity to participate in discussions that may direct decisions that have an adverse impact to their health. Policies EJ-E.3 and EJ-E.4 promote the accessibility of community meetings and noticing materials. Applicable policies under Goal EJ-A require the County to provide residents within disadvantaged communities the opportunity to review and comment on discretionary development projects within their communities and to give priority to disadvantaged communities when seeking infrastructure and active transportation funding opportunities. Applicable policies under Goal EJ-B promote the expansion of safer walking pedestrian routes to schools, bicycle facilities, and bicycle routes.</p> |

**FCOG 2022 – 2046 RTP/  
 SCS Goals and Policies**

**General Plan Consistency**

**Goal: Vibrant communities that are accessible by sustainable transportation options.**

Policy: Encourage alternatives to single-occupancy vehicles that reduce vehicle miles traveled (VMT) and greenhouse gas emissions.  
 Policy: Support investment in and promotion of active transportation and transit to improve public health and mobility, especially in historically underinvested areas.  
 Policy: Encourage sustainable development that focuses growth near activity centers and mobility options that achieve greater location efficiency.  
 Policy: Support local jurisdictions’ efforts to minimize the loss of farmland, environmentally sensitive areas, and natural resources.  
 Policy: Support local jurisdictions’ efforts to facilitate the development of diverse housing choices for all income groups.  
 Policy: Facilitate and promote interagency coordination and consistency across planning efforts.  
 Policy: Incentivize and support efforts to improve air quality and minimize pollutants from transportation.

**Consistent.** The 2042 General Plan Transportation and Circulation Element and Open Space and Conservation Element addresses efforts to protect natural resources and to meet regional planning air quality goals and reduce greenhouse gas emissions. Goal TR-A and applicable policies promote multi-modal transportation including travel by walking, bicycle, or transit. Policies TR-A.23 and TR-A.24 under Goal TR-A identifies the importance of complete streets in both urban and rural areas to support pedestrian and transit-oriented development. Policy TR-A.8 promotes interagency coordination with the Fresno Council of Governments, Caltrans, and other agencies, to maintain a current Regional Transportation Plan. OS-G and its associated policies identify the importance of the County’s efforts to reduce emissions and improve air quality, particularly by reducing automobile travel and planning for a multi-modal transportation system that shifts travel away from single-occupancy vehicles. Policy OS-G.3 encourages regional and agency coordination on transportation and air quality issues and Policy OS-G.4 requires SJVAPCD consultation for projects requiring air quality impact analysis. Goal LU-F and its associated policies encourage mixed-use pedestrian and transit-oriented development including the creation of activity centers in neighborhoods that promote walking and biking, reduced parking, and the adoption of design guidelines to improve transit, bicycle and pedestrian access. The Agricultural and Land Use Element addresses efforts such as farmland preservation and the Complete Streets Program. Goal LU-A and its associated policies aim to protect productive agricultural resources through land preservation and zoning.

**Goal: A safe, well-maintained, efficient, and climate-resilient multimodal transportation network.**

Policy: Prioritize investment in and promote multimodal safety measures to reduce traffic fatalities and incidents in the region.  
 Policy: Promote enhanced Transportation Systems Management (TSM) and Transportation Demand Management (TDM) strategies to reduce congestion and vehicle miles traveled.  
 Policy: Encourage improvements in travel connections across all modes to create an integrated, accessible, and seamless transportation network.  
 Policy: Maximize the cost-effectiveness of transportation improvements.  
 Policy: Encourage investments that increase the system’s resilience to extreme weather events, natural disasters, and pandemics.  
 Policy: Preserve and maintain existing multimodal transportation assets in a state of good repair.

**Consistent.** The 2042 General Plan Transportation and Circulation Element and Open Space and Conservation Element contains goals and policies to improve multimodal transportation and to reduce air pollution and noise. Goal TR-A and applicable policies promote multi-modal transportation including travel by walking, bicycle, or transit. Policies TR-A.23 and TR-A.24 under Goal TR-A identifies the importance of complete streets in both urban and rural areas to support pedestrian and transit-oriented development and improve safety. Policy TR-A.23 also promotes the creation of multi-modal street connections in order to establish a comprehensive, integrated, and connected transportation network for all modes of travel and promotes coordination to ensure multimodal connections are established and maintained between jurisdictions. Goal TR-B and applicable policies aim to improve the County’s transit system in order to reduce reliance on single-occupancy vehicles and therefore VMTs. The Health and Safety element includes goals and policies for ensuring the maintenance of a healthy and safe physical environment. Goal HS-A and its applicable policies aim to protect health and safety from the effects of natural or technological disasters. Goal HS-G and its applicable policies aim to improve the sustainability and resiliency of the County through continued efforts to reduce the causes of and adapt to climate change including extreme weather events.

| FCOG 2022 – 2046 RTP/<br>SCS Goals and Policies                                                                                                                                                                                                    | General Plan Consistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Goal: A transportation network that supports a sustainable and vibrant economy.</b>                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>Policy: Support local and regional economic development by leveraging planning and transportation funds that foster public and private investment.</p> <p>Policy: Facilitate efficient reliable, resilient, and sustainable goods movement.</p> | <p><b>Consistent.</b> The 2042 General Plan Transportation and Circulation Element and Open Space and Conservation Element contains goals and policies to improve multimodal transportation. Goal TR-A and applicable policies aim to plan and provide a unified, multi-modal, coordinated, and cost-efficient countywide street and highway system that ensures the safe, orderly, and efficient movement of people and goods. Goal TR-C and applicable policies aim to maximize the operating efficiency of transportation facilities so as to reduce the quantity of motor vehicle emissions and reduce the amount of investment required in new or expanded facilities.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Goal: A region embracing clean transportation, technology, and innovation.</b>                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>Policy: Support innovative mobility solutions that are accessible, affordable, reduce greenhouse gas emissions, and improve air quality.</p> <p>Policy: Support efforts to expand broadband access through the region.</p>                      | <p><b>Consistent.</b> The 2042 General Plan Transportation and Circulation Element and Open Space and Conservation Element contains goals and policies to improve multimodal transportation and to reduce air pollution. Goal OS-G and its associated policies identify the importance of the County’s efforts to reduce emissions and improve air quality, particularly by reducing automobile travel and planning for a multi-modal transportation system that shifts travel away from single-occupancy vehicles. Goal TR-A and applicable policies promote multi-modal transportation including travel by walking, bicycle, or transit. Goal TR-B and applicable policies promote service to residence without access to vehicles and the provision of non-automotive means of transportation. Goal TR-D promotes the provision of an easily accessible bikeway system. Goal TR-E and applicable policies plan for a safe, efficient, and environmentally sound rail system to meet the needs of all Fresno County residents. The Public Facilities and Services Element contains goals and policies related to the provision of public services including utilities. Goal PF-J and applicable policies encourage the provision of communications and telecommunications services and facilities to serve existing and future needs. Policy HS-B.15 under the Health and Safety element promotes fire hardened communication near new development, including high speed internet service.</p> |

Source: FCOG 2022

As shown in the table above, the proposed GPR/ZOU would be consistent with the goals and policies contained in the FCOG 2022-2046 RTP/SCS that pertain to avoiding or reducing adverse environmental impacts, such as GHG emissions.

Regarding the recommendation for the River Conservancy to review, the Kings River Conservancy has provided their comments to the DEIR during the comment period.

Page 4.11-8 of the Final EIR has been revised with the following (changes shown in strikeout/underline):

The current General Plan includes 30 resource, residential, commercial, industrial, and other land use designations that depict the types of land uses that will be allowed throughout the unincorporated county. Twenty seven~~27~~ of the land use designations are primary designations, while three are overlay designations: Reserve, San Joaquin River Corridor, and Westside Freeway Corridor.

## Response 23.11

*The commenter suggests edits of text related to agriculture and forestry resources on pages 4.2-1, 4.2-2, 4.2-10, 4.2-11, and 4.2-12 of the DPEIR.*

Page 4.2-1 of the Final EIR has been revised with the following (changes shown in ~~strikeout~~/underline):

Fresno County leads in production of almonds, with 18.1 percent of the State's total production. The county ranks second for grape production with 18 percent, and pistachios, with 26.8 percent (California Department of Food and Agriculture [CDFA] 2021).

Page 4.2-2 of the Final EIR has been revised with the following (changes shown in ~~strikeout~~/underline):

- **Prime Farmland.** Prime Farmland is land with the best combination of physical and chemical features able to sustain long-term production of agricultural crops. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. The land must have been used for the production of irrigated crops at some time during the two update cycles prior to the most recent mapping date (the most recent map update for the region is ~~2008~~2018).
- **Farmland of Statewide Importance.** Farmland of Statewide Importance is land similar to Prime Farmland, but with minor shortcomings, such as greater slopes or with less ability to hold and store moisture. The land must have been used for the production of irrigated crops at some time during the two update cycles prior to the mapping date.
- **Unique Farmland.** Unique Farmland is land of lesser quality soils used for the production of the State's leading agricultural crops (i.e., crops of high economic value, such as oranges, olives, avocados, rice, grapes, and cut flowers). This land is usually irrigated, but may include nonirrigated orchards or vineyards, as found in some climatic zones of California. The land must have been cultivated at some time during the two update cycles prior to the mapping of ~~2008~~2018.

Additionally, see Response 22.2 for revisions made to Policy LU-A.23 regarding farmland mitigation.



CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

FIGHTING FOR JUSTICE, CHANGING LIVES

27 June, 2023

Via electronic mail to:

*gpr@fresnocountyca.gov*

Chris Motta, Principal Planner  
County of Fresno, Department of Public Works and Planning  
Development Services and Capital Projects Division  
2220 Tulare Street, Sixth Floor  
Fresno, California 93721

In Re: Comments on the Fresno County General Plan Review and Update/Draft Programmatic Environmental Impact Report

Dear Mr. Motta:

California Rural Legal Assistance (CRLA) submits these comments on behalf of Los Olvidados de West Park (Los Olvidados) in response to Fresno County’s notice of availability of the The Draft Program Environmental Impact Report for the Fresno County General Plan Review and Zoning Ordinance Update that is available for a 60-day Public Comment Period, ending June 27, 2023.

CRLA is a non-profit law firm with more than fifty years of experience representing rural, low-income Californians. The Community Equity Initiative (CEI) of CRLA specializes in land use, environmental, and civil rights law. Los Olvidados is a community-based organization representing the needs of residents of the disadvantaged unincorporated community of West Park, located in District 1 of Fresno County.

24.1

CRLA provides the following comments to ensure that the final General Plan does not have a disproportionate negative impact on low-income communities and communities of color including West Park. We support the development of a General Plan Update and Zoning Ordinance that reduce health risks and improve environmental quality and infrastructure in the community of West Park and Fresno County as a whole. We have reviewed the draft PEIR and the Draft General Plan update and offer the following comments.

**I. Introduction**

While the General Plan Update process has included more information concerning the County’s disadvantaged unincorporated communities, we are concerned that the Plan lacks substantive improvements for these communities, and that the DPEIR analysis fails to accurately analyze and effectively mitigate cumulative impacts the environment in which these communities are located.

24.2

We wish to acknowledge that Fresno County has made significant additions to the DPEIR and General Plan regarding identification of disadvantaged unincorporated communities (DUCs), identification of service deficits for these vulnerable communities within the County. In addition, the County has added an Environmental Justice element, identification of DUCs and specific infrastructure needs of those communities, and incorporation of General Plan Goals and Policies related to those communities are all welcomed changes to the former General Plan and Zoning Ordinance. The County has also responded to concerns raised by the Attorney

General related to possible violation of fair housing laws. In particular, we and the communities we represent acknowledge the change in Fresno County Policy ED-A.7: “Locating New Industrial Sites” to retract the explicit location of industrial sites very near to specific disadvantaged unincorporated communities included Malaga, a policy that was identified by the Attorney General’s office as potential housing discrimination (*see 18 March 2022 Letter from the Environmental Justice Bureau of the Office of the Attorney General*). However, by adding instead Policy ED-A.9, which identifies the same area as a “special study area” in which industrial uses may later be sited, the County continues to target the same disadvantaged communities with increased environmental and health impacts without providing enough specificity that would enable evaluation of impacts or assessment of mitigation measures.

Despite these changes, the General Plan has not integrated the new information into policies and environmental analysis in a manner that meets the requirements of SB244, SB1000, and the California Environmental Quality Act. The General Plan and Zoning Ordinance fail to adopt or identify specific policies that would achieve the goals of reducing health risks within disadvantaged communities and fail to provide the detailed analysis that would enable the County to recognize and mitigate significant environmental and health impacts. As such, we believe that the General Plan Update and DPEIR are insufficient to the requirements of SB244, SB1000, and CEQA.

Because the Environmental Justice Element avoids specific substantive goals and instead includes policies that encourage meetings and annual reviews of specific infrastructure issues, it is difficult to determine whether or not implementation of the Plan and Zoning Ordinance will result in meaningful reduction of health risks to disadvantaged communities or increased access to infrastructure that provides clean drinking water and wastewater facilities, adequate fire protection, and safe and sanitary homes and neighborhoods.

We are also concerned that the Environmental Justice Element does not appear to identify West Park as a disadvantaged community (*see* General Plan, Table EJ-1, *at* 3-194), despite the fact that in the background report, West Park is identified as a disadvantaged community using CalEnviroScreen, and appears in the Background report table that identifies these communities (*see* Background Report, Table 3-11, *at* 3-77). While this may be an oversight, it concerns the residents of the community whom we represent.

Below, our comments focus first on the GP and Zoning Ordinance, and changes in policy that would further the objectives stated in the General Plan with regards to improving infrastructure and public health for disadvantaged unincorporated communities in the County of Fresno. Secondly, we identify concerns regarding the adequacy of the DPEIR.

**II. The General Plan Review and Update must contain substantive policies to address Environmental Justice issues, to reduce health risks, to identify service deficits for DUCs, and identify funding sources and policies to remedy these issues, risks, and deficits for disadvantaged unincorporated communities.**

We commend the County’s effort to include an Environmental Justice Element in the General Plan, and to include information regarding disadvantaged unincorporated communities in the DPEIR Background Report.

However, the General Plan and DPEIR lack detail and substance needed to meet the intent and letter of SB1000, SB244, and the California Environmental Quality Act. Specifically, While the Background Report identifies disadvantaged unincorporated communities and some of their infrastructure and service needs, the analysis does not identify specific funding sources for each of the many service deficits identified, in violation of SB244. In addition, the updated EJ Element and General Plan fail to provide substantive objectives and policies that would reduce health risks and environmental harm for these vulnerable communities or that would remedy service deficits identified. Thus, the General Plan as it stands does not meet the requirements of SB 244 and SB 1000 and fails provide basic services and protection from flooding and pollution that other communities within

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Fresno County enjoy. While the General Plan appears to have been updated, it thus fails to serve the core objectives of relevant law.

By failing to provide substantive objectives and policies in its EJ Element that would reduce health risks and environmental harm in disadvantaged unincorporated communities, the County is failing to meet the Environmental Justice requirements for General Plans laid out in SB1000 and its implementing regulations. Government Code Section 65302(h)(1) requires that a County prepare an Environmental Justice Element or integrated goals and policies that:

- (A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.
- (B) Identify objectives and policies to promote civic engagement in the public decision-making process.
- (C) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.

(Cal Gov Code § 65302).

The Office of Planning and Research has provided additional direction to Counties for a wholistic approach to integrating Environmental Justice and other related legal mandates into the General Planning Update process. This direction includes the following:

Local agencies should also ensure that the specific risks or issues identified will be reduced as a result of actionable EJ policies and programs, *rather than simply acknowledged or discussed in broad strokes*. Accordingly, local agencies must also include specific policies that prioritize improvements and programs that address the needs of disadvantaged communities (*See California Office of Planning and Research, General Plan Guidelines Chapter 4: Environmental Justice Element*) [emphasis added]

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Fresno County’s planning documents fall mostly into the category of policies that “simply acknowledge” issues and risks, and discuss them only in “broad strokes,” while the Environmental Justice Element itself provides few policies that would clearly result in a reduction of risk to communities.

In addition to the mandates of Gov. Code § 65302, the County is also beholden to the requirements of Senate Bill 244 (SB244) which requires counties to identify and describe the disadvantaged unincorporated communities (DUCs) within the county. Localities are exempt from such law if the unincorporated area lies within a cities’ spheres of influence (SOI). SB 244 requirements arise on or before the due date of each subsequent revision of a locality’s housing element.

The duties outlined in SB 244 are clear. In its identification and description of DUCs, counties must include an analysis of water, wastewater, storm drainage and structural fire protection needs or deficiencies for each of the DUCs. Additionally, counties must identify potential funding mechanisms that could resolve those deficiencies (Alex, 2013).

Thus, these mandates require more than that the County “simply acknowledge” DUCs in Fresno County. Instead, state laws require the County to “include specific policies that are prioritize improvements and programs that address the needs of disadvantaged communities.”

**A. The County’s DUC analysis does not meet the requirements of SB244 and General Plan Policies do not remedy the significant service deficits that threaten human health and safety within Fresno County’s Disadvantaged Unincorporated Communities.**

The General Plan fails to meet the requirements of SB244 or the direction provided by the California Office of Planning and Research, *General Plan Guidelines Chapter 4: Environmental Justice Element*).

First, the General Plan does not adequately identify existing service deficits and funding sources for addressing these deficits, as mandated by SB 244. Second, the General Plan does not detail policies that would reduce address service deficits on a meaningful timeline.

Below, we have created a table that tracks whether or not the Background Report has identified service deficits and specific funding sources that might resolve these deficits.

It is important that policy-makers understand the existing situation for many of these communities that make remedying service deficits of critical importance. The disadvantaged unincorporated communities for which Fresno County failed to adequately identify some service needs are a part of the County’s culturally rich and ethnically diverse population and are predominantly populated by citizens of color--many of whom are monolingual Spanish speakers or bilingual in Spanish indigenous languages of Mexico. These communities have been subjected to air quality that is out of compliance (*see* Background Report Chapter 3.12, Environmental Justice, at 3-70 *County of Fresno 2042 General Plan Background Report*), drinking water polluted with arsenic and TCB as well as other contaminants in levels that exceed state water quality drinking standards (*id.*); often live in neighborhoods made dangerous by lacking transportation infrastructure such as sidewalks, and lack of flood control and storm water drainage systems. (*see* Background Report Appendix A, Disadvantaged Unincorporated Communities, *County of Fresno 2042 General Plan Background Report*). Many communities also lack wastewater systems, which in some cases may be resulting in contamination of other water supplies (*id.*).

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The lack of much needed services compound the health and environmental effects of pre-existing levels of air and water pollution. In addition, lacking services in some cases may be causing additional environmental impacts. Health data for these communities presented in the Environmental Justice Element and assessed in the Background Report indicates the severity of environment impacts on the human population—as most of the disadvantaged unincorporated communities are home to greatly increased risks of asthma, low birth weight, and cardiovascular disease (*See* Background Report Chapter 3.13, Environmental Justice). The lack of availability of clean water, inadequate wastewater treatment, and lack of stormwater drainage systems in this context adds environmental risk that could be avoided by prioritizing alleviating these service deficits.

While the General Plan and incorporated analyses identify some of the service deficits and environmental impacts that have a disproportionate impact on disadvantaged unincorporated communities, and state general goals to avoid compounding these problems, the specific Policies and implementation strategies laid out in the General Plan do not follow through and track whether proposed policies will address these deficits. Outside of the Environmental Justice Element, little mention is made of disadvantaged unincorporated communities and their service needs, even when the policy explicitly addresses service issues that many of the DUCs identified are lacking. We suggest that if the DUC analysis indicates that there is a service deficit related to a policy in the General Plan, that the Plan explicitly mention DUCs and whether that policy will resolve the deficit. For example, if a number of DUCs lack adequate flood control systems, such as stormwater drainage systems, then in Policy PF-E.3, “Equitable Flood Control Costs”, there would be a statement that either prioritizes areas with service deficits to receive funding to remedy service deficits as other communities have been the recipient of prior development of stormwater drainage systems, or the section would make a statement that this policy would be unlikely to result in sufficient funding to remedy service deficits in specific communities.

Other service deficits that have been identified for which specific funding has not been identified, and for which policies do not provide solutions. In the proposed General Plan, the County fails to provide adequate solutions or proposals for addressing the lack of safe drinking water in many communities; fails to provide adequate strategies for remedying the lack of adequate wastewater treatment in disadvantaged communities; fails to meaningfully address the lack of adequate water flows to provide fire protection in these communities; and, finally, fails to address comprehensively the lack of stormwater drainage systems and related high risk of harm to people and their property from floods. These deficits in service have not been systematically addressed in related General Plan policies, and the Zoning ordinance all but fails to mention or incorporate standards that would implement related goals and objectives.

Finally, we would like to address the failure of the General Plan and Background Report to include policies and analysis likely to result in long term solutions to their environmental problems and chronic deficits in service.

The community of West Park experiences many significant problems due to a lack of basic infrastructure. In their scoping letter dated 18 December 2018, Los Olvidados' commented:

One of the biggest issues is flooding, which in the rainy season has a profound impact on the ability of our children to safely walk in our community and to wait for the school bus in a safe place. We have attached several photographs of the flooding in our community taken in December 2018 after only two days of moderate rainy conditions. These flooding conditions force community members to walk in the middle of the road, make parking difficult, breed mosquitos that carry contagious and serious diseases, and make driving difficult and unsafe. These issues are compounded by the lack of lighting in our community, so it is very unsafe for someone trying to walk after dark in the winter because they must walk in the middle of the road, cannot be seen, and are at risk of being hit by a car. The flooding also is a health risk due to stagnant pools of water attracting mosquitos; this health risk is something the County must address in the general plan.

We have spoken with County representatives on multiple occasions about the flooding problems in the community; we have also asked our attorney representatives to inquire about this issue. The County has responded that installation of drainage is not possible because we do not have a drainage master plan for our community, and that there is no funding available for the County to create such a plan...

The same sentiment applies to the lack of sidewalks in our community and others like it. Our community does not have sidewalks, and children and families are forced to walk in the street. As is evident from the photos submitted with this letter, this is dangerous. Yet there are no policies in the draft Policy Document to find funding to plan and implement projects to put sidewalks in our community. We have been told, again, that sidewalks cannot be installed due to the lack of a master drainage plan for our community. The County must include concrete policies and implementation plans to identify and apply for funding to construct sidewalks in our community and other similar communities, so we have access to the infrastructure that we need.

Despite these very clear comments by residents of this community, the General Plan fails to identify the lack of sidewalks as a service deficit. While the General Plan states that staff "acknowledges" the presence of standing water during and after storms, and describes the lack of a stormwater drainage system, this issue is not recognized as a service deficit (*Background Report*, at 78, 79). Further, the General Plan does not provide definitive, measurable policies that would remedy these problems during the life of the Plan Update; nor does the plan identify funding sources that would specifically address these issues. The Plan also fails to take seriously the complaints of foul odors, which could be resulting from septic failure exacerbated by standing water following storms. We see this as a specific example of a failure to correctly implement the requirements of SB244. In essence, for this specific community, the failure to accurately identify service deficits, to identify

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funding sources to address them, and then the failure to include sufficiently specific and actionable policies that would address these issues places this community’s health and safety at risk.

In order for the underlying aims of SB244 to be realized, the details matter. Whether the detailed service deficits experienced by a community are represented accurately in the DUC analysis, whether funding is identified, and whether General Plan policies directly related to the service deficit are designed to meet the needs of people in the DUCs, these details must be in the plan, and should be tracked throughout the plan so that the result is not fragmented and useless to the very communities sB244 is intended to serve.

We have created the following table to track the service deficits identified for each disadvantaged unincorporated community described in detail within the Background Report, as the General Plan and DPEIR provide little or no analysis that summarizes service deficits so that they can be compared with proposed policies that relate to the issues identified. In the sections that follow, we review policies that are related to these identified service deficits, and whether they are designed to be effective in meeting the needs of these communities. This table also makes clear that although the General Plan does provide some general discussion of funding sources, the County fails to identify specific sources of funding that might remedy many of these service deficits, in violation of SB244.

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**SERVICE DEFICITS THAT AFFECT DISADVANTAGED UNINCORPORATED COMMUNITIES**

| <b>Community</b>                        | <b>Service Deficits Identified</b>                                                                                                                                                    | <b>Funding sources identified</b>                           |
|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| Biola Community                         | Wastewater treatment                                                                                                                                                                  | No specific funding                                         |
| Britten Avenue/Cherry Avenue Community  | Roads                                                                                                                                                                                 | No specific funding                                         |
| Burrel Community                        | Prior Flooding                                                                                                                                                                        | No specific funding                                         |
| Camden Avenue Community                 | Arsenic levels exceed acceptable standards for drinking water                                                                                                                         | No specific funding                                         |
| Caruthers Community                     | High levels of arsenic                                                                                                                                                                | Prop. 84, Safe Drinking Water Safe Revolving Fund           |
| Chestnut Ave Community-Shady Lakes      | Wastewater issues/odor                                                                                                                                                                | No specific funding                                         |
| Church Avenue/Floyd Avenue Community    | Lacks fire hydrants                                                                                                                                                                   | No specific funding                                         |
| CSA 30 Community-El Porvenir            | Drainage, Multiple water quality issues.                                                                                                                                              | Westside Groundwater Project could resolve                  |
| CSA 32 Community-Cantua Creek           | Lack of fire station, increased fire response times; water quality issues.                                                                                                            | Westside Groundwater Project could resolve                  |
| CSA 39 Zone A Community                 | Fire flow water service insufficient; concern about septic flooding/standing water<br>States no new growth but possible additions of new parcels                                      | No specific funding                                         |
| CSA 39 Zone B Community/West Park       | Low fire water flow; concern regarding septic; standing water after rains; recent possible adding of parcels, but states no new growth.                                               | No specific funding                                         |
| CSA 49 Community-O'Neill Farms/Westside | Surface water exceeds MCLs for DBP                                                                                                                                                    | County approved pursuing state revolving grant fund address |
| Del Rey Community                       | TCP contamination in community system wells; compliance order from State. Risk of violation of wastewater treatment standards                                                         | Not specified in background report.                         |
| Easton Community                        | Drinking water concerns; new well permits; no community wastewater, low septic permits;                                                                                               | No specific funding                                         |
| Lanare Community                        | Order into receivership, offline filtration system. Arsenic levels exceed permitted levels; current well in use insufficient to the needs; lacking storm drainage; flooding problems. | Funding granted in 2015, project not yet completed?         |
| Laton Community                         | Possible wastewater infiltration.                                                                                                                                                     | No specific funding                                         |
| Lost Hills Community                    | Limited infrastructure, flooding                                                                                                                                                      | No specific funding                                         |
| Monmouth Community                      | None identified, though more new well activity.                                                                                                                                       | No specific funding                                         |
| Riverdale Community                     | Arsenic issues in potable water; wastewater nearing capacity; flooding issues                                                                                                         | No specific funding                                         |
| Russel Avenue Community                 | None identified                                                                                                                                                                       | No specific funding                                         |
| Tombstone Territory                     | Lacking potable water sources; fire protection deficient; areas of flooding noted, no developed drains.                                                                               | Possible grant funding to connect to city of Sanger.        |
| Tranquility Community                   | Repairs to wastewater system needed; drainage need replacing and repair.                                                                                                              | No specific funding                                         |

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**B. The General Plan Update lacks policies and direction that address identified service needs and Environmental Justice Element goals.**

In general, the General Plan and Zoning Ordinance contain very few policies and regulations that implement the lofty environmental justice goals identified in the Environmental Justice Element, or that require or even identify a plan for addressing serious infrastructure deficits. In the following sections, we outline elements of the Fresno County General Plan and their deficiencies.

**1. Economic Development Plan must include policies related to economic improvements in DUCs.**

Overall, the Economic Development policies contained within the General Plan revision focus largely on providing more opportunities for larger industry to succeed rather than for economic improvements that benefit the full range of Fresno communities and their diverse citizenry.

Policies that direct economic development toward existing infrastructure makes sense in many cases, but for DUCs, the policy should be to improve infrastructure as a means to provide for local economic development in these communities.

The General Plan, as updated, does not demonstrate a commitment to helping disadvantaged unincorporated communities including West Park. Instead, the plan puts forth policies that will restrict commercial development and public infrastructure development in rural communities while privileging agricultural uses and industry. The policies do not prioritize access to important services like parks, grocery stores, commercial enterprises, multi-family housing, sidewalks, flood protection, lights, and other investments that disadvantaged communities need.

**2. Zoning designations still unlawfully target high-sensitivity disadvantaged communities for potentially harmful industrial development.**

Despite concerns raised in numerous scoping comments, and the CA DOJ’s statement that General Plan policies represent discriminatory practices that run afoul fair housing law, the land use and agriculture elements still prioritize large agricultural interests over the economic and environmental well-being of the unincorporated communities.

For example, in response to the CA Department of Justice’s 19 March, 2022 letter identifying Fresno County Policy No. ED-A.7: “Locating New Industrial Sites” as potentially violating housing discrimination laws, the policy was modified to remove directive language and a definite threat of increased contaminants to a disadvantaged community.

Instead, the County added Fresno County Policy No. ED-A.9, which contemplates locating industrial uses adjacent to Malaga, the same disadvantaged unincorporated community that the former Plan iteration failed to protect. The Malaga community already has extremely high exposure indices for a number of contaminants. The area is already out of compliance with air quality standards in a number of areas, and it would be unlikely that additional industrial uses sited near the community would result in the reduction of harm that SB 1000 intends as the result of inclusion of an Environmental Justice Element. Despite its re-write, this policy continues to target a low-income community of color for increased industrial use, but avoids accountability by deferring decision-making until a later date. Yet, because the Plan fails to identify other potential locations for this industrial development, it is clear that the Plan still unlawfully targets these disadvantaged communities, home to predominantly Latino residents, for increased environmental impacts.

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Policies in the General Plan’s Land Use Element also allow the siting of industrial uses near disadvantaged communities. For example, policy LU-F.30, “Industrial Discretionary Use Permit,” allows industrial uses to be permitted in low density unincorporated communities not zoned for such uses—and for which the DPEIR fails to provide adequate analysis of environmental impacts—by allowing applications for Zone changes even in areas zoned for residential uses utilizing a discretionary permit process. While applicants can always apply for a Zoning Change regardless of this policy, the policy invites applicants to ignore the Zoning strategy laid out in the General Plan—a component of the plan that has the potential to reduce negative impacts on residential communities.

Instead of providing zoning that protects residential communities, this policy contradicts the stated EJ Element goals of mitigating impacts on DUCs when locating industrial sites. Instead, the policy allows industrial sites an exemption from zoning. This poses unacceptable risks to rural disadvantaged communities, and fails to meet goals outlined in the EJ element.

Finally, the Zoning Ordinance fails to reference the Disadvantaged Unincorporated Communities identified in the Background Report and PDEIR. By failing to reference DUCs, the County dramatically restricts the likelihood that the General Plan goals and policies will be implemented at the project level in a manner consistent with the Environmental Justice Element.

We recommend that the County re-work goals, policies and Zoning Ordinance regulation to utilize planning and zoning as a tool to reduce potential impacts on disadvantaged unincorporated communities. To do this, the General Plan must actively discourage development near disproportionately burdened communities that are likely to have negative air, water, and transportation impacts. Instead, the General Plan must encourage land uses that contribute to local affordable housing needs as well as providing increased infrastructure and local, community-based economic development opportunities.

### **3. Transportation and Circulation Element does not provide policies that would address service deficits identified by West Park residents and other DUCs**

While the Environmental Justice element cites the importance of improvising access to physical activity by supporting bicycle use and foot traffic, the transportation element fails to provide policies that would mandate the creation of sidewalks that many disadvantaged unincorporated communities lack.

Further, the Element fails to protect existing communities like West Park from increased and ongoing hazards from truck traffic, and instead focuses on requiring future uses to avoid sensitive uses. The West Park community is immediately adjacent to and crosses Jensen Avenue, which is a current and planned truck route serving industrial areas in the County and City. The truck traffic in the community is dangerous—it increases air pollution, trucks travel at high speeds, and there are no traffic signals to protect children and families that must cross the Valentine/Church intersection to reach West Park Elementary. While the County has included a policy in the General Plan to introduce protections to reduce or eliminate truck traffic near sensitive uses, as written, the Policy may not apply to the West Park community. These policies must be expanded to protect rural communities like West Park.

### **4. The Public Facilities and Services Element fails to provide policies that would implement the goals of the Environmental Justice Element or remedy infrastructure issues identified in the DUC analysis.**

The Public Facilities and Services Element is the location of objectives and policies that have the potential to alleviate a host of service deficits identified in disadvantaged unincorporated communities within Fresno County. Modification of these policies would greatly improve the Plan’s consistency with SB244 and SB1000. Unfortunately, the proposed General Plan Policies are not sufficiently specific or definitive to result in reducing

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impacts to disadvantaged unincorporated communities or to ensure improvements in lacking infrastructure for these communities. The Policies are largely geared toward future development and do not for the most part provide for addressing existing, known problems. The General Plan Public Facilities and Services Element should provide direction for how services are distributed within the County and on what timeline these services are made available to communities. As discussed above, policies should be designed to result in meaningful reduction of pollution and increased availability of services, and should identify specific risks that would be reduced. The following policies are not sufficiently specific and/or fail to require improvements, and thus are inadequate as a matter of law.

**a. Policy PF-E.3, “Equitable Flood Control Costs” fails to provide for equitable distribution of flood control funding and fails to specify funding mechanisms.**

Policy PF-E.3, “Equitable Flood Control Costs” is intended to provide for equitable distribution of funding to support flood control, but is not drafted in a manner likely to have that effect. The policy states, “The County shall encourage the Fresno Metropolitan Flood Control District to spread the cost of construction and acquisition of flood control and drainage facilities in the most equitable manner consistent with the growth and needs of this area. (*IGC*)”

This policy provides no measurable way to determine whether the flood control needs identified in the DUC analysis, and important to the West Park community, will be addressed during the life of this plan. It requires “encouraging” rather than actually distributing flood control measures equitably, and does not mandate any flood control occur in the most flood prone or vulnerable communities in the County. The community of West Park has repeatedly communicated the need for better protection from flooding and has communicated the risks their residents face due to the lack of a storm drainage system. West Park’s need for flood control measures, including being included in a stormwater drainage plan, have been “acknowledged” but not identified as a deficit. Because a number of the disadvantaged unincorporated communities lack adequate storm water drainage, this is a significant risk to disadvantaged residents of Fresno County.

The Plan has not identified this problem as a service deficit in West Park and has not identified sources of funding for West Park and other communities, as required by SB244. Rather, the Plan relies on this vague, unenforceable, and misleading policy that does not specify sources of funding, require equitable distribution of funds, or include any timeline or process for addressing the flooding issues of West Park or other disadvantaged unincorporated communities. This policy also does not meet the standards outlined in Government Code Section 65302(h)(1), which requires “objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.” This policy also fails to heed the direction of OPR in its technical advisory, which states that agencies “should also ensure that the specific risks or issues identified will be reduced as a result of actionable EJ policies and programs, rather than simply acknowledged or discussed in broad strokes.” (*Id.*)

It is imperative that the County modify this and other policies to provide actual flood control policies that identify funding, a timeline, and a process for stormwater drainage systems and other flood control to be provided to disadvantaged unincorporated communities including West Park. These measures are critical to the health and safety of Fresno County residents.

**b. Policy PF-C.1 fails to describe the parties and action items with which the County will engage to retain water supplies.**

While the Environmental Justice Element appears to provide a framework for addressing drinking water issues, the specific policies related to water supplies do not require follow-through needed to make sure our communities actually have safe water to drink. The Environmental Justice Element includes policy

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EJ-A.10–Safe Drinking Water, which states: “Annually, the County shall coordinate a meeting with community water and sewer providers to identify system upgrade, expansion, and consolidation of funding opportunities to ensure all community members have access to safe drinking water and wastewater services.” However, this policy is worded so vaguely and without language that mandates water be provided as to render these policies ineffective and insufficient as a matter of law. “Having an annual meeting” does not result in providing disadvantaged communities with drinking water.

Other policies regarding long term drinking water supply are similarly deficient. Policy PF-C.1, “Retain Existing Water Supplies” states, “The County shall engage in, and support, the efforts of others within Fresno County to retain existing water supplies and develop new water supplies. (PSP).” This policy fails to describe the parties and action items with which the County will engage to retain water supplies. For instance, many DUCs fall within the jurisdiction of Community Service Districts. Additionally, local Groundwater Sustainability Agencies regulate the pumping of groundwater. At the very least, the policy should mention the names of these local agencies, not only in the description sections of the documents, but within the policies that ought to be directing improvements where they are needed most. A more robust policy should describe concrete actions the County will take to retain existing water supply—especially water supplies that service DUCs. We ask that this policy be modified to include policies that are specific enough as to result in improvements in availability of potable drinking water for residents of disadvantaged unincorporated communities, including West Park. Without policies that are actionable and specific, there is no way to determine how these policies will impact the availability of drinking water.

**c. Policy PF-C.3, “Surface Water Use” does not require measurable progress toward the goal it serves.**

This policy states: “To reduce demand on the county’s groundwater resources, the County shall encourage the use of surface water to the maximum extent feasible (PSP).”

This policy merely “encourages” the use of surface water without providing measurable pathways to maximize the use of surface water. Further, the policy fails to identify the largest users of groundwater that will be “encouraged” to use surface water. Without this level of specificity, it is impossible to determine whether it will result in meaningful improvements for disadvantaged unincorporated communities by improving their access to water or by preventing environmental harms caused by groundwater depletion.

**d. Policies PF-C.7 (Infrastructure Planning for Water) and Policy PF-C.10 (Ongoing Water Supply) fail to provide sufficient specificity and timelines to render them useful to the task at hand: providing long-term water security to the residents of Fresno County.**

Policy PF-C.7. reads, “The County shall require preparation of infrastructure master plans for the provision of potable water for areas undergoing urban growth. (PSP)”

This policy is a positive step in ensuring urban growth areas can accommodate future water needs—especially if this policy is interpreted to apply to disadvantaged unincorporated communities that have potable water infrastructure deficiencies. The policy can be strengthened by identifying who is responsible to prepare the “infrastructure master plans,” by stating that this applies to DUCs that already exist due to past growth. Additionally, the policy should identify a timeline or growth benchmarks that indicate when master plans are to be prepared.

Other policies that could support availability of water supplies over the long term are similarly rendered less effective by the Policy PF-C.10, “Ongoing Water Supply,” states that “The County shall actively

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participate, or support the efforts of other local agencies, in the development and implementation of Sustainable Groundwater Management Plans to ensure a sustainable water supply is available to help support agriculture and accommodate future growth. (PSP)”

Again, this policy fails to identify specific pathways and a timeline that would guide implementation. It also fails to indicate the important duty of the County to develop and implement Sustainable Groundwater Management Plans to support the needs of disadvantaged unincorporated communities—often overlooked in GMPs whose groundwater wells are at risk of running dry. This policy should add “DUCS” between “agriculture” and “future growth.” Further, the County should monitor the use of groundwater supplies by requiring the County to report well permit approvals to state agencies.

These policies are critical to long-term water security for the citizenry of Fresno County, and especially disadvantaged unincorporated communities that currently lack water infrastructure and are already vulnerable to water shortages. However, because they lack concrete, actionable terms and fail to refer specifically to unincorporated communities, they may not meet the requirements of SB244 and SB1000.

**e. Policy PF-C.15, “Water Demand Impact Mitigation,” fails to implement or be consistent with EJ Goal A-1.**

Policy PF-C.14 reads, “If the cumulative effects of more intensive land use proposals are detrimental to the water supplies of surrounding areas, the County shall require approval of the project to be dependent upon adequate mitigation. The County shall require that costs of mitigating such adverse impacts to water supplies be borne proportionately by all parties to the proposal. (RDR)”

While the drafting of this policy is less than clear, it appears to require for all parties that are to be served by a proposal to mitigate water depletion to pay the costs of that mitigation. This is not equitable, as the more intensive water user would have been the cause of increased need for mitigation needs.

The Environmental Justice Element’s Goal EJ A.1 is to “ensure the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation and enforcement of environmental laws, so that EJ-A regulations and policies do not disproportionately impact any individual race, any culture, income or education level.” If an intensive water use results in inadequate water supply for an already vulnerable community, it is not “fair treatment” to require those communities to pay a share in resolving the problem caused by a heavy water use. Fairness would dictate that the County place conditions on permits to intensive water uses that protect waters supplies for vulnerable populations and communities.

This policy could be improved by first including identification of “surrounding areas” that are most vulnerable to “intensive land use.” The policy should add a provision to require the more intensive “land use[r]” to identify vulnerable areas, such as DUCs or nearby domestic wells, that the user’s practices will impact. Further, it should require that the “intensive use[r]” bear the full costs of adverse impacts to water supplies. This modification would be more consistent with the EJ Element. As such, it is not.

**f. Policy PF-C.16, “Water Supply Evaluation” is a step in the right direction, but should be amended to better protect disadvantaged unincorporated communities.**

This policy is one of few that may meet the OPR recommendation that polices be “actionable,” and as such, it should be modified to make reference to sensitive uses and communities, including disadvantaged

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unincorporated communities; and should require an investigation rather than merely an evaluation for discretionary projects that may involve significant increases in water demand near sensitive communities.

Policy PF-C.16. provides:

The County shall, prior to consideration of any discretionary project related to land use, require a water supply evaluation be conducted. The evaluation shall include the following:

- a. A determination that the water supply is adequate to meet the highest demand that could be permitted on the lands in question. If surface water is proposed, it must come from a reliable source and the supply must be made “firm” by water banking or other suitable arrangement. If groundwater is proposed, a hydrogeologic investigation may be required to confirm the availability of water in amounts necessary to meet project demand. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required.
- b. If use of groundwater is proposed, a hydrogeologic investigation may be required. If the lands in question lie in an area of limited groundwater, a hydrogeologic investigation shall be required. Should the investigation determine that significant pumping-related physical impacts will extend beyond the boundary of the property in question, those impacts shall be mitigated.
- c. A determination that the proposed water supply is sustainable or that there is an acceptable plan to achieve sustainability. The plan must be structured such that it is economically, environmentally, and technically feasible. In addition, its implementation must occur prior to long-term and/or irreversible physical impacts, or significant economic hardship, to surrounding water users. (RDR/PSR)

This policy is a step in the right direction to ensuring that over-pumping impacts are not imposed on vulnerable communities. This policy should go further and identify concrete mitigation measures and perform investigations of impacts that will protect the needs of vulnerable communities.

- g. Policies regarding water conservation and limiting transfer of water for out-of-county uses should be strengthened to use mandatory, rather than discretionary, language.**

The County has additional policies that would conserve water—which is inherently helpful to disadvantaged unincorporated communities that lack water supplies or water security. However, these policies use unenforceable language such as “encourage” and “support efforts” that render the policy advisory rather than actionable.

Specifically, Policy PF-C.22, “Out-of-County Groundwater Transfers,” states: “The County shall support efforts to regulate the transfer of groundwater for use outside of Fresno County. This support shall extend to the substitution of groundwater for transferred surface water. (RDR)”

This policy demonstrates the County’s lack of accountability toward agricultural water conservation. Rather than merely “supporting efforts,” the policy should be modified to include a mandate that is actionable, such as “The County shall create regulations regarding the transfer of groundwater and shall make every effort to retain groundwater supplies prioritizing drinking water and domestic water supplies within Fresno County.”

Likewise, water conservation measures could go a long way toward ensuring water security for residents of Fresno County, including DUCs. Yet related policies are not actionable due to qualifying language.

Policy PF-C.26, “Agricultural Water Conservation,” states: “The County shall encourage agricultural water conservation where economically, environmentally, and technically feasible. (PSP)”. This policy

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merely encourages rather than requires conservation. The policy is further weakened as it is only encouraged “where...feasible.”

In contrast, other conservation policies require water conservation. For example, Policy PF-D.5, “Reduced Wastewater System Demand,” require that “The County shall promote efficient water use and reduced wastewater system demand by: a. Requiring water conserving design and equipment in new construction.” (see General Plan Policy PF-D.5 Reduced Wastewater System Demand). The County should require all water users to conserve water resources. We ask that the County strengthen Policy PF-C.26 to require water conservation. This language is sufficiently vague such that feasibility could be incorporated into required conservation, so there is no need to dilute the policy with this language.

**h. The County should plan to provide wastewater treatment to disadvantaged unincorporated communities over the life of the General Plan, rather than waiting until septic systems fail.**

Policy PF-D.1, “Public Water Treatment Facilities.” states: “The County shall encourage the installation of public wastewater treatment facilities in existing communities that are experiencing repeated septic system failures and lack sufficient area for septic system repair or replacement and/or are posing a potential threat to groundwater. (PSP)”

This policy is not concrete or actionable, and does not recognize that the County has a duty to provide infrastructure in a manner that is equitable. This policy does not require concrete steps to alleviate issues DUCs experience when local government fails to invest in wastewater systems within disadvantaged communities. The policy should require the County to study the feasibility of installing public wastewater treatment facilities in existing DUCs, and to create a timeline over which existing communities will be provided infrastructure that other Fresno County communities now enjoy.

**i. The County should ensure that policies related to storm water and flood resiliency are designed to provide adequate flood protection within disadvantaged unincorporated communities.**

A number of disadvantaged communities lack adequate flood protection, storm water drainage, and storm water run-off mitigation at present. This issue was identified as a service deficit for communities including West Park. Yet the County has missed the opportunity to address this service deficit with policies that are concrete and actionable and that address DUCs directly.

Policy PF-E.4, “Storm Drainage System Capacity,” states: “The County shall encourage the local agencies responsible for flood control or storm drainage to require that storm drainage systems be developed and expanded to meet the needs of existing and planned development. (RDR/IGC).” Like many other policies that have the potential to reduce risk to existing communities, the language “encourage[s]” agencies to “require,” rather than creating an actionable methodology to ensure that existing communities receive the benefits of life- and property-saving flood mitigation.

To address this failure, this policy should require local agencies to develop storm drainage systems to meet the needs of existing development, and should include a timeline for these service deficits to be remedied.

Further, other protective measures that address stormwater run-off should be modified to provide protection for DUCs. While Policy PF-E.21, “Best Management Practices,” contains more definitive protection for streams from adverse impacts of construction and in urban areas, this policy fails to protect

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unincorporated communities from harmful impacts of stormwater drainage from agricultural uses. Fertilizer and pesticide discharges from agricultural activities disproportionately impact DUCs. The policy should be modified to read: “The County shall require the use of feasible and practical best management practices (BMPs) to protect streams from the adverse effects of construction activities *and agricultural uses* and shall ~~require~~ ~~encourage~~ ~~urban~~ storm drainage systems and agricultural activities to use BMPs (RDR/PSP) *particularly in the vicinity of communities for which stormwater drainage and flood protection service deficits have been identified .*” (Proposed modifications have been added in italics or strike through script).

In sum, the County should ensure that stormwater run-off management and BMPs include policies that benefit DUCs and that prioritize remedying service deficits within these communities.

**j. Odor and Vector Control Policy responds to community concerns, but does not require changes, and does not address larger concern of possible contamination.**

Policy PF-E.22 “Odor and Vector Control” reads: “The County shall encourage the local agencies responsible for flood control or storm drainage to control obnoxious odors or mosquito breeding conditions connected with any agency facility by appropriate measures. (PSP/IGC).”

This policy is a step in the right direction because it addresses health impacts on DUCs resulting from the failure to invest in floodwater management—as outlined in previous comments from community members. The policy should go further and *require*, rather than merely encourage, the “control” of obnoxious odors and mosquito breeding conditions. In addition, other flood control and stormwater drainage management measures must be strengthened to address this issue. Without strengthening other flood control measures, such as requiring the County to create stormwater drainage systems and other flood control infrastructure for unincorporated communities including West Park, this policy may not be effective at “controlling” odors caused by flooding.

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**k. Policies related to Solid Waste Facilities should ensure that DUCs receive protection from the negative impacts of these facilities**

A variety of policies related to solid waste facilities fail to include obvious opportunities for protection of DUCs from negative environmental and public health effects, and instead encourage location of such facilities near these already pollution-burdened communities. Specifically, Policy PF-F.3 “Solid Waste Facility Siting” requires that “The County shall locate all new solid waste facilities including disposal sites, resource recovery facilities, transfer facilities, processing facilities, composting facilities, and other similar facilities in areas where potential environmental impacts can be mitigated and the facilities are compatible with surrounding land uses,” and then goes on to name site selection criteria that leave DUCs vulnerable to having these facilities sited nearby. Specifically, the policy states that criterion include “Site selection for solid waste facilities shall be guided by the following criteria: “...Solid waste facilities shall be located in areas of low concentrations of people and dwellings...” (Policy PF-F.3. C).

This policy fails to adequately protect DUCs from the potential for siting of a solid waste facility. While it is encouraging to see the policy require siting in areas of low concentrations of people and dwellings, DUCs often have low concentrations of people and dwellings. This may result in solid waste facilities being sited near DUCs. Thus, the policy should add a prohibition on siting solid waste facilities within a certain buffer zone of DUCs.

Policy PF-F.4 “Solid Waste Facility Encroachment” requires that “The County shall protect existing or planned solid waste facilities from encroachment by incompatible land uses that may be allowed through discretionary land use permits or changes in land use or zoning designations. (RDR)”

This policy is a step in the right direction protecting DUCs but should include a strict prohibition on encroachment by approval of discretionary residential permits of vulnerable populations.

Finally, policy PF-F.11 “Resource Recovery Facilities Requirements” fails to provide explicit protection of DUCs, and must do so if it is to result in land uses consistent with the goals of the EJ Element.

The County must outline specific prohibitions on siting solid waste disposal and resource recovery facilities near DUCs. Additionally, the General Plan should prohibit the siting of these facilities where its trucks must travel near DUCs. This would ensure DUCs are not exposed to both the harmful effects of resource recovery facility operations and the harmful effects of diesel particulate matter.

**I. School siting policies must not deprive rural unincorporated communities of school facilities, and should be designed to reduce impacts to youth in communities disproportionately burdened by air and water pollution by placing restrictions on new and existing nearby uses.**

Policies regarding school siting appear to have the potential to be inconsistent, to the detriment of disadvantaged unincorporated communities that are in need of these facilities and related transportation infrastructure. Policy PF-I.2, “School Facility Siting,” states that “The County shall encourage school facility siting that establishes schools as focal points within the neighborhood and community with available school grounds for recreation activities and safe pedestrian and bicycle access. (RDR/PSP/IGC).” Rather than merely encouraging, this policy should require that schools be sited as the focal points within neighborhoods. This would ensure that County resources prioritize the flooding and lack of sidewalks issues in DUCs by requiring safe routes to schools. In addition, this policy does not explicitly mention unincorporated communities. To protect disadvantaged communities and meet consistency with the County’s EJ Element Policy EJ A-1, it should explicitly make clear that the policy applies to these under-resourced communities.

Because some of Fresno County’s communities most lacking in critical infrastructure, including schools and supportive transportation infrastructure such as sidewalks, are located in or near agricultural areas, policy PF-I.6 “Siting New Schools” is particularly concerning. This policy states, “The County strongly discourages the siting of schools in agricultural areas due to the growth- inducing potential of schools and conflicts with farming practices such as pesticide applications. (PSP/IGC).” This policy would appear to explicitly continue the practice of denying existing disadvantaged unincorporated communities a proportional share of public facilities, including schools and related transportation infrastructure.

This policy fails to protect communities who are disproportionately burdened by pesticide applications, as it fails to place limits on pesticide use for agricultural uses near residential communities and near schools. Instead, the policy places the burden on those communities to do without local schools.

Because there are already disproportionate burdens of pesticide use on these families, this approach is likely to cause harm to human health and school age children. Children are already exposed to excessive pesticide loads, as farmworkers work in the fields amongst pesticide applications throughout the workday. They bring home these applied pesticides with them to their families. Students who attend schools next to agricultural fields are exposed to pesticide applications throughout the day.

This policy should provide for the creation of buffer zones around existing schools and should ensure that schools within DUCs are sited to avoid further exposure. Further, new and existing agricultural uses should be regulated to limit impacts to school aged children.

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**m. The General Plan should incorporate policies that require provision of utilities to existing communities over the life of the Plan Update.**

General Plan policies related to utilities are an opportunity to provide concrete and actionable measures to remedy service deficits for DUCs and to provide service to existing unincorporated communities in an equitable manner. Instead, the General Plan update includes a policy that fails to mandate equitable infrastructure expansion to remedy service deficits by prioritizing expansion to disadvantaged unincorporated communities. Policy PF-J.1, “Existing and Future Utility Demands,” provides that: “The County shall encourage the provision of adequate gas and electric, communications, and telecommunications service and facilities to serve existing and future needs. (PSP).”

First, to “encourage” provision of adequate utilities is not sufficient, and provides no measurable concrete strategy or requirement that is actionable. Although the County lacks authority to require expansion of utilities, this policy could require that the County create a timeline and measurable benchmarks for working with utilities to achieve service to DUCs. Second, the policy should explicitly state that priority for expansion of services should be given to unincorporated communities that have received a disproportionately low share of utility infrastructure, and that have existing service deficits.

In conclusion, the Public Services and Facilities Element does not provide policies that address the needs or remedy service deficits of West Park citizens, or those of other disadvantaged unincorporated communities. The only infrastructure need that was directly addressed in the Public Facilities and Services Element was addressed in policy PF-E.22, “Odor and Vector Control,” which addresses the flood control need the County identified in the West Park community (CSA 39, p. 753). However, PF-E.22 fails to require concrete actions. Instead, it merely encourages local agencies to control obnoxious odors and mosquito breeding conditions rather than addressing the drainage plan and built system needed to remedy flooding that threatens the well-being of West Park citizens.

We ask that the County modify the Public Services and Facilities Element to include policies that require action that will reduce health and environmental risks and remedy service deficits in a measurable and specific manner within a reasonable time frame, as is required by law.

**5. The Health and Safety Element should address service deficits for unincorporated communities that place these communities in jeopardy.**

**a. Health and Safety Element Fire Policy must be updated to address critical lack of fire flows in several disadvantaged unincorporated communities.**

The General Plan’s Health and Safety Element goal on fire hazards states: “To minimize the risk of loss of life, injury, and damage to property and natural resources resulting from fire hazards.” (General Plan at 2-160). However, proposals that relate specifically to the kinds of infrastructure deficits identified in several disadvantaged communities do not appear to apply to existing communities, and there is no proposal to remedy these critical service gaps during the life of the plan. For example, a number of the disadvantaged unincorporated communities within Fresno County lack critical infrastructure including adequate water flow to fight fire within their communities.

Several Health and Safety Element policies address water flows needed to fight fire. Policy B.13, “Water Storage” requires that “The County shall permit development only within areas that have adequate water resources available, to include water pressure, onsite water storage, or fire flows,” but makes no requirement that the County make efforts to increase fire flows for existing communities. Nor does it require that new development near to these communities include them in fire water supply planning.

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Policy HS-B.14 relates to Minimum Fire Flow Water Systems, and requires: “The County shall require new discretionary development to have water systems that meet fire flow requirements as determined by applicable California Fire Code requirements and/or National Fire Protection Association (NFPA) standards under the authority of the Chief Fire Code Official and as referenced in County Ordinance Code. Where minimum fire flow is not available to meet these standards, alternate fire protection measures, including sprinkler systems and on-site water supply or storage, shall be identified, and may be incorporated into development if approved by the appropriate fire protection agency. The County shall require that all public water providers maintain the long-term integrity of adequate water supplies and flow to meet fire suppression needs. (RDR)” This language is concrete and actionable, yet does not appear to apply to existing developments.

We ask that policies specify a concrete timeline by when adequate water supplies to meet fire flow standards will be available for existing unincorporated communities. We recommend that such a policy be added that creates a timeline and process for all community water supplies to be sufficient for fire suppression needs.

**b. The Health and Safety Element must provide for adequate flood protection for disadvantaged unincorporated communities.**

The Health and Safety element states as its primary goal related to flood risk: “To minimize the risk of loss of life, injury, and damage resulting from flood hazards.” (HS-C, General Plan at 2-167). However, proposed Policies do not appear to carry out this goal with respect to disadvantaged communities, with few exceptions. Service deficits relating to flood protection have been identified for several disadvantaged unincorporated communities. However, the proposed policies fail to identify funding to remedy these issues as is required by SB244. Instead, proposed policies recommend relocation of these communities to protect from floods.

As it relates to climate change, the County articulates an excellent policy for addressing needed improvements for addressing lacking infrastructure. Policy HS-C.6, “Adapting Infrastructure to Climate Change,” states: “The County shall encourage expansion of stormwater and flood protection infrastructure capacity in order to accommodate changes in precipitation and extreme weather events including the establishment or expansion of recharge basins. (RDR)”

However, in a manner inconsistent with this excellent approach, a later policy explicitly addresses disadvantaged communities. Policy HS-C.7, “Relocation Assistance,” states: “The County shall support State and local flood management agencies to provide relocation assistance or other cost-effective strategies for reducing flood risk to existing economically- disadvantaged communities located in non-urbanized areas. (IGC)”. This is an impractical and unacceptable alternative for many well established communities, and is in contradiction with earlier policies and potentially with fair housing laws. The DPEIR has not evaluated the impacts of this policy, which could be enormous given the large number of disadvantaged communities and residents located within flood-prone areas.

While Policy HS-C.13, Flood Control Facility Planning, provides for potentially helpful analysis, taken in the context of the policy requiring expansion of flood protection infrastructure and then the relocation provisions for disadvantaged communities, this policy appears to be in conflict with HS-C 6, as it actively discourages expanding infrastructure. This presents a further obstacle to meeting flood protection service needs for disadvantaged unincorporated communities. The policy states, “Where existing development is located in a flood hazard area, the County shall require that construction of flood control facilities proceed only after a complete review of the environmental effects and a project cost/benefit.” While this makes sense in theory, in practice it means that due to lacking resources, it is likely to amount to housing discrimination.

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**6. The Environmental Justice Element is not sufficiently specific to remedy environmental justice inequities for the community of West Park or other disadvantaged unincorporated communities that have been identified as Environmental Justice communities.**

The County has improved the General Plan by adding a more detailed Environmental Justice element. This element is meant to protect communities such as West Park from continued underinvestment, pollution, and disregard in land use planning. This element is required by law. However, as proposed, the Environmental Justice Element does not provide policies sufficiently concrete or specific to result in mitigation of likely impacts to the communities it is intended to protect.

- a. The failure to include West Park as an environmental justice community is not based on substantial data and is likely to result in further impacts to a community already burdened by pollution levels that exceed state standards.**

The County failed to include West Park in the list of environmental justice communities, even though it qualifies based on income levels and demographics (*see* General Plan, Table EJ-1, *at 2-193*). The West Park community must be included in this list. To fail to do so given the characteristics of the community appears arbitrary and is not based in substantial evidence.

- b. The Environmental Justice Element provides policies and objectives that are conditional and fail to reduce unique and compounded health risks to disadvantaged communities.**

- 1. Contrary to the intent of SB1000 its implementing regulations, the Environmental Justice Element policies focus on locating future sensitive community uses away from potentially harmful uses, rather than protecting existing communities by restricting location of harmful uses.**

Rather than providing policies that reduce risk to existing communities, the Environmental Justice Element focuses on buffering strategies for new development, and requiring new “sensitive uses” to locate away from industrial development, contrary to law and explicit comments by the Department of Justice in its March 2022 letter. This is a violation of California’s fair housing law, and conflicts with the explicit direction of SB1000 and its implementing regulation.

Government Code Section 65302(h)(1) requires that a County prepare an Environmental Justice element or integrated goals and policies that:

- (A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.
- (B) Identify objectives and policies to promote civic engagement in the public decision-making process.
- (C) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.

(Cal Gov Code § 65302).

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Instead of policies that “reduce the unique or compounded health risks in disadvantaged communities” by causing reduction of pollution exposure and improvement of air quality and safe and sanitary homes, the EJ Element leads with policy EJ-A.1, “Location of Sensitive Land Uses”, that requires communities to locate schools and other future community uses away from industrial uses, rather than requiring industrial uses to be located away from sensitive communities. This is a deterrent to communities’ capacity to develop needed improvements and is the opposite of “promoting public facilities.” In fact, it is a policy that overtly restricts the development of public facilities in favor of increasing industrial uses.

This is the case even where zoning does not allow industrial uses without this exception. In communities where zoning is residential or agricultural, and not industrial, policy LU-F.30, “Industrial Discretionary Use Permit,” allows industrial uses to be permitted in low density unincorporated communities not zoned for such uses, and for which the DPEIR fails to provide adequate analysis of environmental impacts, by allowing applications for Zone changes even in areas zoned for residential uses utilizing a discretionary permit process.

To the degree that the EJ Element does provide protection to existing communities, it is not by incorporating policies that seek to reduce air pollution near these communities, but rather by “buffering” communities by requiring setbacks that do not appear to be sufficient to avoid compounding cumulative impacts on air and water quality (*see, e.g.*, policy EJ-A.15 “Sensitive Receptor Setbacks”).

This poses unacceptable risks to rural disadvantaged communities, fails to meet goals outlined in the EJ element, and is a strategy that appears to support discriminatory housing practices by encouraging increased industrial activity and a resulting increased pollution burden as part of the Environmental Justice element itself.

**2. The Environmental Justice Element does not provide policies that would reduce harm to disadvantaged communities, but instead relies on future meetings and coordination without any guidance that would result in reducing pollution exposure or promote public facilities.**

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To the extent that the Environmental Justice Element does appear to favor environmental protection that would protect communities from existing impacts, policies rely on future “meetings” . For example, policy EJ-A.10, “Safe Drinking Water,” requires that “Annually, the County shall coordinate a meeting”, rather than providing for explicit policies that would reduce contamination of water supplies or that would provide for promotion of public facilities that might provide safe drinking water to communities—as SB1000 intends.

The only language that involves mandatory requirements of land uses that increase pollution burden occurs in requirements that project applicants “coordinate” with regulators (*see, e.g.*, policies EJ-A.6, “Caltrans Coordination” and policy EJ-A.7, “Air Pollution Control District”).

The County must include additional policies in this element to protect and benefit environmental justice communities, and must provide more affirmative, protective language in its policies. It appears that the Environmental Justice element is comprised of only as many policies as it believes it must to meet bare-minimum legal requirements, and has used noncommittal, vague language that does not result in practices that will actually benefit communities like West Park.

For example, the County simply says in its “Access to Health Care and Foods” section that it will:

- “Promote access to health care facilities and full-service supermarkets”
- “Encourage and facilitate the establishment of farmer’s markets, mobile health food vendors, and healthy food establishments in disadvantaged communities.”
- “Raise awareness about healthy eating habits and food choices.”

These policies are vague, noncommittal, and provide no details on how the County will achieve increased access to health services or healthy food for residents. Despite receiving many comments during the Scoping process that address these issues, the policies have not been improved to make more likely the successful implementation that meets the goals of SB1000. In the implementation section, the only thing the County has committed to doing to implement these policies is to maintain previously-existing transit routes to health care and supermarkets. West Park, for example, is a community unserved by public transit and lacking any supermarkets or health care facilities—accordingly, this policy does nothing to increase West Park resident’s access to health care or healthy food.

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Fresno County has created no new obligations or commitments to help the West Park community and communities like West Park access healthy food and health care, or to ensure that healthy food access also includes *affordable* healthy food and options that accept CalFresh. The County must develop concrete commitments and concrete implementation plans to meet this need. This is necessary to comply with its legal obligations and to have a meaningful impact on our community and demonstrate the County’s interest in helping communities that have been overlooked for decades.

### **7. The County Must Include Better, Specific, Concrete Public Outreach Policies**

Los Olvidados board members and other residents requested additional opportunities for public outreach during the General Plan process at a Board of Supervisors hearing in mid-2018. At that time, the Board of Supervisors emphasized the importance of robust public outreach in the development of the General Plan and other documents. Despite receiving feedback at that meeting that the County’s current public outreach policies are ineffective and needed improvement, the County did not collaborate with any community organizations or neighborhood associations in advertising the November-December 2018 General Plan public meetings. In fact, the County did not provide any public notice of the meeting’s existence to residents in advance of the November 14, 2018 General Plan public meeting. As a result, no residents other than those affiliated with our community group attended that meeting.

Nevertheless, Los Olvidados prepared and submitted scoping comments. However, in its DPEIR and General Plan Review and Zoning ordinance update, the County responded to very few of the concerns expressed. For example, the Zoning Ordinance only addresses DUCs in relation to truck loading.

The County must improve its approach to public involvement, transparency, and public outreach. That improvement must start with the General Plan policies related to public outreach. The County’s draft policy related to public participation simply states that the County “shall ensure that residents of disadvantaged communities are provided the opportunity to participate in decisions that may have an adverse impact to their health.” The implementation program for this states that the County “shall utilize available notification techniques to convey information to community residents on projects that may affect their community and encourage their participation in the planning process and expressing their concerns to their decision makers.” In addition to being confusing, the language in this policy and the implementation program is so vague as to be essentially meaningless, and does not provide any specifics of how the County will improve its public outreach, or any outcomes or measurable results.

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The County must outline a series of specific policies and implementation steps it will take to improve their practices on public outreach. The County should partner with community residents, community resident organizations like ours, other representatives of disadvantaged communities, and should explore working with professionals or consultants experienced in outreach to improve their public participation and implement better outreach policies. These policies must be designed to help rural communities, working people, and people with limited English skills to participate as well.

**III. The DPEIR Fails to assess and mitigate significant cumulative impacts of proposing additional growth and industrial development in an environment already overburdened with pollutants that exceed air and water quality standards**

The DPEIR acknowledges that the proposed plan would result in cumulatively significant impacts to Agriculture, Air Quality, Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Noise, Transportation, and Wildfire, and thus requires mitigation. The DPEIR further identifies that cumulative significant impacts Agriculture, Air Quality, Cultural Resources, and Greenhouse Gas Emissions are significant and unavoidable.

The DPEIR also acknowledges that these impacts would be significant particularly for “sensitivity receptors,” which is defined to include disadvantage communities and uses such as schools that involve vulnerable populations.

However, the DPEIR fails to provide a meaningful analysis that is appropriate to the scale of the General Plan and its proposed impacts. Further, the DPEIR fails to provide sufficiently detailed, specific, and concrete mitigation measures that would enable realistic analysis of their efficacy in reducing the significant and unavoidable impacts. Finally, the DPEIR fails to assess mitigation measures’ efficacy based on the extent to which they are mandatory or optional, and the extent to which they are vague and open-ended.

While CEQA requires identification and analysis of cumulatively significant impacts and measures to mitigate those impacts on the environment rather than on communities or health, in this instance the County has identified populations within the community as “sensitivity receptors,” and has included many mitigation measures intended to reduce impacts of traffic, air and water pollution, and noise that are measured in terms of their impacts on sensitive populations.

These mitigation measures must be evaluated for their effectiveness, and the resulting effects on the severity of cumulative impacts, even unavoidable ones, must be assessed. It is critical that the County provide a realistic assessment of impacts and mitigation measures to the sensitive communities identified in the EJ element and DUC analysis and the natural environments that form their context.

**A. By assessing impacts for the whole County, rather than assessing how geographically specific Zoning and related policies will impact vulnerable communities within those regions differently, the DPEIR fails to conduct a meaningful analysis.**

The DPEIR fails to identify impacts in a geographic context that would allow analysis of how significant cumulative impacts to air and water quality, and of potential fire and flood damage, would impact the natural environment and thus impact specific disadvantaged communities.

The County has identified a list of Environmental Justice communities and DUCs, and has evaluated current health factors within that community and has identified deficits in service. The DPEIR goes so far as to assess impacts in terms of these “sensitivity receptors.” But the County has not then assessed how the proposed zoning and policies that allow increased agricultural and industrial uses will disproportionately impact these specific areas and communities. By their very nature, these “sensitivity receptors” are affected disproportionately based on what happens in their surrounding environment, yet policies and mitigations were not assessed as to the potential for reducing impacts in specific locations.

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In *Sierra Club v. County of Fresno*, the Supreme Court of California held that an EIR must reflect “a reasonable effort to discuss relevant specifics regarding the connection between” the estimated amount of a given pollutant the project will produce and the health impacts associated with that pollutant.

This case further held that the EIR must show a “reasonable effort to put into a meaningful context” the conclusion that the project will cause a significant air quality impact. Although CEQA does not mandate an in-depth health risk assessment, CEQA does require an EIR to adequately explain either (a) how “bare numbers” translate to or create potential adverse health impacts; or (b) what the agency does know, and why, given existing scientific constraints, it cannot translate potential health impacts further.

The DPEIR cites the Amicus Curiae brief by the SCAQMD in the *Sierra Club v. County of Fresno* case as supporting the concept that existing data would not be reliable in assessing air quality impacts of the General Plan, as “quantifying specific health risks that may result from ozone precursors and other air pollutants from individual development projects would be unreliable and misleading due to the relatively small-scale of these individual projects, (from a regional perspective).”

While this analysis has been provided at the General Plan scale within other AQMDs, we suggest that even without this AQMDs assistance, the County can provide analysis of impacts that is meaningful given the scale of the policies within the General Plan. However, the General Plan does not prescribe specific impacts of individual projects, but rather lays out regional Zoning and policies related to development contemplated within these Zoning regions. These impacts are not too specific to be assessed.

The scale of the General Plan is exactly where some degree of reliable estimates regionally can be made. By comparing past impacts to proposed impacts, asking the question, “Are there actionable restrictions and mitigations on future activity that meaningfully change the projected future impact of similar actions?”, the County could make some general but reliable assessments about the future growth that is allowed and in fact envisioned.

Unfortunately, instead of making an effort to address how numbers translate into health effects, the DPEIR states:

At this time, reasonably foreseeable development facilitated by the 2042 General Plan do not have sufficient detail (e.g., construction schedule, amount of soil export, specific buildout parameters) to allow for project-level construction analysis given the programmatic nature of the plan and thus it would be speculative to analyze project-level impacts for comparison with SJVAPCD’s project-level significance thresholds outlined under Significance Thresholds. Therefore, a more qualitative approach to characterizing construction air quality impacts has been employed for this analysis.

DPEIR at 4.3-15.

This analysis does not represent a “reasonable effort put into a meaningful analysis.” While it is true that the General Plan does not lay out site specific project plans, it clearly allows and provides Zoning for a wide range of impacts. For example, in the General Plan, zoning regimes provide for where industrial uses are permitted, direct some types of development toward urban areas and other uses away from urban development. Additionally, there are specific provisions that require new uses to avoid locating near agricultural uses where pesticide residue is likely, but fail to provide specific mitigations for existing uses. Some policies in the Plan even encourage making exceptions to zoning for Industrial uses within unincorporated areas. Thus, it is entirely within the realm of the “foreseeable” to assume that these policies and specified land uses will have different impacts. It would seem that the point of the General Plan is to plan for and assess the impacts of “foreseeable” changes in land uses.

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The plan also identifies communities and regions that are disproportionately at risk (*see* Background Report, Appendix A, *Fresno County 2000 General Plan Policy Document Disadvantaged Unincorporated Communities SB 244 County of Fresno*); and similarly, the Environmental Justice Element identifies not only a list of communities bearing a disproportionate load of the pollution burden (*see* Table EJ-1, General Plan at 2-193), but provides detailed information about which pollutants are within and exceed air quality standards for each of these communities, and likewise, identifies population characteristics including which communities have high levels of asthma, cardiovascular disease, and low child birth weight (*See* Background Report, Chapter 3.12 at page 3-70).

This information demonstrates that the General Plan and its supporting documents have sufficient information concerning the context of the communities considered in the analysis to be “sensitivity receptors.” Importantly, this information is also sufficient to provide an analysis of impacts to air and water quality that does more than generalize over the entirety of the County.

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At the scale of the General Plan, a “reasonable context” would be to assess impacts based on zoning, policies and their relative degree of restrictive and actionable provisions to mitigate versus vague and open ended measures; and to compare those impacts over the range of sensitivity across communities. Where asthma is already very high, and PM levels are out of compliance with air quality standards for 100 days, and policies support increased agricultural and industrial uses and explicitly avoid mitigations for unincorporated communities, it would be possible to identify that impacts might be greater than within a community that has less likelihood of cumulative impacts on air quality.

A “meaningful analysis” for a DPEIR is not a project level analysis, but it is also not sidestepping the issue of how existing communities known to be sensitive will be affected by specific policies that apply to particular areas within the County.

At a minimum, the DPEIR must assess impacts allowed by Zoning and relative restrictiveness of policies to “sensitivity receptors”—i.e., specific communities identified as at risk EJ communities.

**B. The DPEIR fails to provide sufficient analysis of cumulative, negative impacts on water quality and air quality in the context of existing service deficits.**

The DPEIR fails to assess the cumulative impacts of current service deficits identified in specific disadvantaged unincorporated communities in combination with background levels of impacts and reasonably foreseeable future impacts.

Impacts of flooding should be assessed by considering (1) new development contemplated under a full buildout of the plan; (2) existing conditions; and (3) conditions should the County fail to provide basic infrastructure as is contemplated in the plan due to its reliance on open-ended policies that fail to mandate provision of flood control services.

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Cumulative effects of floods include impacts caused by flooding where there are insufficient stormwater drainage systems in unincorporated communities. Because the Plan includes vague language requiring future projects to be developed only with flood control systems in place, and indicates that communities lacking these systems will be provided with “equitable” funding—without defining “equitable” funding—the conclusion that impacts will not be significant is unsupported.

The analysis of impacts and project description fails to assess how communities lacking stormwater drainage infrastructure will be affected by flooding—and further fails to assess how these lands will contribute to flood impacts on the human and natural environment. Analysis assumes policies will reduce impacts, yet policies for the most part require future planning, but lack specific requirements that

infrastructure be provided and repaired. Without this infrastructure, impacts of flooding are likely to be more severe. Yet the General Plan confuses the actual likely future condition of flood infrastructure and thus flood impacts by proposing policies that sound as if stormwater drainage systems and funding for those systems will be in place, but that actually do not make that requirement.

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Thus, an accurate assessment of environmental impacts must explicitly state that no stormwater drainage infrastructure will be required, funded, or constructed by the County. It is this context in which environmental impacts of floods should be assessed.

**C. The DPEIR fails to provide sufficient analysis of mitigation measures that are vague and open-ended.**

The DPEIR must assess mitigation measures effectiveness even when mitigation measures are not likely to result in reducing impacts to less than significant levels.

Most of the mitigation measures for pesticide run-off and other agricultural impacts involve creating buffers around sensitive uses and requiring that future sensitive uses be located away from agricultural sites. Likewise, industrial uses are encouraged even where zoning does not permit these uses, and impacts are mitigated by moving other uses to accommodate industrial uses if negative environmental impacts are likely.

The County has made no real assessment of the effectiveness of mitigation measures that are vague or optional at best. Even if ultimately mitigation measures may not reduce levels of air quality impacts to less than significant, the DPEIR still must assess the effectiveness of mitigation measures. Specifically, when zoning allows increased agricultural and industrial uses near disadvantaged unincorporated communities, but then provides buffers and mitigations that only affect new residential uses, this is clearly not effective mitigation for “sensitivity receptors” that exist now. The DPEIR must acknowledge that while this mitigation may reduce impacts for future residential development, it will not mitigate impacts of future growth on existing residential communities.

24.10

Even if the County has acknowledged that significant cumulative impacts will occur and that they cannot be fully mitigated, this does not absolve the County from an obligation to provide mitigation measures and to assess their effectiveness. Numerous objectives and policies are identified in the General Plan, as discussed above, that are intended to reduce impacts on air and water quality, fire danger, flood risk, and reduce risk of other environmental damage. Yet most all of these measures that would specifically mitigate impacts to the natural environment in a manner that would directly benefit DUCs are worded in such a way so as to make it impossible to assess the result of the policy, much less whether it will be implemented and then whether it will mitigate impacts. Many of the policies mentioned above, ranging from addressing management of stormwater drainage to addressing drinking water issues involve the “encouraging” of agencies rather than identifying measurable mitigation measures. Even if the mitigation must begin with encouragement, or if the County lacks authority in that area, a strategy could be formed with timelines and benchmarks to which the County may be held, and for which the potential to mitigate negative impacts could be assessed. But holding a future meeting and encouraging other agencies are not adequate as mitigation measures because their efficacy cannot be assessed, and it would be difficult to determine if they had occurred.

The County must assess effectiveness of mitigation measures that are extremely open-ended, allow exceptions, or are scheduled for an unspecified time in the future.

**D. Future projects contemplated in this Plan cannot tier to this document when assessing potentially significant impacts due to its lack of specificity.**

CEQA requirements for meaningful analysis are ‘not satisfied by simply stating information will be provided in the future.’ (*Santa Clarita [Organization for Planning the Environment v. County of Los Angeles]* (2003) 106 Cal.App.4th [715,] 723 [131 Cal. Rptr. 2d 186].) As the CEQA Guidelines explain: ‘Tiering does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental effects of the project and does not justify deferring such analysis to a later tier EIR or negative declaration.’ (Guidelines, § 15152, subd. (b)).

In the General Plan, decisions as to whether zoning categories ultimately allow or do not allow specific uses are often deferred to a later date. Mitigation measures most often are to “encourage” another agency to mitigate, or to “hold a meeting” to address how water supplies will be addressed at some future date. This lack of specificity at the program level—not site specific, but able to be perceived and implemented—renders the DPEIR unable to assess the actual potential future foreseeable impacts. An example of revisions to the General Plan that make it less specific and thus make analysis of impacts nearly impossible is the revision of Economic Development Policy ED A-7. This policy originally targeted specific communities for siting industrial uses. In the revision, the policy would allow these uses “consistent with the County’s Economic Development, Agriculture and Land Use and Environmental Justice Elements Goals, Policies and Zoning Ordinance.”

24.10

The General Plan was then further revised to add Economic Development Policy ED-A-9, which creates a “study area” in the same location, but postpones until a later date the evaluation of whether and how to locate industrial and other potentially harmful uses adjacent to these same communities.

Postponing effects analysis of a policy to a later date means that, to the extent significant effects are possible, this EIR process cannot have identified them, assessed their significance, or mitigated them, and thus it is likely that future action will require an EIR.

We strongly suggest that the County rework its policies to have specific, concrete and actionable policies that are likely to result in the reduction of significant impacts when specific projects are proposed. If policies and mitigations are more specific, analysis can be more accurate, and fewer EIRs will be needed for projects contemplated within this General Plan Update.

**E. The DPEIR should include an Environmental Justice Alternative**

The California Environmental Quality Act requires consideration of a wide range of reasonable alternatives. Fresno County is home to numerous disadvantaged unincorporated communities, some of the most challenging environmental conditions for these communities, and persistent air pollution that exceeds state standards. None of the proposed Alternatives in the DPEIR makes a robust effort to reduce pollutants to acceptable levels for human health. The County should include an alternative that prioritizes pollution reduction within the most vulnerable communities, reducing risk of wildfire within forested communities, and prioritizing working with agricultural uses to voluntarily reduce pesticide use and related air and water pollution. Providing such an alternative would help the DPEIR to meet the requirements of CEQA, and would aid in analysis of impacts of the General Plan on these communities.

24.11

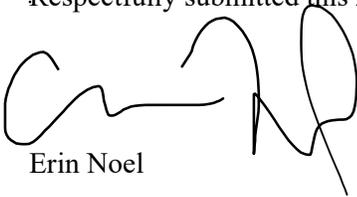
## F. Conclusion

The DPEIR provides inadequate analysis of cumulative impacts at scale relevant and meaningful to a County General Plan and its resident communities. The DPEIR fails to provide mitigation measures that are sufficiently concrete so as to be effective, enforceable, and able to be assessed for their ability to reduce significant impacts to human health and the environment. The DPEIR fails to provide analysis of mitigation measures. For these reasons, the DPEIR does not adequately assess impacts to the human environment, and does not allow the communities we represent to understand how increased development will impact their environment and health.

24.12

We thank you for your consideration of our comments and look forward to the final document or further revisions.

Respectfully submitted this 27<sup>th</sup> day of June, 2023, by:



Erin Noel

Legal Director  
Community Equity Initiative  
California Rural Legal Assistance

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## Letter 24

**COMMENTER:** Erin Noel, Community Equity Initiative, California Rural Legal Assistance

**DATE:** June 27, 2023

### Response 24.1

*The commenter introduces California Rural Legal Assistance (CRLA) and states that the following comments have been submitted to ensure that the final General plan does not have a disproportionate negative impact on low-income communities and communities of color.*

This comment has been noted.

### Response 24.2

*The commenter states that the draft General Plan lacks substantive improvements for disadvantaged unincorporated communities and claims that the DPEIR does not accurately analyze and effectively mitigate cumulative impacts. The commenter states that the draft General Plan has not integrated new information to meet the requirements of SB 244, SB 1000, and CEQA. The commenter expresses concern that the Environmental Justice Element does not identify West Park as a disadvantaged community.*

This comment has been noted. Please refer to Master Response GPR/ZOU for additional information regarding recommendations related to the GPR/ZOU. The commenter did not include specific information as to what cumulative impacts they believe are inadequately addressed. Please refer to responses to specific comments below, such as Responses 24.5 and 24.7 through 24.9 regarding cumulative impacts. Additionally, please note that the Environmental Justice Element has been revised to identify West Park as a disadvantaged community.

### Response 24.3

*The commenter states that the GPR/ZOU must contain substantive policies to address environmental justice issues, to reduce health risks, to identify service deficits for DUCs, and identify funding sources and policies to remedy these issues, risks, and deficits for disadvantaged unincorporated communities.*

This comment has been noted. This comment does not pertain to the analysis or conclusions in the Draft EIR, but rather aspects of the General Plan and Background Report. Please refer to Master Response GPR/ZOU for additional information regarding recommendations related to the GPR/ZOU.

### Response 24.4

*The commenter states that the County's DUC analysis does not meet the requirements of SB 244 and General Plan policies do not remedy the significant service deficits that threaten human health and safety within Fresno County's Disadvantaged Unincorporated Communities.*

This comment has been noted. This comment does not pertain to the analysis or conclusions in the Draft EIR, but rather aspects of the General Plan and Background Report, and also contains concerns regarding existing infrastructure and services which are, therefore, not a result of the project. The Draft EIR includes a discussion of existing conditions related to individual impact areas and specific to CEQA Guidelines Appendix G questions. Individual impact areas include a discussion of the

existing conditions which are then compared to the anticipated change induced by the project. Please refer to Master Response GPR/ZOU for additional information regarding recommendations related to the GPR/ZOU.

### **Response 24.5**

*The commenter states that the General Plan Update lacks policies and direction that address identified service needs and Environmental Justice Element goals. The commenter provides examples in the Zoning Ordinance Update, Economic Development Plan, Transportation and Circulation Element, Public Facilities and Services Element, Health and Safety Element, and Environmental Justice Element and makes recommendations to more adequately address issues identified by West Park residents and disadvantaged unincorporated communities. The commenter claims the DPEIR fails to provide adequate analysis of environmental impacts of industrial uses that would be allowed by Policy LU-F.30 and equitable use of flood control funding.*

This comment has been noted. Please refer to Master Response GPR/ZOU for additional information regarding recommendations related to the GPR/ZOU. The General Plan Review includes policies for flood protection for various areas of the County which include disadvantaged communities such as Policy OS-A.14 Floodplain Protection and Policies HS-C.1 Countywide Flood Emergency Plan, HS-C.2 Flood Risk Consideration, and HS-C.3 Finding Flood Protection for New Development. The policies implemented in the Environmental Justice Element implement strategies to coordinate with regional agencies and seek funding to support projects and programs to reduce hard to disadvantaged communities.

The Background Report includes the community of West Park as a Disadvantage Place and includes an analysis on page 77 of the Fresno County SB 244 Analysis section.

Regarding discretionary use permits for industrial projects, please note that individual future discretionary projects, when proposed, would be required to undergo the CEQA review process. Additionally, Policies LU-F.30 has been revised to include compliance with the Environmental Justice Element policies for proposals in proximity to sensitive receptors and/or disadvantaged communities, as described below.

### **Response 24.6**

*The commenter states that the County must include better, specific, and concrete public outreach policies.*

This comment has been noted. Please refer to Master Response GPR/ZOU for additional information regarding recommendations related to the GPR/ZOU.

### **Response 24.7**

*The commenter states that the DPEIR fails to assess and mitigate significant cumulative impacts of proposing additional growth and industrial development in an environment already overburdened with pollutants that exceed air and water quality standards, especially for “sensitivity receptors.” The commenter states that an assessment of mitigation measures is needed.*

The commenter mentions “sensitivity receptors,” which appears to be a reference to “sensitive receptors,” a term which is defined in the EIR on page 4.3-7. As stated therein, “Some receptors are considered more sensitive than others to air pollutants. The reasons for greater than-average sensitivity include pre-existing health problems, proximity to emissions sources, or duration of

exposure to air pollutants. Schools, hospitals, and convalescent homes are considered to be relatively sensitive to poor air quality, because children, elderly people, and the infirmed are more susceptible to respiratory distress and other air quality-related health problems than the general public. Residential areas are also considered sensitive to poor air quality, because people usually stay home for extended periods of time, which results in greater associated exposure to ambient air quality and potential pollutants. In addition, recreational uses are considered sensitive due to the greater exposure to ambient air pollutants because vigorous exercise associated with recreation places a high demand on the human respiratory system. The SJVAPCD considers hospitals, schools, parks, playgrounds, daycare centers, nursing homes, convalescent facilities, and residential areas as sensitive receptors (SJVAPCD 2015a). The GPR/ZOU Planning Area includes the entire jurisdiction of Fresno County. Therefore, sensitive receptor locations are considered to be any hospitals, schools, parks, and other recognized sensitive receptor groups that are located in unincorporated Fresno County. Sensitive receptors are therefore located throughout the Planning Area.”

The commenter incorrectly conflates the location of sensitive receptors with the “disadvantaged communities.” While disadvantaged communities do include sensitive receptors, not all portions of disadvantaged communities are sensitive receptors and sensitive receptors are not all located in a disadvantaged community. As discussed in detail in Response to Comment 24.8 below, the DEIR’s air quality analysis addresses potential impacts to sensitive receptors, including those located within disadvantage communities. Additionally, as detailed in Response to Comment 32.1, mitigation measures established in the DEIR have been revised to further incorporate additional measures to ensure that potential impacts to sensitive receptors from the implementation of future projects under the GPR/ZOU are fully evaluated and addressed.

The Draft EIR includes a discussion of existing conditions related to individual impact areas and specific to CEQA Guidelines Appendix G questions. Individual impact areas include a discussion of the existing conditions which are then compared to the anticipated change induced by the project.

Regarding mitigation, pursuant to *CEQA Guidelines*, §15126.4, subd. (a)(2) mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design. To evaluate mitigation measures, the County is including a Mitigation Monitoring or Reporting Program (MMRP) for the proposed project pursuant to *CEQA Guidelines*, §15097.

## **Response 24.8**

*The commenter states that by assessing impacts for the entire County, rather than assessing how geographically specific Zoning and related policies will impact “sensitivity receptor” vulnerable communities within those regions differently, the DPEIR fails to conduct a meaningful analysis. The commenter discusses the conclusions made in Sierra Club v. County of Fresno, and utilizes these conclusions to suggest that the County provide additional analysis.*

The General Plan Review and Zoning Ordinance Update do not propose individual development projects. Rather, the GPR/ZOU is a policy update that will be applied to future developments. Individual discretionary projects must undergo review under CEQA to determine the environmental impacts relative to the individual discretionary project site area and surrounding communities.

Refer to Response 24.7 regarding the commenter’s use of the term “sensitivity receptor.”

The DEIR’s air quality impact analysis includes a discussion of the GPR/ZOU impacts with respect to the San Joaquin Valley Air Pollution Control District (SJVAPVD’s) thresholds for operational activities.

The SJVAPCD's thresholds have been designed to ensure that projects that are consistent with these thresholds would, in turn, not result in the region exceeding state or federal ambient air quality standards (AAQS)<sup>1</sup>. AAQS have been incorporated by the State and Federal Government to provide levels at which various pollutants would result in a potential impact to health and welfare of nearby receptors, including disadvantaged communities (SJVAPCD 2023).<sup>2</sup>

As shown in Section 4.3, these impacts were determined to be potentially significant and mitigation measures were recommended. Further, these mitigation measures have been modified as detailed in Response to Comment 32.1. The revisions to Mitigation Measure AQ-3, expressly mandate project-specific analysis for all future development projects pursuant to the GPR/ZOU, including the evaluation of construction and operational criteria pollutant and toxic air contaminant emissions. This analysis will provide an evaluation of potential impacts to all sensitive receptors, including those in Environmental Justice communities. Projects that are consistent with the SJVAPCD thresholds would be determined to not represent an undue risk to nearby sensitive receptors including disadvantaged communities. No additional analysis is required.

The commenter accurately describes *Sierra Club v. County of Fresno*. However, the commenters suggestion that additional analysis is needed is not supported by evidence provided in the comment.

## Response 24.9

*The commenter states that the DPEIR fails to provide sufficient analysis of cumulative, negative impacts on flooding, water quality and air quality in the context of existing service deficits. The commenter suggests that environmental impact analysis should assume no stormwater drainage infrastructure will be required, funded, or constructed by the County.*

Impacts related to flooding and stormwater are addressed in Section 4.10, *Hydrology and Water Quality*, of the DEIR. As discussed on page 4.10-12, Policy PF-E.4 would encourage the local agencies responsible for flood control or storm drainage to require that storm drainage systems be developed and expanded to meet the needs of existing and planned development. Policy PF-A4 requires the County to require new industrial development to be served by community sewer, stormwater, and water systems where such systems are available or can feasibly be provided. Policy PF-E.9 100-year Flood Protection requires new development to provide protection from the 100-year flood as a minimum. Policy HS-C.2 requires the County prohibit new development in existing undeveloped areas (i.e., areas devoted to agriculture or open space that are not designated for development) protected by a State flood control project without appropriately considering significant known flooding risks and taking reasonable and feasible action to mitigate the potential property damage to the new development resulting from a flood.

Cumulative impacts regarding hydrology and water quality are discussed on Page 4.10-16 of the DEIR and explain that the proposed GPR/ZOU would not result in a substantial increase of pollutant discharges to local water sources, alteration of drainage patterns in the project corridor, or

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<sup>1</sup> SJVAPCD. 2023. Ambient Air Quality Standards and Attainment Status. <https://ww2.valleyair.org/air-quality-information/ambient-air-quality-standards-valley-attainment-status/>.

<sup>2</sup> California Government Code Section 65302 defines Disadvantaged Communities as "an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or; an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation."

otherwise result in a substantial contribution to cumulative impacts, and thus would not be cumulatively considerable.

Impacts related to Air Quality are addressed in Section 4.3, *Air Quality*, and cumulative impacts are addressed on Page 4.3-27 of the DEIR. As stated therein, implementation of the GPR/ZOU policies and compliance with existing laws and regulations as well as mitigation measures described above would reduce cumulative impacts but not to a less-than-significant level. Accordingly, cumulative impacts are disclosed as significant and unavoidable.

The Draft EIR includes a discussion of existing conditions related to individual impact areas and specific to *CEQA Guidelines Appendix G* questions. Individual impact areas include a discussion of the existing conditions which are then compared to the anticipated change induced by the project. No revisions to the Draft EIR are necessary in response to this comment.

### **Response 24.10**

*The commenter states that the DPEIR fails to provide sufficient analysis of mitigation measures that are vague and open-ended. The commenter states that future projects contemplated in the General Plan cannot tier to the DPEIR when assessing potentially significant impacts due to its lack of specificity.*

Regarding mitigation, pursuant to *CEQA Guidelines*, §15126.4, subd. (a)(2) mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design. To evaluate mitigation measures, the County is including a Mitigation Monitoring or Reporting Program (MMRP) for the proposed project pursuant to *CEQA Guidelines*, §15097.

Future projects and/or adoption of specific policies would be discretionary actions the County would be required to analyze in future CEQA documents. The Draft EIR cannot account for projects that have not been proposed, nor does the GPR/ZOU propose development itself.

### **Response 24.11**

*The commenter states that the DPEIR should include an Environmental Justice Alternative. The commenter states that none of the alternatives proposed in the DPEIR makes a robust effort to reduce pollutants to acceptable levels.*

CEQA requires an EIR to consider and analyze a range of reasonable project alternatives that would feasibly attain most of the basic objectives but would avoid or substantially lessen significant impacts of the project. (*Ocean Street Extension Neighborhood Assn. v. City of Santa Cruz* (2021) 73 Cal.App.5th 985, 1013.) The purpose of alternatives is to reduce the identified impacts of the project. In compliance with CEQA, the Alternatives evaluated in the EIR address the impacts of the project, not existing conditions.

### **Response 24.12**

*The commenter concludes that the DPEIR provides inadequate analysis of cumulative impacts at a scale meaningful to a County General Plan and its resident communities and that mitigation measures are not concrete enough.*

Please refer to responses to specific comments above. This comment has been noted. The comment provides no substantial evidence to support its assertions, which are detailed further and responded

to in Responses 24.1 through 24.11. As described in Section 3.4, *Cumulative Development*, of the Draft EIR, due to the programmatic nature of the General Plan, analysis of cumulative impacts is treated somewhat differently than it would be for a specific development project. For general plan amendments, impacts should be based on a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or areawide conditions contributing to the cumulative impact. As such, the analysis contained in the Draft EIR discusses cumulative development in Fresno County in combination with potential growth envisioned under the GPR/ZOU. While the GPR/ZOU would increase density and intensity of existing land uses, implementation of goals and policies contained within the GPR/ZOU would reduce impacts.



**California Program Office**

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[www.defenders.org](http://www.defenders.org)

June 27, 2023

Chris Motta, Principal Planner  
County of Fresno, Department of Public Works and Planning  
Development Services and Capital Projects Division  
2220 Tulare Street, Sixth Floor  
Fresno, California 93721

Delivered via email to: [gpr@fresnocountyca.gov](mailto:gpr@fresnocountyca.gov)

RE: Fresno County General Plan Review and Zoning Ordinance Update (SCH #2018031066)

Dear Mr. Motta,

Thank you for the opportunity to provide comments in response to the Fresno County General Plan Policy Document and the Draft Program Environmental Impact Report (EIR) for the proposed Fresno County General Plan Review and Zoning Ordinance Update (Update). These comments are submitted on behalf of Defenders of Wildlife (Defenders). Defenders has 2.1 million members and supporters in the United States, 316,000 of which reside in California. Defenders is dedicated to protecting all wild animals and plants in their natural communities. To that end, Defenders employs science, public education and participation, media, legislative advocacy, litigation and proactive on-the-ground solutions to prevent the extinction of species, associated loss of biological diversity and habitat alteration and destruction.

25.1

General plan updates are a valuable opportunity to revisit policies, objectives, and goals to promote the economic health of a community while preserving and protecting wildlife and native habitats. The Update revisits the Fresno County 2000 General Plan and expands and strengthens the major policies through 2042. The major themes of the Update will help protect species and habitat 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. Defenders is pleased to see the County's commitment and inclusion of themes that help protect sensitive species and habitat.

Fresno County is home to high-value biological resources and provides essential habitat to several special-status wildlife species that may be impacted by the Update, including but not limited to the following:<sup>1</sup>

| Common Name                   | Scientific Name                      | Status                                  |
|-------------------------------|--------------------------------------|-----------------------------------------|
| Bald Eagle                    | <i>Haliaeetus leucocephalus</i>      | State Endangered                        |
| Blunt-nosed leopard lizard    | <i>Gambelia sila</i>                 | Federal and State Endangered            |
| Burrowing owl                 | <i>Athene cunicularia</i>            | State Species of Special Concern        |
| California tiger salamander   | <i>Ambystoma californiense</i>       | Federal and State Threatened            |
| Fresno kangaroo rat           | <i>Dipodomys nitratooides exilis</i> | Federal and State Endangered            |
| Giant kangaroo rat            | <i>Dipodomys ingens</i>              | Federal and State Endangered            |
| Loggerhead shrike             | <i>Lanius ludovicianus</i>           | State Species of Special Concern        |
| San Joaquin kit fox           | <i>Vulpes macrotis mutica</i>        | Federal Endangered and State Threatened |
| Sierra Nevada bighorn sheep   | <i>Ovis canadensis sierrae</i>       | Federal and State Endangered            |
| Sierra Nevada red fox         | <i>Vulpes vulpes necator</i>         | Federal Endangered and State Threatened |
| Southern Sierra Nevada fisher | <i>Pekania pennanti</i>              | Federal Endangered and State Threatened |
| Swainson’s hawk               | <i>Buteo swainsoni</i>               | State Threatened                        |
| Tricolored blackbird          | <i>Agelaius tricolor</i>             | State Threatened                        |
| Vernal pool fairy shrimp      | <i>Branchinecta lynchi</i>           | Federal Threatened                      |

25.1  
cont.

Irresponsible development throughout the County may degrade and destroy the habitat that these special-status species rely on.

**Comments**

We offer the following comments on the Draft Program EIR:

**1. Incorporate and Memorialize 30x30 Goals within the Update**

In October 2020, Governor Newsom issued Executive Order N-82-20 that set a state policy goal to conserve 30 percent of California lands and coastal waters by 2030, also known as

25.2

<sup>1</sup> California Natural Diversity Database. Accessed 6/15/2023. <https://wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>.

30x30, which aligns with national and international 30x30 efforts. The San Joaquin Valley was historically covered by vast wetlands, Valley Oak savannahs and desert shrubland but has been converted into the most productive agricultural region in the nation. Consistent with Sustainable Groundwater Management Act (SGMA), the region now faces up to a million acres of retired farmland, providing the unique opportunity to help achieve 30x30 goals through restoration of retired farmland to its natural state.

The California Natural Resources Agency’s “Pathways to 30x30 California” report lists providing technical assistance for locally driven efforts to expand conservation through updates to general plans and zoning as a priority action that will help accelerate regionally led conservation.<sup>2</sup> Given that the State has adopted conservation efforts within the general plan and zoning updates as a pathway and priority action, it is warranted to include 30x30 within the Update. Furthermore, the report touches specifically on the San Joaquin Valley, stating that urban expansion from communities, including Fresno, and habitat fragmentation from rural residents and suburban development, pose conservation challenges for the region in meeting the 30x30 goal.<sup>3</sup> The Update provides a framework for the protection of resources, including natural resources, and for development within the County; it therefore logically touches on these conservation challenges of urban expansion and rural and suburban development. It is appropriate to provide goals and policies within the Update that aim to reduce these 30x30 conservation challenges. Defenders recommends that the update memorialize 30x30 and include policies aimed at meeting the 30x30 goal and policies to overcome conservation challenges associated with 30x30.

25.2  
cont.

## 2. Prioritize Least-Conflict Land for Solar Development

Impact E-1 within the Draft Program EIR states that the increase in population growth would result in an increase in energy consumption and that the County will promote energy efficiency to meet this expected higher demand. Policy LU-H.7 further states that the County shall give prominent consideration for energy conservation and renewable resources for planned development. Although energy efficiency and conservation policies are a viable option to meet increased demand and are critical in achieving net zero emissions, there may still be a need for increased utility-scale renewable energy projects to meet population growth projections. Least-conflict lands should be prioritized for

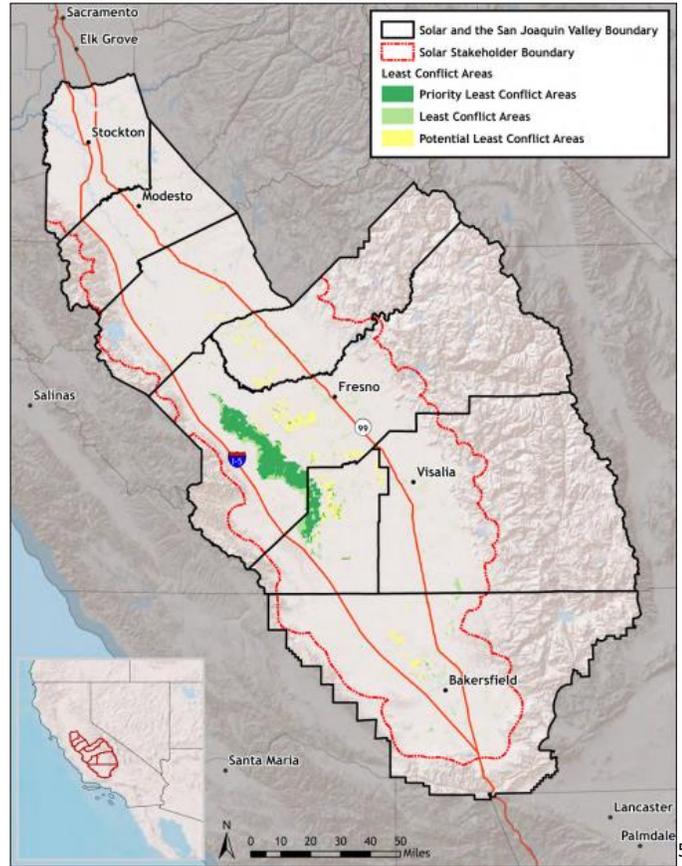
25.3

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<sup>2</sup> California Natural Resources Agency. 2022. *Pathways to 30x30 California: Accelerating Conservation of California’s Nature*. P.37.

<sup>3</sup> California Natural Resources Agency. 2022. *Pathways to 30x30 California: Accelerating Conservation of California’s Nature, Appendix A Regional Insights*.

renewable energy development in a manner that minimizes impacts on natural resources. Least-conflict lands are identified as those with low environmental value and high renewable energy development value. According to a 2016 study, the majority of priority least-conflict areas for solar energy development in the San Joaquin Valley are located in Fresno County and Westlands Water District.<sup>4</sup>



25.3  
cont.

This provides the County with the opportunity to place new utility-scale renewable projects needed to meet an increase in demand in least-conflict areas that will reduce potential impacts of projects on sensitive species and habitats. Additionally, SGMA provides the opportunity for Fresno County to facilitate the thoughtful transition of retired agricultural lands to renewable energy project sites, as it may result in retiring significant acreage of agricultural lands within Fresno County.

<sup>4</sup> Pearce, D., Strittholt, J., Watt, T., & Elkind, E. 2016. *A Path Forward: Identifying Least-Conflict Solar PV Development in California's San Joaquin Valley.*

<sup>5</sup> Ibid.

Defenders recommends that the Update provide policies aimed at increasing usage of all distributed energy resources (DERs) and not limit energy demand planning to energy efficiency. For the potential scenario where DERs are exhausted, Defenders recommends the inclusion of policy guidance related to utility-scale renewable energy projects that directs siting of these projects on least-conflict lands. Furthermore, Defenders recommends exploring renewable energy development as an option for land that may be retired from agricultural production due to groundwater restrictions.

25.3  
cont.

### 3. Include the Preservation of Open Space for Climate Adaptation and Resiliency

As required by Senate Bill 379, the Update must incorporate climate adaptation and resilience into the general plan and include a completed vulnerability assessment. The preservation of open space and green space is a vital component of climate adaptation and resilience, yet the Update's policies related to adaptation and resiliency fail to include the preservation of open space as a policy. Open space and preserved natural vegetation serve as carbon sinks that can store greenhouse gas emissions, therefore serving a vital role in mitigating climate change. Defenders recommends the addition of a policy for the preservation of open space within the Adaptation and Resiliency section that reads as follows:

"Preserving Open Space. The County shall ensure the preservation of open space with natural vegetation and native habitat for the purpose of implementing a nature-based solution to address climate resilience and adaptation. These lands shall be held in perpetuity in a conservation easement or fee title by an accredited entity or organization."

25.4

### 4. Revise Policy OS-E.1

Impacts or loss of habitat due to development must be mitigated consistent with the wildlife agencies' recommendations and requirements. Additionally, the Update should reflect the correct and current name of the California Department of Fish and Wildlife (CDFW), which changed its name in 2012. Defenders recommends this policy be revised to read:

"Avoid Habitat Loss. The County shall ~~support~~ require efforts to avoid the "net" loss of important wildlife habitat ~~where practicable~~. In cases where habitat loss cannot be avoided, the County shall impose ~~adequate~~ full mitigation for the loss of wildlife habitat that is critical to supporting special-status species and/or other valuable or unique wildlife resources. Mitigation shall be at sufficient ratios to replace the function and value of the

25.5

habitat that was removed or degraded. Mitigation may be achieved through any combination of creation, restoration, conservation easements, and/or mitigation banking. Conservation easements **shall** include provisions for maintenance and management in perpetuity. The County shall **require** coordination with the US Fish and Wildlife Service and the California Department of Fish and **Wildlife Game** to ensure that appropriate mitigation measures and the concerns of these agencies are adequately addressed. Important habitat and habitat components include nesting, breeding, and foraging areas, important spawning grounds, migratory routes, migratory stopover areas, oak woodlands, vernal pools, wildlife movement corridors, and other unique wildlife habitats (e.g., alkali scrub) critical to protecting and sustaining wildlife populations.”

## 5. Revise Policy OS-E.6

Policy OS-E.6 provides for the conservation of native vegetation so long as it does not threaten the county’s economic well-being. This inclusion of an exemption for the protection of habitat for the economic well-being of the county is counterproductive, given that the preservation of wild spaces contributes to the local economy. A 2020 study found that globally preserving up to at least 30 percent of land and oceans would bring economic and non-monetary benefits that outweigh the costs 5-to-1.<sup>6</sup> The economic analysis primarily reflected the benefits of avoiding flooding, climate change and soil loss.

Furthermore, the conservation of native habitats improves community health, which also positively impacts economic well-being. Equitable access to native habitat often draws residents to nature. This can increase community health by decreasing sedentary lifestyles, improving mental health and mood disorders, addressing the burden of chronic diseases and increasing physical activity.<sup>7</sup> A 2018 analysis reviewed more than 140 studies and found that exposure to green space was associated with several health benefits, including lower blood pressure and cholesterol and lowered the risk of diabetes, stroke, asthma, heart disease and death.<sup>8</sup> Additionally, a 2020 study found that as little as 10 minutes of sitting or walking in nature reduced stress and improved overall mental health.<sup>9</sup> The global economic value of protected areas based on the improved mental

25.5  
cont.

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<sup>6</sup> Waldron, Anthony, et al. 2020. *Protecting 30% of the Planet for Nature: Costs, Benefits and Economic Implications*.

<sup>7</sup> Michelle C., et al. 2020. *Nature Prescriptions for Health: A Review of Evidence and Research Opportunities*.

<sup>8</sup> Twohig-Bennett, Caoimhe & Jones, Andy. 2018. *The Health Benefits of the Great Outdoors: A Systematic Review and Meta-Analysis of Greenspace Exposure and Health Outcomes*.

<sup>9</sup> Meredith, Genevive R., et al. 2020. *Minimum Time Dose in Nature to Positively Impact the Mental Health of College-Aged Students, and How to Measure It: A Scoping Review*.

health of visitors alone was estimated to be \$6 trillion annually.<sup>10</sup> Given the significant economic and health benefits that access to nature provides, it would be counterintuitive for the Update to allow development to occur within sensitive habitat corridors claiming it is for the economic well-being of the County.

The County should promote the well-being of the county in all aspects and not limit the standards to only the economic well-being. The County should consider the positive health impacts, equitable access to nature, access to clean water and climate resilience associated with green space, along with the economic benefits, when preserving wild areas. Defenders recommends this policy be revised to read:

“Habitat Corridors. The County shall **take into consideration the impacts of native vegetation preservation on the well-being of the county and** ensure the conservation of large, continuous expanses of native vegetation to provide suitable habitat for maintaining abundant and diverse wildlife populations, ~~as long as this preservation does not threaten the economic well-being of the county.~~”

**6. Revise Policy OS-E.8**

The use of chemicals and poison baits to control pests frequently leads to the unintended consequence of injury or death of non-target wild animals and pets. Even if not directly ingested, poison baits can cause secondary poisoning of predatory species, such as the endangered San Joaquin kit fox, which can prey on dead or dying rodents that have consumed the pesticides. It is critical that the County implement methods of pest control that adhere to CDFW guidance and do not place endangered or threatened species at further risk. Defenders recommends consultation with CDFW to implement pest control methods that do not place special-status species at risk. Defenders recommends this policy be revised to read:

“Pest Control. The County shall ~~promote~~ **require** effective methods of pest (e.g., ground squirrel) control on croplands bordering sensitive habitat that **adhere to California Department of Fish and Wildlife guidance and** do not place special-status species at risk, such as the San Joaquin kit fox.”

25.5  
cont.

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<sup>10</sup> Buckley, Ralf, et al. 2019. *Economic Value of Protected Areas via Visitor Mental Health*.

**7. Revise Policy OS-E.9**

Biological resource surveys must adhere to recommendations set by the appropriate wildlife agency. Defenders recommends this policy be revised to read:

“Biological Resource Evaluation. Prior to approval of discretionary development permits, the County shall require, as part of any required environmental review process, a biological resources evaluation of the project site by a qualified biologist. The evaluation shall be based on field reconnaissance performed at the appropriate time of year to determine the presence or absence of significant resources and/or special-status plants or animals **and shall be conducted in consultation with the US Fish and Wildlife Service and/or the California Department of Fish and Wildlife, and in accordance with the recommended survey protocols.** Such evaluation will consider the potential for significant impact on these resources and will either identify feasible mitigation measures or indicate why mitigation is not feasible.”

**8. Revise Policy OS-E.18**

The Update provides for the protection of wildlife habitats, corridors and other high value areas through policies within Goal OS-E. Policy OS-E.18 states that areas defined as habitats for rare or endangered species should be protected with a conservation easement; however, it fails to provide for other protected areas mentioned within the Update. Defenders recommends applying the protection of land through conservation easements to preserve all protected open lands and habitats. Furthermore, Defenders recommends these easements should be managed in perpetuity by a qualified conservation organization as defined by CA Civil Code Section 815.3. Defenders recommends this policy be revised to read:

“The County should preserve areas identified as habitats for rare or endangered plant and animal species **and encourage the protection of high value fish and wildlife areas, migration routes, wildlife and habitat corridors and other protected areas** primarily through the use of ~~open-space~~ **conservation easements or fee titles,** and appropriate zoning that restrict development in these sensitive areas. **The easements or fee titles should be managed in perpetuity by an accredited entity or organization.**

**9. Revise Policy OS-F.1**

Access to open space and native habitats is directly linked to the health and economic welfare of the community. The County should use its land use authority to not just

25.5  
cont.

encourage but to require landowners and developers to preserve existing terrain and natural vegetation. Defenders recommends this policy be revised to read:

“Terrain and Vegetation Preservation. The County shall ~~encourage~~ require landowners and developers to preserve and protect the integrity of existing terrain and natural vegetation in visually-sensitive areas such as hillsides and ridges, and along important transportation corridors, consistent with fire hazard and property line clearing requirements.”

25.5  
cont.

### Conclusion

Thank you once again for the opportunity to provide comments for the Fresno County General Plan Review and Zoning Ordinance Update. We look forward to reviewing the Final EIR and request to be notified when it is available. If you have any questions, please contact me at 408-603-4694 or via email at [smarkowska@defenders.org](mailto:smarkowska@defenders.org).

Respectfully submitted,



Sophia Markowska  
Senior California Representative

## Letter 25

**COMMENTER:** Sophia Markowska, Senior California Representative, Defenders of Wildlife

**DATE:** June 27, 2023

### Response 25.1

The commenter expresses gratitude for the opportunity to provide comments and expresses support for the County's inclusion of themes related to the protection of sensitive species and habitat.

This comment has been noted. Table 1 and Table 2 in the Appendix BIO include all the special-status species referenced in the commenter's letter. Table 4.4-1 in Section 4.4, *Biological Resources*, includes the state and federally listed species referenced in the commenter's letter.

### Response 25.2

The commenter recommends that the GPR/ZOU include policies related to meeting 30x30 (Executive Order N-82-20) goals and policies related to overcoming conservation challenges associated with preserving 30 percent of California coastal lands and waters by 2030.

This comment has been noted. Please refer to Master Response GPR/ZOU for additional information regarding recommendations related to the GPR/ZOU.

### Response 25.3

The commenter cites Impact E-1 and Policy LU-H.7 and recommends least-conflict lands be prioritized for renewable energy development.

This comment has been noted. Please refer to Master Response GPR/ZOU for additional information regarding recommendations related to the GPR/ZOU. Additionally, note that no specific energy projects are proposed as part of the GPR/ZOU, and they would require their own project specific CEQA analysis when proposed.

### Response 25.4

The commenter recommends the addition of a policy for the preservation of open space within the Adaptation and Resiliency section of the General Plan.

This comment has been noted. Please refer to Master Response GPR/ZOU for additional information regarding recommendations related to the GPR/ZOU.

### Response 25.5

The commenter recommends revisions to Policy OS-E.1 to reflect the current and correct name of the California Department of Fish and Wildlife and suggests other revisions to draft policies.

This comment has been noted. Regarding Policy OS-E.1, please see Response 21.9 which shows the correction of the word Game to Wildlife has been made. CDFW does not have discretionary approval power over the GPR/ZOU, and therefore they are not a responsible agency for this project, which is programmatic by nature. Individual projects, however, may be subject to CDFW's regulatory authority or require CDFW permits. Please refer to Master Response GPR/ZOU for additional information regarding recommendations related to the GPR/ZOU.



June 27, 2023

Chris Motta, Principal Planner  
County of Fresno Department of Public Works and Planning  
2220 Tulare Street, Sixth Floor  
Fresno, CA 93721

Dear Mr. Motta,

**FMFCD Comments to the Notice of Availability Draft Program Environmental Impact Report for the Fresno County General Plan Review and Zoning Ordinance Update (SCH#201803106)**

The Fresno Metropolitan Flood Control District (FMFCD) has reviewed the information provided from the proposed Notice of Availability of a Draft Program Environmental Impact Report for the Fresno County General Plan.

FMFCD offers the following comments specific to the review of the DPEIR to address typographical errors or to enhance clarity. It is requested that the following comments be considered and incorporated therein (the individual pages are included, and the section or sentence has been highlighted for your reference):

Page 1-20: Add Fresno Metropolitan Flood Control District as any other public agencies.

Page 2-9, Figure 2-5: Recommend showing FMFCD designated basins on the diagram. Please feel free to contact FMFCD for basin shapefiles. Location of the northerly/southerly streets labeled incorrectly.

Page 2-10, Figure 2-6: Recommend showing FMFCD designated basins on the diagram. Please feel free to contact FMFCD for basin shapefiles.

Page 2-10, Figure 2-6: Limited Industrial designation located on existing FMFCD basin location. Correct designation north of existing FMFCD basin.

26.1

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Geology and Soils

Page 4.7-14: Consider defining the significance threshold of “substantial soil erosion” based RUSLE2 Equation and upon the Construction General Permit medium risk threshold of 15 tons/acre.

26.2

Page 4.7-16: Update the name of the Construction General Permit to Order WQ 2022-0057-DWQ.

Hydrology and Water Quality

Page 4.10-8: Consider expanding the discussion of the Phase I NPDES Program to include regulation of municipal and industrial sources of pollution. The NPDES regulations apply to development projects greater than one acre, however, NPDES Phase I/II regulations also apply to cities that meet certain population sizes and industrial sites that are covered by certain Standard Industrial Codes (SIC).

Page 4.10-11: The Construction General Permit was revised September 8, 2022, it is now titled Order WQ 2022-0057-DWQ/NPDES NO CAS000002.

26.3

Page 4.10-13: Consider revising “The majority” to “A portion”. FMFCD services are limited to the Fresno and Clovis metropolitan areas.

Page 4.10-16: Adherence to the Construction General Permit will not reduce cumulative impacts of increased impervious surface below significance thresholds. The Construction General Permit reduces impacts of land disturbance activities during construction and may not cover post-construction requirements.

Impact Analysis

Page 4.14-16: Correct referenced Section 4.8 to 4.10, Hydrology and Water Quality.

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Utilities and Service Systems

Page 4.17-4: Consider revising “Most” to “A portion”. FMFCD services are limited to the Fresno and Clovis metropolitan areas.

Page 4.17-11: The description of Phase I NPDES regulations is incomplete, it also covers municipal discharges as allowed under the municipal stormwater discharge permit.

Page 4.17-12: Update the name of the Construction General Permit to Order WQ 2022-0057-DWQ.

Page 4.17-18: Correct language to specify limits of FMFCD Boundary within the County of Fresno as follows: Revise first sentence to include “(Fresno and Clovis metropolitan areas) are managed...”.

Pages 6-11, 6-12, and 6-20: Include stormwater drainage.

Page C-95, Appendix C: Add wording to specify limits of FMFCD program to include “... the Fresno/Clovis Metropolitan area within...”

Page C-95, Appendix C: Capitalize word “District” and Revise wording “... storm flows.” to read “...flooding and safely convey storm flows.”

**FMFCD General Comments:**

**Hydrology & Water Quality**

The Fresno Metropolitan Flood Control District (FMFCD) is responsible for managing urban stormwater runoff within the greater Fresno/Clovis area. Its local urban system for stormwater drainage consists of storm drains, detention and retention basins, and pump stations. The system is designed to retain and infiltrate as much stormwater and urban runoff as possible. FMFCD's Storm Drainage and Flood Control Master Plan (Master Plan) includes 165 drainage areas, each providing service to approximately one to two square miles. All but five of the developed drainage areas are served by a retention or detention facility.

26.4

26.5

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Urban storm water discharges are regulated by Section 402(p) of the federal Clean Water Act. The City of Fresno, FMFCD, the County of Fresno, the City of Clovis, and the California State University, Fresno are currently covered as Co-Permittees for Municipal Separate Storm Sewer System (MS4) discharges through National Pollutant Discharge Elimination System (NPDES) General Order No. R5-2016-0040 and NPDES Permit No. CAS0085324 (Storm Water Permit) effective May 17, 2018. To implement the Storm Water Permit the Co-Permittees adopted a Storm Water Quality Management Plan (SWQMP) that describes permit implementation and Co-Permittee responsibilities. The current SWQMP was approved by the Central Valley Regional Water Quality Control Board on April 17, 2015 and is effective until adoption of a new SWQMP, which is anticipated within the next five years.

The Significance Thresholds, as discussed on Page 4.10-6, must consider the entire scope of the County's Phase I Storm Water Permit. First, the Storm Water Permit includes water quality and watershed protection measures for all discharges to the storm drainage system, not only development projects. Development projects are subject to specific measures included in the Storm Water Permit and implemented as described in the SWQMP. The SWQMP should be incorporated by reference in the PEIR and implemented via updated County Policies. In areas outside the District Boundary, the County is solely responsible for implementation of the SWQMP. In order to reduce impacts to less than significant, the County should consider mitigation measures that support the expansion of the District boundary to mitigate the negative effects of runoff.

Second, the County of Fresno is responsible for implementing storm water quality measures within its jurisdiction. An updated FMFCD and County of Fresno's Memorandum of Understanding (MOU) is required to implement provisions of the SWQMP. The MOU is necessary to identify the certain measures best suited for the County to perform related to the planning, inspection, and enforcement of NPDES Permit requirements. In addition, the County shall provide the District a Statement of Legal Authority to implement the Phase I NPDES Permit Requirements within its jurisdiction. Since the 2000 General Plan was adopted, the following regulatory programs have been adopted by the State Water Resources Control Board that the County must coordinate with FMFCD to effectively implement:

- Amendment to the Water Quality Control Plan for Part 1 Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California; and
- Amendment to the Water Quality Control Plan for the Sacramento and San Joaquin River Basins for the Control of Pyrethroid Pesticide Discharges.

Lastly, FMFCD requires, as a responsible agency and as a requirement of the Storm Water Permit:

- 1) All development projects within the Phase I NPDES boundary shall be consistent with the District’s Storm Drainage and Flood Control Master Plan (Master Plan);
- 2) Subsequent CEQA documents implementing the General Plan incorporate a Stormwater Checklist for CEQA Review.

26.5  
cont.

**Consistency with the FMFCD Master Plan**

**a. FMFCD Drainage Fee Ordinance**

The community has developed and adopted a Master Plan. Each property contributes its pro-rata share to the cost of the public drainage system. In order to ensure consistency with the Master Plan, the project shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to approval of any final maps and/or issuance of building permits at the rates in effect at the time of such approval.

26.6

**Stormwater Checklist for CEQA Review**

**a. Potential impact of project construction on stormwater runoff.**

Stormwater runoff from construction activities can have a significant impact on water quality. To build on sites with over one acre of disturbed land, property owners must obtain coverage under the California Construction General Permit for Discharges of Stormwater (CGP). The CGP is issued by the State Water Resources Control Board (SWRCB). The CGP requires sites that do not qualify for an erosivity waiver to create a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP is a site-specific plan that is designed to control the discharge of pollutants from the construction site to local storm drains and waterways.

26.7

**b. Potential impact of project post-construction activity on stormwater runoff.**

FMFCD operates the Regional Stormwater Mitigation System, which consists of facilities to handle stormwater runoff and non-stormwater discharges in the FMFCD service area. However, river discharging drainage areas and drainage areas without basin service are subject to FMFCD Policy: Post-Development and Industrial Storm Water Pollution Control Requirements (Policy).

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Development and redevelopment projects can result in discharge of pollutants to receiving waters. Pollutants of concern for a project site depend on the following factors:

- Project location;
- Land use and activities that have occurred on the project site in the past;
- Land use and activities that are likely to occur in the future; and
- Receiving water impairments.

As land use activities and site design practices evolve, particularly with increased incorporation of stormwater quality BMPs, characteristic stormwater runoff concentrations and pollutants of concern from various land use types are also likely to change.

**Typical Pollutants of Concern and Sources for Post-Development Areas**

| <b>Pollutant</b>                                                                                | <b>Potential Sources</b>                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sediment (total suspended solids and turbidity), trash and debris (gross solids and floatables) | Streets, landscaped areas, driveways, roads, construction activities, atmospheric deposition, soil erosion (channels and slopes)                                                               |
| Pesticides and herbicides                                                                       | Residential lawns and gardens, roadsides, utility right-of-ways, commercial and industrial landscaped areas, soil wash-off                                                                     |
| Organic materials/oxygen demanding substances                                                   | Residential laws and gardens, commercial landscaping, animal waste                                                                                                                             |
| Metals                                                                                          | Automobiles, bridges, atmospheric deposition, industrial areas, soil erosion, metal surfaces, combustion processes                                                                             |
| Oil and grease, organics associated with petroleum                                              | Roads, driveways, parking lots, vehicle maintenance areas, gas stations, illicit dumping to storm drains, automobile emissions, and fats, oils, and grease from restaurants                    |
| Bacteria and viruses                                                                            | Lawns, roads, leaking sanitary sewer lines, sanitary sewer cross-connections, animal waste (domestic and wild), septic systems, homeless encampments, sediments/biofilms in storm drain system |
| Nutrients                                                                                       | Landscape fertilizers, atmospheric deposition, automobile exhaust, soil erosion, animal waste, detergents                                                                                      |

*Source: Adapted from USEPA, 1999 (Preliminary Data Summary of Urban Storm Water BMPs)*

26.7  
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FMFCD’s Post-Development Standards Technical Manual provides guidance for implementing stormwater quality Best Management Practices (BMPs) for drainage areas subject to the Policy, with the intention of improving water quality and mitigating potential water quality impacts from stormwater and non-stormwater discharges. The Post-Development Standards Technical Manual addresses the following objectives and goals:

- Minimize impervious surfaces and directly connect impervious surfaces in areas of new development and redevelopment, and where feasible, to maximize on-site infiltration of stormwater runoff;
- Implement pollution prevention methods supplemented by pollutant source controls and treatment, and where practical, use strategies that control the sources of pollutants or constituents (i.e., where water initially meets the ground) to minimize the transport of runoff and pollutants offsite and into MS4s;
- Preserve, and where possible create or restore, areas that provide important water quality benefits, such as riparian corridors, wetlands, or buffer zones
- Limit disturbances of natural water bodies and natural drainage systems by development, including roads, highways, and bridges;
- Identify and avoid development in areas that are particularly susceptible to erosion and sediment loss or establish guidance that protects areas from erosion and sediment loss;
- Implement source and structural controls as necessary and appropriate to protect downstream receiving water quality from increased pollutant loadings and flows (hydromodification concepts) from new development and significant redevelopment;
- Control the post-development peak stormwater runoff discharge rates and velocities to maintain or reduce pre-development downstream erosion and to protect downstream habitat; and
- Consider integration of Low Impact Development (LID) principles into project design.

26.7  
cont.

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The Post-Development Standards Technical Manual describes the stormwater management requirements for Priority Projects, which are identified as meeting one or more of the following and discharge to the San Joaquin River or do not have basin service:

- Home subdivisions of 10 housing units or more;
- Commercial developments greater than 100,000 square feet;
- Automotive repair shops;
- Restaurants;
- Parking lots 5,000 square feet or greater with 25 or more parking spaces and potentially exposed to urban runoff;
- Streets and roads;
- Retail gasoline outlets (RGOs); and
- Significant redevelopment projects, which are developments that result in creation or addition of at least 5,000 square feet of impervious surface on an already developed site. Significant redevelopment includes, but is not limited to, expansion of a building footprint or addition or replacement of a structure, structural developing including an increase in gross floor area and/or exterior construction or remodeling, replacement of impervious surface that is not part of a routine maintenance activity, and land disturbing activities related with structural or impervious surfaces. Where significant redevelopment results in an increase of less than 50 percent of the impervious surfaces of a previously existing development and the existing development was not subject to Post-Construction Standards, only the proposed alteration must meet the requirements of the Post-Development Standards Technical Manual.

26.7  
cont.

All Priority Projects must mitigate the Stormwater Quality Design Volume (SWQDV) or Stormwater Quality Design Flow (SWQDF) through LID- or treatment-based stormwater quality BMPs or a combination thereof.

For new development or significant redevelopment projects for restaurants with less than 5,000 square feet, the project applicant must meet all the requirements of the Post-Development Standards Technical Manual except for mitigating the SWQDV or SWQDF and implementing stormwater quality BMPs.

The Post-Development Standards Technical Manual can be found on FMFCD's website here:  
<http://www.fresnofloodcontrol.org/wp-content/uploads/2014/11/Post-Development-Standards-Technical-Manual.pdf>

**c. Potential for discharge of stormwater from areas from material storage, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work areas.**

Development projects may create potential impacts to stormwater from non-stormwater discharge from areas with material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor work area.

Some materials, such as those containing heavy metals or toxic compounds, are of more concern than other materials. Toxic and hazardous materials must be prevented from coming in contact with stormwater runoff. Non-toxic or non-hazardous materials, such as debris and sediment, can also have significant impacts on receiving waters. Contact between non-toxic or non-hazardous materials and stormwater runoff should be limited, and such materials prevented from being discharged with stormwater runoff. To help mitigate these potential impacts, BMPs should be included to prevent discharges from leaving the property.

Refer to FMFCD Post-Development Standards Technical Manual for more information or go to <http://water.epa.gov/polwaste/nps/urban.cfm>.

26.8

**d. Potential for discharge of stormwater to impact the beneficial uses of the receiving waters or areas that provide water quality benefits.**

Identify receiving waters and describe activities that may impact the beneficial uses of the receiving waters or that project water quality benefits. Project that can impact beneficial uses or receiving waters may be mitigated by implementation of the FMFCD Post-Development Standards Technical Manual.

26.9

**e. Potential for the discharge of stormwater to cause significant harm on the biological integrity of the water ways and water bodies.**

Conservation of natural areas, soils, and vegetation helps to retain numerous functions of pre-development hydrology, including rainfall interception, infiltration, and evapotranspiration. Each project site possesses unique topographic, hydrologic, and vegetative features, some of which are more suitable for development than others. Sensitive areas, such as streams and their buffers, floodplains, wetlands, steep slopes, and highly-permeable soils, should be protected and/or restored. Slopes can be a major source of sediment and should be properly protected and stabilized.

26.10

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Locating development in less sensitive areas of a project site and conserving naturally vegetated areas can minimize environmental impacts from stormwater runoff.

The evaluation of a project's effect on sensitive natural communities should encompass aquatic and wetland habitats. Consider "aquatic and wetland habitat" as examples of sensitive habitat.

**f. Potential for significant changes in the flow velocity or volume of stormwater runoff that can cause environmental harm.**

The evaluation of a project's effect on drainage patterns should refer to the FMFCD's Storm Drainage and Flood Control Master Plan and have their project reviewed by FMFCD to assess the significance of altering existing drainage patterns and to develop any mitigation measures in addition to our stormwater mitigation system. The evaluation should also consider any potential for streambed or bank erosion downstream from the project.

**g. Potential for significant increases in erosion of the project site or surrounding areas.**

The evaluation of a project's effect on drainage patterns should refer to the FMFCD's Storm Drainage and Flood Control Master Plan and have their project reviewed by FMFCD to assess the significance of altering existing drainage patterns and to develop any mitigation measures in addition to our stormwater mitigation system. The evaluation should also consider any potential for streambed or bank erosion downstream from the project.

26.11

Thank you for your consideration of these comments and for allowing us to be a part of the General Plan Update process. We continue to look forward to working with you and the County of Fresno on the update process.

Sincerely,



Denise Wade  
Master Plan and Special Projects Manager

DW/lrl

Attachments

**General Plan Review and Zoning Ordinance Update**

- The California Department of Transportation (Caltrans) has responsibility for approving future improvements to the State highway system, including Highway 99 and Interstate 5.
- The California Department of Fish and Wildlife (CDFW) has responsibility for issuing take permits and streambed alteration agreements for any projects with the potential to affect plant or animal species listed by the State of California as rare, threatened, or endangered or that would disturb waters of the State.
- Any other public agencies, such as: Fresno County Fire Protection District, Fresno Irrigation District, Fresno Unified School District, Fresno Local Agency Formation Commission, Airport Land Use Commission of Fresno County, Central Valley Regional Water Quality Control Board, San Joaquin Valley Air Quality Management District, Army Corps of Engineers, Department of Water Resources, and California Department of Housing and Community Development.

Trustee agencies have jurisdiction over certain resources but do not have a legal authority over approving or denying agencies for the General Plan may include CDFW, State Lands Commission.

Add: Fresno Metropolitan Flood Control District as public agency.

California  
Trustee  
Agency, and

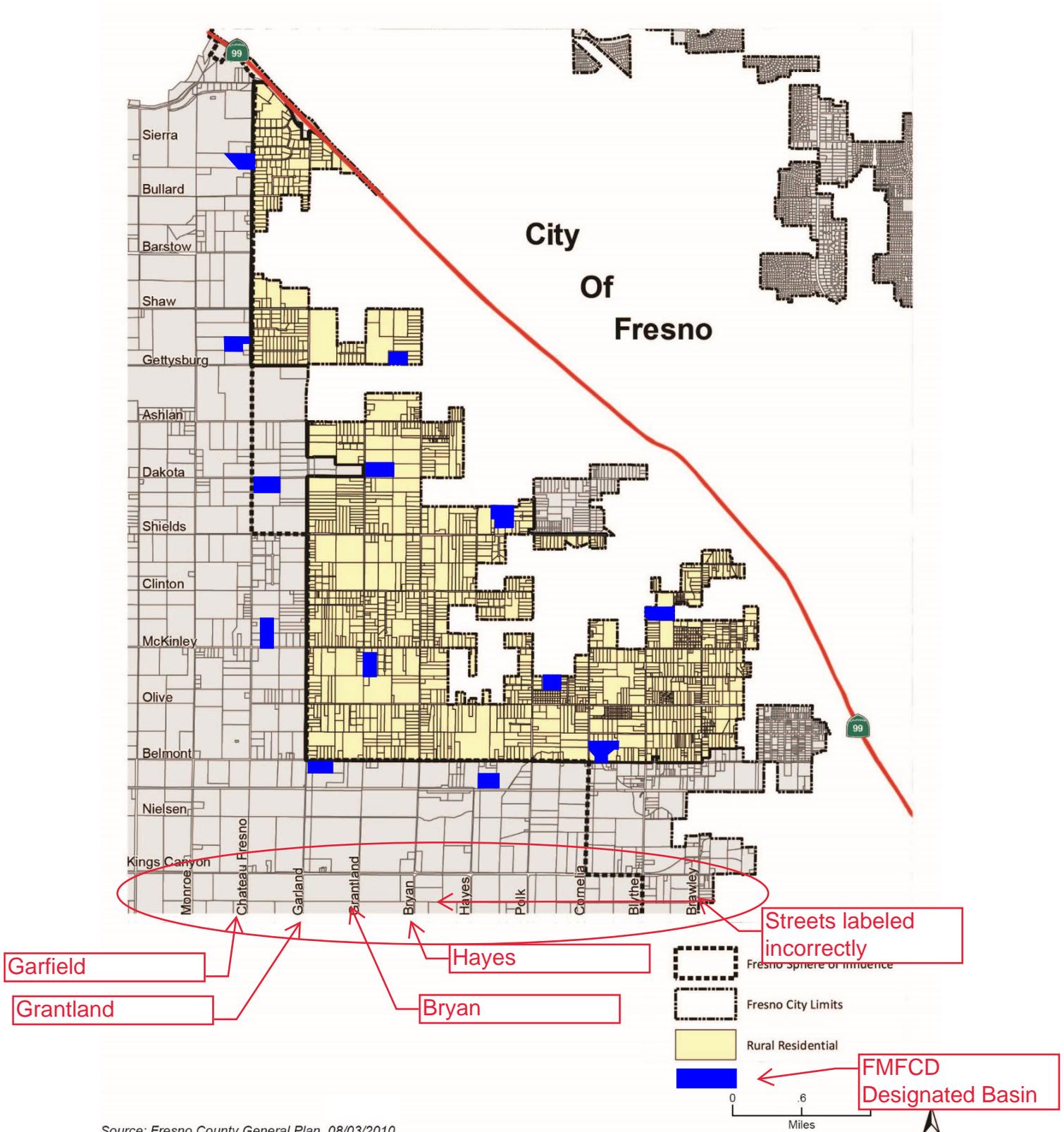
## 1.5 Intended Uses of the EIR

This EIR is an informational document for use in the County’s review and consideration of the proposed General Plan Review and Zoning Ordinance Update. It is to be used to facilitate creation of a General Plan that incorporates environmental considerations and planning principals into a cohesive policy document. The GPR/ZOU will guide subsequent actions taken by the County in its review of new development projects. This EIR discloses the possible environmental consequences associated with the proposed project. The information in this EIR will be used by the Fresno County Board of Supervisors, the Fresno County Planning Commission, the general public, and potentially the trustee and responsible agencies.

The focus of this EIR is to:

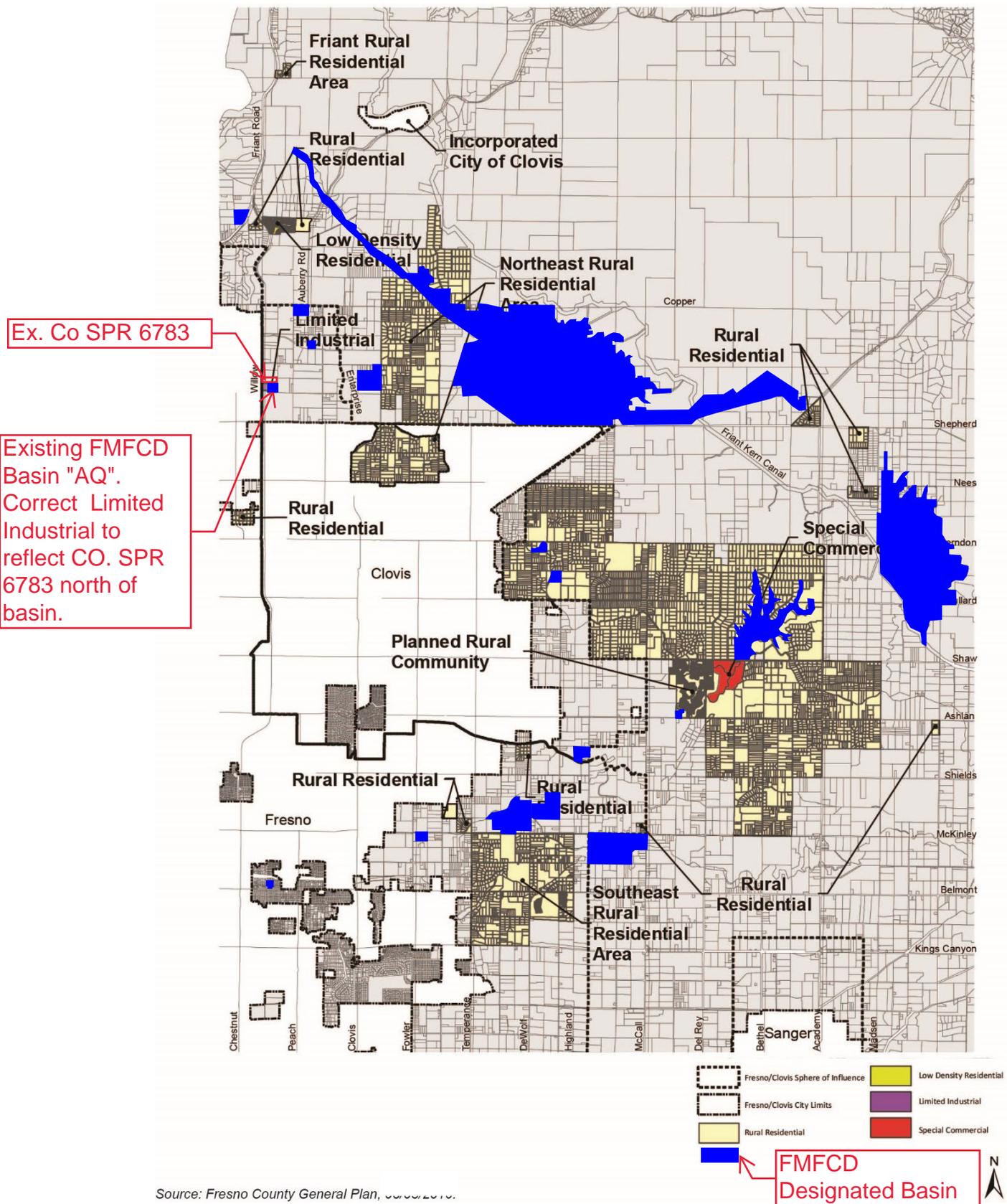
- Provide information about the GPR/ZOU for consideration by the Fresno County Board of Supervisors and Fresno County Planning Commission in their selection of the proposed project, an alternative to the proposed project, or a combination of various chapters from the proposed project and its alternatives, for approval
- Review and evaluate the potentially significant environmental impacts that could occur as a result of the implementation of the GPR/ZOU compared to existing conditions
- Identify feasible mitigation measures that may be incorporated into the proposed project in order to reduce or eliminate potentially significant effects
- Disclose any potential growth-inducing and/or cumulative impacts associated with the proposed project
- Examine a reasonable range of alternatives that could feasibly attain the basic objectives of the proposed project, while eliminating and/or reducing some or all of its potentially significant adverse environmental effects

Figure 2-5 Rural Residential Land Use Diagram



Source: Fresno County General Plan, 08/03/2010.

Figure 2-6 Northeast FCAM Land Use Diagram



- Landslides
2. Result in substantial soil erosion or the loss of topsoil
  3. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse
  4. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property
  5. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater
  6. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature

**Threshold 1:** Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides; or,

**Threshold 3:** Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

**IMPACT GEO-1 NEW DEVELOPMENT ENVISIONED IN THE GENERAL PLAN REVIEW AND ZONING ORDINANCE UPDATE (GPR/ZOU) COULD RESULT IN EXPOSURE OF PEOPLE OR STRUCTURES TO A RISK OF LOSS, INJURY, OR DEATH FROM SEISMIC EVENTS. ADDITIONALLY, DEVELOPMENT UNDER THE GENERAL PLAN HAS THE POTENTIAL TO BE LOCATED ON AN UNSTABLE GEOLOGIC UNIT OR UNSTABLE SOIL, OR SOIL THAT COULD BECOME UNSTABLE AS A RESULT OF THE PROJECT. HOWEVER, ADHERENCE TO THE REQUIREMENTS OF THE CALIFORNIA BUILDING CODE AND IMPLEMENTATION OF THE POLICIES IN THE 2042 GENERAL PLAN WOULD MINIMIZE THE POTENTIAL FOR LOSS, INJURY, OR DEATH FOLLOWING A SEISMIC EVENT, AS WELL AS THE POTENTIAL FOR ON OR OFF-SITE LANDSLIDE, LATERAL SPREADING, SUBSIDENCE, LIQUEFACTION OR COLLAPSE DUE TO UNSTABLE SOILS OR UNSTABLE GEOLOGIC UNITS. IMPACTS WOULD BE LESS THAN SIGNIFICANT LEVEL.**

As discussed above in Subsection 4.6.1, *Setting*, due to the presence of multiple faults within the County, there is the potential for strong ground shaking during a large earthquake along the Nunez or Ortigalita faults in the western part of the Planning Area. The western part of the Planning Area is also at moderate risk for landslides.

Implementation of the proposed GPR/ZOU would facilitate residential and nonresidential development within the Planning Area. The residents and employees of these developments would be potentially exposed to the effects of fault rupture, seismic groundshaking, liquefaction, and landslides from local and regional earthquakes; particularly in the western part of the county, which is more prone to seismic hazards As described in Chapter 2, *Project Description*, the proposed GPR/ZOU includes only minimal changes to the County’s land use designations and will direct growth to existing communities. Increased zoning densities would be introduced in some areas of the western portion of the County and residents may be potentially exposed to seismic hazards. Structures that would be built on unstable soils or unstable geology on steep slopes could be exposed to an existing risk of landslide or if improperly constructed could exacerbate existing landslide conditions or soil instabilities. New structures built under the proposed project could also experience substantial damage during seismic groundshaking events.

would require preparation of drainage plans for development or infrastructure projects in hillside areas to ensure runoff is directed away from unstable slopes.

Implementation of the policies and programs listed above, in addition to compliance with applicable laws and regulations, would minimize the potential for loss, injury, or death following a seismic event or unstable soils and geologic units and would reduce this potential impact to a less than significant level.

### **Mitigation Measures**

No mitigation is required.

### **Significance After Mitigation**

Impacts would be less than significant without mitigation.

**Threshold 2: Would the project result in substantial soil erosion or the loss of topsoil?**

**IMPACT GEO-2 CONSTRUCTION OF NEW DEVELOPMENT ENVISIONED IN THE GPR/ZOU WOULD REQUIRE GROUND DISTURBANCE SUCH AS EXCAVATION AND GRADING THAT WOULD RESULT IN LOOSE OR EXPOSED SOIL. THIS DISTURBED SOIL COULD BE ERODED BY WIND OR DURING A STORM EVENT, WHICH WOULD RESULT IN THE LOSS OF TOPSOIL. COMPLIANCE WITH APPLICABLE REGULATIONS, INCLUDING THE CLEAN WATER ACT, AND IMPLEMENTATION OF THE POLICIES IN THE 2042 GENERAL PLAN WOULD MINIMIZE THE POTENTIAL FOR EROSION AND THE LOSS OF TOPSOIL AND WOULD REDUCE THIS POTENTIAL IMPACT TO A LESS-THAN-SIGNIFICANT LEVEL.**

As discussed above under Subsection 4.6.1, *Setting*, soils in the eastern part of the County have been identified as having moderate to high erosion potential. Many of these soils are located in the Sierra National Forest, Sequoia National Park, or Kings Canyon National Park. In the western part of the county, soils located in the Coastal Range foothills have also been identified as being associated with moderate to severe sheet and gully erosion. Additionally, soils in the western part of the county are particularly susceptible to erosion due to human activity. Development under the GPR/ZOU would involve construction activities such as stockpiling, grading, excavation, paving, and other earth-disturbing activities. Loose and disturbed soils are more prone to erosion and loss of topsoil by wind and water.

Construction activities that disturb one or more acres of land surface are subject to the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2012-0006-DWQ) adopted by the State Water Resources Control Board (SWRCB). Compliance with the permit requires each qualifying development project to file a Notice of Intent with the SWRCB. Permit conditions require development of a storm water pollution prevention plan (SWPPP), which must describe the site, the facility, erosion and sediment controls, runoff water quality monitoring, means of waste disposal, implementation of approved local plans, control of construction sediment and erosion control measures, maintenance responsibilities, and non-storm water management controls. Inspection of construction sites before and after storms is also required to identify storm water discharge from the construction activity and to identify and implement erosion controls, where necessary. Compliance with the Construction General Permit is reinforced through the Fresno County Municipal Code (Chapter 14.24), which requires the development of an erosion and sediment control plan that is equivalent to the required SWPPP.

Update

peak flows or total runoff volume, and to mimic the pre-development site hydrology. These controls may include limits on impervious areas or provisions for detention and retention of runoff on site.

Construction activities, including excavation and trenching, may encounter shallow groundwater. The 2042 General Plan Policy Update includes Policy OS-A.24 to prevent groundwater degradation, stating that the County shall only approve land uses with low risk of degrading groundwater. In the event that shallow groundwater is encountered, dewatering of the excavation or trenching site may be required. If improperly managed, these dewatering activities could result in discharge of contaminated groundwater. In accordance with the Central Valley RWQCB Groundwater General Permit (Order No. 5-00-175; NPDES No. CAG995001), contaminated groundwater would be treated prior to discharge or disposed of at an appropriate disposal facility or wastewater treatment plant, if there is doubt about the ability for continuous compliance with requirements (Central Valley CRWQCB 2000).

USEPA regulations on stormwater discharges, known as Phase I of the NPDES program, prohibit discharges of stormwater to waters of the United States from construction projects that encompass one or more acres of soil disturbance, unless in compliance with an NPDES permit. Phase II of the NPDES program expands the requirements to operators of small municipal separate storm sewer systems (MS4s) in urban areas and small construction sites, requiring NPDES permit coverage and pollution control measures. Discharges to the County's storm water conveyance system that would not be covered by the Phase II General Permit would be required to obtain coverage under an individual NPDES permit or comply with individual Waste Discharge Requirements, as approved by the Central Valley RWQCB.

The General Plan envisions a mix of development types and land uses in the County, such as residential development, commercial development, industrial development, and development of public uses, such as roadways and trails. Generally, during operation, residential land uses do not involve activities with the potential for substantial degradation of water quality or violation of water quality standards. Residential land uses typically involve the use of non-toxic chemicals that are used within the interior of residential buildings and have no potential for discharge to water. Residential development could involve the use of household cleaning products, paint, and gasoline for small motors, such as lawnmowers and leaf blowers. Similarly, depending on the specific business, operation of commercial or retail development could involve the storage and use of petroleum products or other chemicals that could degrade water quality. However, the use and storage of these products would be in conformance with all regulations and legal requirements and would generally be of small quantities. Industrial development and industrial processes could generate pollutants with potential to affect water quality. Likewise, the General Plan envisions the continuation of agriculture in the County, which could also potentially affect water quality from discharges or runoff of chemicals such as fertilizers and pesticides. These chemicals must also be stored, handled, and used in compliance with mandatory CWA, state, and local requirements, reducing the potential for discharge and substantial water quality degradation.

In addition to compliance with mandatory CWA, state, and local requirements, including the Fresno County Code of Ordinances Chapter 14.24, implementation of the proposed General Plan goals and policies would further reduce the potential for water quality degradation (Fresno County 2021). The following goals contain specific policies involved with water quality protection: Goal LU-C describes protections for river environments, surface water, and groundwater; Goal OS-A is "to protect and enhance the water quality and quantity in Fresno County's streams, creeks, and groundwater basins;" Goal PF-C is "to ensure the availability of an adequate and safe water supply for domestic and agricultural consumption;" Goal PF-D is "to ensure adequate wastewater collection and

impacts to groundwater supply would be less than significant, because changes to recharge rates or patterns associated with land use conversions would be effectively managed under the aforementioned policies and practices.

The General Plan would not substantially decrease groundwater supplies, interfere substantially with groundwater recharge, or obstruct implementation of a sustainable groundwater management plan. Potential impacts would be less than significant.

### Mitigation Measures

No mitigation is required.

### Significance After Mitigation

Impacts would be less than significant without mitigation.

**Threshold 3a:** Would the GPR/ZOU substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?

**IMPACT HWQ-3 DEVELOPMENT FACILITATED BY THE GPR/ZOU COULD ALTER THE EXISTING DRAINAGE PATTERNS ON FUTURE DEVELOPMENT SITES AND POTENTIALLY RESULT IN EROSION AND SILTATION. COMPLIANCE WITH APPLICABLE REGULATIONS, INCLUDING THE CLEAN WATER ACT, AND IMPLEMENTATION OF THE GOALS AND POLICIES OF THE 2042 GENERAL PLAN WOULD MINIMIZE THE POTENTIAL FOR EROSION AND SILTATION AND WOULD REDUCE THIS POTENTIAL IMPACT TO A LESS THAN SIGNIFICANT LEVEL.**

Development under the GPR/ZOU would involve construction activities such as stockpiling, grading, excavation, paving, and other earth-disturbing activities. Development would also result in alterations to drainage patterns through structural changes to ground surface permeability and changes in topography from grading and excavation. As described under Impact HWQ-1, construction of future projects could result in soil erosion due to earth-moving activities such as excavation and trenching for foundations and utilities, soil compaction and moving, cut and fill activities, and grading. If not managed properly, disturbed soils would be susceptible to high rates of erosion from wind and rain, resulting in sediment transport and siltation of local streams via storm water runoff from the construction sites.

Construction activities that disturb one or more acres of land surface are subject to the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2012-0006-DWQ) adopted by the State Water Resources Control Board (SWRCB). Compliance with the permit requires each qualifying development project to file a Notice of Intent with the SWRCB. Permit conditions require development of a storm water pollution prevention plan (SWPPP), which must describe the site, the facility, erosion and sediment controls, runoff water quality monitoring, means of waste disposal, implementation of approved local plans, control of construction sediment and erosion control measures, maintenance responsibilities, and non-storm water management controls. Inspection of construction sites before and after storms is also required to identify storm water discharge from the construction activity and to identify and implement erosion controls, where necessary. Compliance with the Construction General Permit is reinforced through the Fresno County Municipal Code (Chapter 14.24), which requires the development of an erosion and sediment control plan that is equivalent to the required SWPPP.

Update

**Threshold 3b:** Would the GPR/ZOU substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

**Threshold 3c:** Would the GPR/ZOU substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

**Threshold 3d:** Would the GPR/ZOU substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would impede or redirect flood flows?

**IMPACT HWQ-4 DEVELOPMENT FACILITATED BY THE GPR/ZOU COULD ALTER THE EXISTING DRAINAGE PATTERNS AND INCREASE THE AMOUNT OF RUNOFF IN SPHERES OF INFLUENCE OF INCORPORATED CITIES AND IN EXISTING UNINCORPORATED COMMUNITIES, WHICH COULD RESULT IN FLOODING ON- OR OFF-SITE, EXCEEDING THE CAPACITY OF EXISTING OR PLANNED STORMWATER DRAINAGE SYSTEMS, OR CREATE SUBSTANTIAL ADDITIONAL SOURCES OF POLLUTED RUNOFF. COMPLIANCE WITH APPLICABLE REGULATIONS AND IMPLEMENTATION OF THE GOALS AND POLICIES OF THE 2042 GENERAL PLAN WOULD MINIMIZE THE POTENTIAL FOR INCREASED RUNOFF AND FLOODING. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT.**

Development facilitated by the GPR/ZOU could incrementally increase the total impervious area, and thus stormwater runoff, in spheres of influence of incorporated cities and in existing unincorporated communities within the County (refer to Section 2, *Project Description*). However, as described above, implementation of the 2042 General Plan's goals and policies and adherence to the requirements of the Clean Water Act would minimize the off-site runoff and pollutant from project sites. **A Portion** encourage infill development and development in areas without prohibitive environmental or resource management concerns, further reducing impacts to drainage.

The majority of the storm drainage systems within unincorporated Fresno County are managed by the Fresno Metropolitan Flood Control District. District facilities include drainage facilities, flood control water courses, and retention basins. A small number of individual communities are served by special districts, which facilitate stormwater through management of retention basins and ditches. Development facilitated by the General Plan could increase stormwater runoff and may require the construction or expansion of stormwater drainage facilities. Should these facilities be required, they would be subject to CEQA review and appropriate environmental mitigation.

As the drainage basin for thousands of watershed acres of Sierra Nevada and Coast Range foothills and mountains, flooding is a natural occurrence in Fresno County. During winter and spring months, heavy rainfall and snowmelt swell the County's river systems. Stormwater is collected and controlled in the gutters, inlets, underground storm drains, retention basins, pumping stations, and open channels managed by the Fresno Metropolitan Flood Control District and the special districts that serve small individual communities. Development will add to the County's impervious surface areas and increase the flow that enters drainage facilities. To reduce the impacts of anticipated

### 4.10.3 Cumulative Impacts

The geographic scope for the cumulative analysis of hydrology and water quality includes the Kings, Madera, Delta-Mendota, Westside, and Pleasant Valley Groundwater Basins, which are all subbasins of the San Joaquin Valley Groundwater Basin, in the San Joaquin River and Tulare Lake Hydrologic Regions. Cumulative development in Fresno County allowable under the Fresno County General Plan would also increase impermeable surfaces, which could increase runoff, exacerbate flooding conditions, and reduce groundwater recharge. The impacts of increased impervious surface (e.g., increased runoff, altered drainage patterns, decreased water quality) would be reduced through adherence to the NPDES General Construction Permit administered by the State Water Resources Control Board (SWRCB). Every construction project that disturbs one or more acres of land surface or that is part of a common plan of development or sale that disturbs more than one acre of land surface would require coverage under the Construction General Permit. For projects less than one acre in size, Fresno County requires the implementation of Countywide BMPs to protect water quality. Compliance with these regulations would reduce impacts to a less than significant level.

The proposed GPR/ZOU would not result in a substantial increase of pollutant discharges to local water sources, alteration of drainage patterns in the project corridor, or otherwise result in a substantial contribution to cumulative impacts, and thus would not be cumulatively considerable.

## 4.14.5 Impact Analysis

### a. Methodology and Significance Thresholds

According to Appendix G of the adopted *CEQA Guidelines*, impacts related to public services and recreation from implementation of General Plan 2035 would be significant if it would:

1. Result in substantial adverse physical impacts associated with the need for or provision of new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other objectives for:
  - a. Fire protection
  - b. Police protection
  - c. Schools
  - d. Parks
  - e. Other public facilities
2. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
3. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Should be 4.10

In terms of Threshold 1(e) regarding impacts on “other public facilities,” such facilities include libraries. Impacts related to libraries are discussed in this section. Impacts related to public stormwater facilities are addressed in Section 4.8, *Hydrology and Water Quality*, and Section 4.17, *Utilities and Service Systems*. Impacts related to public wastewater, water, and solid waste facilities are discussed in Section 4.17, *Utilities and Service Systems*.

### b. Impacts and Mitigation Measures

**Threshold 1a:** Would the GPR/ZOU result in substantial adverse physical impacts associated with the provision of new or physically altered fire facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other objectives?

**IMPACT PS-1 IMPLEMENTATION OF THE GPR/ZOU WOULD ADD NEW POPULATION, GENERATING ADDITIONAL NEED FOR FIRE PROTECTION SERVICES. THE PROPOSED 2042 GENERAL PLAN POLICIES WOULD REDUCE IMPACTS ASSOCIATED WITH THE PROVISION OF FIRE PROTECTION SERVICES, AND NEW FACILITIES WOULD BE LOCATED IN DEVELOPED AREAS. IMPACTS WOULD BE LESS THAN SIGNIFICANT.**

Under the GPR/ZOU buildout, an estimated 24,607 new residents would be added to the Planning area. When added to the 2021 population, the GPR/ZOU would increase unincorporated Fresno County’s total population to an estimated 234,591 residents, an increase of 16.7 percent. Because the population of Fresno County is expected to increase by approximately 16.7 percent, demand for public services such as fire protection would also increase.

Fresno County FPD’s most recent Strategic Plan (2022) identifies the goal of prioritizing, promoting, and providing for the mental and physical health and safety of CAL FIRE/ Fresno County FPD employees and the people served. The Strategic Plan identifies Objective E to evaluate facilities and

statutory deadline.” Specifically, the sustainability goal establishes that the Westside Subbasin will be operated within its sustainable yield by 2040 and maintain sustainability through the entire planning and implementation horizon through 2070. The GSP sets forth active management strategies that may be pursued by the GSA and stakeholders as authorized, as well as enforceable commitments to ensure its efficacy. These strategies include firming up access to more reliable surface water deliveries, conjunctive use, demand management through the adoption of an allocation system, improved efficiencies by transfer/trading, and surface water substitution within subsidence prone areas.

In accordance with description above, and as demonstrated by each of the four subbasins within Fresno County being actively managed under a basin-specific GSP by a DWR-approved GSA (or joint powers authority comprised of multiple GSA groups operating in coordination), groundwater resources throughout Fresno County are actively managed towards the key goal of attaining and maintaining sustainable groundwater conditions.

## **b. Wastewater**

Most of the wastewater collection systems within unincorporated Fresno County serve small communities. Wastewater service within the county is generally provided by special districts, including waterworks districts, community services districts, county service areas, a county sanitation district, and County water districts.

Incorporated areas within Fresno County are served by municipal wastewater collection and treatment systems, with the exception of Fowler, Kingsburg, and Selma, which are served by a joint Selma-Kingsburg-Fowler Sanitation District. Unincorporated areas within the county are served by small community services districts. Although many rural areas of the county rely on individual or community septic systems.

Consider revising  
"Most" to "A  
portion"

## **c. Stormwater Drainage**

Most of the storm drainage systems within the unincorporated areas of Fresno County are managed by the Fresno Metropolitan Flood Control District. District facilities include drainage facilities, flood control water courses, and retention basins. The Fresno Metropolitan Flood Control District services the Fresno and Clovis areas including unincorporated areas stretching east into the Foothills. A small number of individual communities have storm drainage systems serviced by special districts. Drainage services in these areas center on the creation and maintenance of retention basins to collect stormwater.

## **d. Electric Power, Natural Gas, and Telecommunications**

### *Electric Power*

Pacific Gas & Electric (PG&E) provides electrical service to the majority of Fresno County, including all incorporated areas. The Southern California Edison Company serves the northeast area of Fresno County in the communities of Shaver Lake and Big Creek where the company has generating facilities. PG&E’s power system is one of the nation’s largest electric and gas utilities and maintains 106,681 circuit miles of electric distribution lines and 18,466 circuit miles of interconnected transmission lines (PG&E 2022).

### **CORTESE-KNOX-HERTZBERG GOVERNMENTAL REORGANIZATION ACT OF 2000**

The Cortese-Knox-Hertzberg Governmental Reorganization Act of 2000 requires California Local Agency Formation Commission's (LAFCO) to conduct municipal service reviews for specified public agencies under their jurisdiction.

One aspect of municipal service review is to evaluate an agency's ability to provide public services within its ultimate service area. A municipal service review is required before an agency can update its sphere of influence.

### **SMALL COMMUNITY WASTEWATER GRANT PROGRAM**

The small community wastewater grant program (SCWG), funded by Propositions 40 and 50, provides grant assistance for the construction of publicly owned wastewater treatment and collection facilities. Grants are available for small communities with financial hardships. Communities must comply with population restrictions (maximum population of 20,000 people) and annual median household income provisions (maximum income of \$37,994) to qualify for funding under the SCWG Program.

### **TITLE 22 OF CALIFORNIA CODE OF REGULATIONS**

Title 22 regulates the use of reclaimed wastewater. In most cases, only disinfected tertiary water may be used on food crops where the recycled water would come into contact with the edible portion of the crop. Disinfected secondary treatment may be used for food crops where the edible portion is produced above ground and will not come into contact with the secondary effluent. Lesser levels of treatment are required for other types of crops, such as orchards, vineyards, and fiber crops. Standards are also prescribed for the use of treated wastewater for irrigation of parks, playgrounds, landscaping and other non-agricultural irrigation. Regulation of reclaimed water is governed by the nine RWQCBs and CDPH.

### **c. Stormwater Drainage**

#### *Federal Laws and Regulations*

#### **CLEAN WATER ACT**

In 1972, the CWA was amended to provide that the discharge of pollutants to waters of the United States from any point source is unlawful unless the discharge is in compliance with an NPDES permit. The 1987 amendments to the CWA added Section 402(p), which establishes a framework for regulating municipal and industrial stormwater discharges, including discharges associated with construction activities, under the NPDES program.

#### **U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)**

In 1990 EPA published final regulations that establish stormwater permit application requirements.

The regulations, also known as Phase I of the NPDES program, provide that discharges of stormwater to waters of the United States from construction projects that encompass one or more acres of soil disturbance are effectively prohibited unless the discharge complies with an NPDES permit. Phase II of the NPDES program expands the requirements by requiring operators of small MS4s in urbanized areas and small construction sites to be covered under an NPDES permit, and to implement programs and practices to control polluted stormwater runoff

### *State Laws and Regulations*

State Water Resources Control Board (SWRCB). In California, the NPDES stormwater permitting program is administered by the SWRCB. The SWRCB has established a construction General Permit that can be applied to most construction activities in the State. Construction permittees may choose to obtain individual NPDES permits instead of obtaining coverage under the General Permit, but this can be an expensive and complicated process, and its use is generally limited to very large construction projects that discharge to critical receiving waters. In California, owners of construction projects may obtain NPDES permit coverage by filing a Notice of Intent (NOI) to be covered under the SWRCB Order No. 99-08-DWQ, NPDES General Permit No. CAS00002, WDRs for Discharges of Storm Water Runoff Associated with Construction Activity (General Permit) and subsequent adopted modification.

Update

## **d. Electric Power, Natural Gas, and Telecommunications**

### *Federal Laws and Regulations*

#### **FEDERAL ENERGY REGULATORY COMMISSION (FERC)**

FERC is an independent agency that regulates the interstate transmission of electricity, natural gas, and oil. FERC also reviews proposals to build liquefied natural gas (LNG) terminals and interstate natural gas pipelines, as well as licensing hydropower projects. Licensing of hydroelectric facilities under the authority of FERC includes input from State and Federal energy, environmental protection, fish and wildlife, and water quality agencies. The California Energy Commission's Systems Assessment and Facilities Siting Division provides coordination with FERC to ensure that needed energy facilities are authorized in an expeditious, safe, and environmentally acceptable manner.

### *State Laws and Regulations*

#### **CALIFORNIA ENERGY COMMISSION (CEC)**

The CEC is California's primary energy policy and planning agency. Created by the California Legislature in 1974, the CEC has five major responsibilities: 1) forecasting future energy needs and keeping historical energy data; 2) licensing thermal power plants 50 MW or larger; 3) promoting energy efficiency through appliance and building standards; 4) developing energy technologies and supporting renewable energy; and 5) planning for and directing State response to energy emergencies. Under the requirements of the California Public Resources Code, the CEC in conjunction with the California Department of Conservation (DOC) Division of Oil, Gas, and Geothermal Resources is required to assess electricity and natural gas resources on an annual basis or as necessary.

#### **CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC)**

The CPUC is a State agency created by a constitutional amendment to regulate privately-owned utilities providing telecommunications, electric, natural gas, water, railroad, rail transit, and passenger transportation services, and in-State moving companies. The CPUC is responsible for assuring that California utility customers have safe, reliable utility services at reasonable rates, while protecting utility customers from fraud. The CPUC regulates the planning and approval for the

| Goal or Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Effects Related to Wastewater Treatment Facilities                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Policy PF-D.2: Wastewater Treatment Facility Operation.</b><br/>                     The County shall require that any new community sewer and wastewater treatment facilities serving residential subdivisions be owned and maintained by a County Service Area or other public entity or entity governed by the California Public Utilities Commission and approved by the County.</p>                                                                            | <p>Ensures that new wastewater treatment facilities serving residential subdivisions are owned and maintained by an entity governed by the California Public Utilities Commission and approved by the County.</p>            |
| <p><b>Policy PF-D.4: Available Wastewater Treatment Capacity.</b><br/>                     The County shall limit the expansion of unincorporated, urban density communities to areas where community wastewater treatment facilities can be provided.</p>                                                                                                                                                                                                                | <p>Limits the expansion of unincorporated, urban density communities where existing or planned wastewater treatment infrastructure and facilities are not available or feasible.</p>                                         |
| <p><b>Policy PF-D.5: Reduced Wastewater System Demand.</b> The County shall promote efficient water use and reduced wastewater system demand by:</p> <ul style="list-style-type: none"> <li>a. Requiring water conserving design and equipment in new construction;</li> <li>b. Encouraging retrofitting with water conserving devices; and</li> <li>c. Designing wastewater systems to minimize inflow and infiltration, to the extent economically feasible.</li> </ul> | <p>Supports efficient water use and reduced wastewater system demand by encouraging retrofitting and effective design.</p>                                                                                                   |
| <p><b>Policy PF-D.6: On-site Sewage Disposal Systems.</b> The County shall permit individual on-site sewage disposal systems on parcels that have the area, soils, and other characteristics that permit installation of such disposal facilities without threatening surface or groundwater quality or posing any other health hazards and where community sewer service is not available and cannot be provided.</p>                                                    | <p>Allows for on-site sewage disposal systems where such facilities would not threaten surface or groundwater quality or pose health hazards, and where community sewer service is not available and cannot be provided.</p> |
| <p><b>Policy PF-D.7: Sewer Master Plans.</b> The County shall require preparation of sewer master plans for wastewater treatment facilities for areas experiencing urban growth.</p>                                                                                                                                                                                                                                                                                      | <p>Requires preparation of sewer master plans for wastewater treatment facilities specifically in areas experiencing growth.</p>                                                                                             |

The policy analysis in Table 4.17-2 demonstrates that with the goals and policies of the 2042 General Plan, wastewater infrastructure associated with future development under the GPR/ZOU would be appropriately planned for and accommodated. However, as discussed above this table, wastewater treatment needs associated with currently projected population growth were not accounted for in the size and capacity of existing facilities, particularly the community-based systems throughout unincorporated Fresno County. Therefore, depending upon the location of future population growth, substantial new or expanded wastewater treatment facilities may be required, and potential environmental impacts would be significant and unavoidable.

(Fresno and Clovis metropolitan areas)

**STORMWATER DRAINAGE FACILITIES**

Stormwater drainage facilities within the unincorporated areas of Fresno County are managed by the Fresno Metropolitan Flood Control District, and generally consist of channels and control features to guide the flow of stormwater runoff, stormwater detention basins to slow flow velocity and control discharge, and related facilities to guide surface flows through and around development areas, to avoid or minimize potentially adverse impacts. Some small communities in unincorporated Fresno County have stormwater drainage systems serviced by special districts. These systems are typically designed and developed on an as-needed basis, and are tied to specific land uses and land use cover types. As such, stormwater drainage facilities associated with future growth would be

Finally, the increase in population facilitated by Alternative 2 would result in an increased demand for parks and recreation facilities and would potentially create the need for new parks and recreation facilities. Construction of these facilities would be guided by policies of the 2042 General Plan that protect the environment. Similar to the proposed GPR/ZOU, impacts to parks and recreational facilities would be less than significant under this alternative. Overall, impacts to fire and police protection services would be reduced, and impacts to schools, libraries, and parks and recreational facilities would be similar compared to the proposed GPR/ZOU.

**o. Transportation**

Alternative 2 would involve increasing density within the SOI of the City of Fresno. Denser growth near existing urban centers would increase Alternative 2’s consistency with the California Transportation Plan, the FCOG 2018-2042 RTP/SCS, the Fresno County 2018 Active Transportation Plan, and the Fresno County 2021 Regional Trails Plan as transit service and connectivity would be improved under a denser land use pattern. Therefore, Alternative 2 would be consistent with applicable, programs, plans, ordinances, and policies addressing the circulation system, and impacts would be reduced compared to the proposed GPR/ZOU.

Because Alternative 2 would facilitate denser residential growth, VMT per capita is expected to decrease as residents would be located closer to existing transit and services. Under the proposed GPR/ZOU, estimated 2042 VMT per capita would be approximately 14.4, just above the significance threshold of 14.0. Alternative 2 would increase the allowable density within the City of Fresno SOI, which would locate residents closer to existing services, reducing overall trip lengths compared to more rural areas of the county, and thus would reduce VMT per capita; accordingly, VMT per capita would likely be reduced below the significance threshold, and impacts would not be significant and unavoidable under this alternative. Impacts would be less than significant and reduced under Alternative 2.

Similar to the proposed GPR/ZOU, Alternative 2 would include goals and policies that would aim to make roadways safer and to increase emergency access and efficient emergency evacuation. Impacts related to these factors would remain less than significant. Overall, transportation impacts would be reduced under Alternative 2 compared to the proposed GPR/ZOU.

**p. Tribal Cultural Resources**

Because Alternative 2 would result in denser development near an existing incorporated city, development facilitated by this alternative would likely occur in previously disturbed areas. Therefore, Alternative 2 has less potential to disturb previously undisturbed tribal cultural resources, and impacts would be reduced. However, there is always potential for disturbance to occur; compliance with existing regulations and implementation of 2042 General Plan policies would reduce impacts to unanticipated discovery of human remains but impacts would remain significant and unavoidable.

Add stormwater drainage

**q. Utilities and Service Systems**

Similar to the proposed GPR/ZOU, Alternative 2 would facilitate population growth in Fresno County, which would result in increased demand for water, wastewater collection and treatment, electric power and natural gas, and telecommunications facilities. Depending on the timing of development facilitated by this alternative, it may become necessary to construct new or expanded utility facilities, which could result in significant impacts to the environment. However, development facilitated by Alternative 2 would comply with applicable 2042 General Plan policies to ensure that

stormwater  
drainage

adequate infrastructure is available to serve future development, similar to the proposed GPR/ZOU. Because Alternative 2 would facilitate increased development in a city SOI area, future development would be served by existing water, wastewater, electric power and natural gas, and telecommunications facilities; therefore, the need for new or expanded facilities would be reduced and impacts would be reduced compared to the proposed GPR/ZOU. However, similar to the proposed GPR/ZOU, Alternative 2 would result in a significant increase in water demand that may not be adequately served by Fresno County's projected and reasonably available water supplies. While development facilitated by this alternative would likely be served by existing water infrastructure, water demand would still increase, and impacts would remain significant and unavoidable.

Finally, similar to the GPR/ZOU, development facilitated by this alternative would result in an increased amount of wastewater and solid waste compared to existing and projected baseline conditions. This alternative would facilitate the same growth anticipated under the proposed GPR/ZOU and would further direct development toward existing an urban unincorporated community. Similar to the proposed project, existing wastewater treatment facilities are sufficient to accommodate planned development, and landfills serving Fresno County have adequate capacity to accept additional waste. Compliance with 2042 General Plan policies and solid waste reduction legislations would reduce the amount of additional waste generated. Therefore, impacts related to solid waste would remain less than significant. Overall, impacts related to existing utility facilities would be reduced, and impacts related to water demand and solid waste would be similar compared to the proposed GPR/ZOU.

#### r. Wildfire

The proposed GPR/ZOU would direct growth toward urban areas where wildfire risk is low and does not envision substantial development in Very High Fire Hazard Severity Zones located in State Responsibility Areas, as designated by CAL FIRE. Alternative 2 would further facilitate development near an existing urban community by allowing increased density in the City of Fresno SOI. In addition to implementation of 2042 General Plan policies, Alternative 2 would result in reduced impacts related to emergency response plans. Most development facilitated by the proposed GPR/ZOU and this alternative would be located outside of Moderate to Very High Fire Hazard Severity Zones, and with mitigation to address the potential to exacerbate wildfire risks, impacts would be less than significant. Alternative 2 would further facilitate growth in areas already served by existing infrastructure, roads, and fire protection facilities. As a result, impacts related to the installation or maintenance of associated infrastructure would be reduced compared to the proposed GPR/ZOU, and impacts would remain less than significant. Finally, Alternative 2 would involve denser development in generally flat, developed areas within the City of Fresno, where risk of flooding or landslides is lower than undeveloped areas. As a result, impacts would be reduced compared to the proposed GPR/ZOU and impacts related to post-fire slope instability would remain less than significant. Overall, impacts would be reduced compared to the proposed GPR/ZOU, but impacts would remain significant and unavoidable.

Similar to the proposed GPR/ZOU, Alternative 3 would include goals and policies that would aim to make roadways safer and to increase emergency access and efficient emergency evacuation. Impacts related to these factors would remain less than significant. Overall, transportation impacts would be reduced under Alternative 3 compared to the proposed GPR/ZOU and would be less than significant.

#### p. Tribal Cultural Resources

Because Alternative 3 would result in substantially denser rural residential development near existing incorporated cities of Fresno and Clovis and in the Community Plan Areas, development facilitated by this alternative would likely occur in previously disturbed areas. Therefore, Alternative 3 has less potential to disturb previously undisturbed tribal cultural resources, and impacts would be reduced. However, there is always potential for disturbance to existing regulations and implementation of 2042 General Plan policies with unanticipated discovery of human remains, but impacts would remain significant and unavoidable.

#### q. Utilities and Service Systems

Similar to the proposed GPR/ZOU, Alternative 3 would facilitate population growth in Fresno County, which would result in increased demand for water, wastewater collection and treatment, electric power and natural gas, and telecommunications facilities. Depending on the timing of development facilitated by this alternative, it may become necessary to construct new or expanded utility facilities, which could result in significant impacts to the environment. However, development facilitated by Alternative 3 would comply with applicable 2042 General Plan policies to ensure that adequate infrastructure for future development, similar to the proposed GPR/ZOU. Because Alternative 3 would facilitate development in rural areas within the SOIs of Fresno and Clovis and in the Community Plan Areas, future development in these areas would be served by existing water, wastewater, electric power and natural gas, and telecommunications facilities; therefore, the need for new or expanded facilities would be reduced and impacts would be reduced compared to the proposed GPR/ZOU. However, similar to the proposed GPR/ZOU, Alternative 3 would result in a significant increase in water demand that may not be adequately served by Fresno County's projected and reasonably available water supplies. While development facilitated by this alternative would likely be served by existing water infrastructure, water demand would still increase and impacts would remain significant and unavoidable.

Finally, similar to the GPR/ZOU, development facilitated by this alternative would increase the amount of solid waste sent to area landfills and the amount of wastewater directed toward existing wastewater treatment facilities. Landfills serving Fresno County have adequate capacity to accept additional waste, and compliance with 2042 General Plan policies and solid waste reduction legislations would reduce the amount of additional waste generated. Wastewater treatment facilities have sufficient capacity to accommodate planned development. Therefore, impacts related to solid waste would remain less than significant. Overall, impacts related to existing utility facilities would be reduced and impacts related to water demand and solid waste would be similar compared to the proposed GPR/ZOU.

#### r. Wildfire

The proposed GPR/ZOU would direct growth toward urban areas where wildfire risk is low, and does not envision substantial development in Very High Fire Hazard Severity Zones located in State Responsibility Areas, as designated by CAL FIRE. Alternative 3 would further facilitate development

| Existing and Planned Programs, Plans, and Policies                                                               | Objectives                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| County of Fresno, Affordable Housing Programs Drought Water Shortage and Drought Assistance (Fresno County 2022) | The County’s Affordable Housing Program provide financial assistance to residents of unincorporated areas of the county who are experiencing water shortages.                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Fresno Metropolitan Flood Control District Flood Control Program (Fresno County Flood Control District 2022)     | The Fresno Metropolitan Flood Control District manages storm flows in Fresno County through dams, reservoirs, channels, and streams in order to minimize severe flooding. Climate change is not specifically acknowledged on the program pamphlet.                                                                                                                                                                                                                                                                                                                                                    |
| Fresno Metropolitan Flood Control District Rural Streams Program (Fresno County Flood Control District 2022)     | The Fresno Metropolitan Flood Control District’s Rural Streams Program preserves, restores, and maintains channels in the eastern portion of the district’s management areas to minimize severe storm flows. Climate change is not specifically acknowledged on the program webpage.                                                                                                                                                                                                                                                                                                                  |
| Groundwater Sustainability Plans (Kings, Delta-Mendota, and Westside subbasins) (Fresno County 2022)             | The California Department of Water Resources (DWR) designated the Kings, Delta-Mendota, and Westside subbasins as high-risk areas, therefore requiring a Groundwater Sustainability Agency (GSA) to be identified for each subbasin and that each subbasin implement a Groundwater Sustainability Plan. The Groundwater Sustainability Plans for each subbasin (GSP) detail strategies to increase groundwater recharge capacity and drought resilience. The GSPs acknowledge future changing climate conditions as they outline strategies for ensuring groundwater supplies be sustainable by 2040. |

Include: the Fresno/Clovis Metropolitan area within

Capitalize D

flooding and safely convey storm flows.

**Wildfires, Landslides, and Air Quality**

Table 8 lists programs, plans, and policies that help increase the community’s resilience to wildfires, landslides, and air quality.

**Table 8 Programs, Plans, and Policies to Manage Wildfire Impacts**

| Existing and Planned Programs, Plans, and Policies                                      | Objectives                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Fresno County SRA Fire Safe Regulations (Fresno County Fire Protection District 2022)   | Fresno County requires new construction located within State Responsibility Areas (SRA) to meet minimum uniform standards for emergency access, perimeter wildfire protection measures, private water supply reserves for emergency fire use, signing and building numbering, and vegetation modifications.                                                                                                                                                                                                                                                                                                                                          |
| Fresno County Sheriff’s Office Evacuation Guidelines for Residents (Fresno County 2022) | The Fresno County Sheriff’s Office hosts a website which provides wildfire safety recommendations and evacuation guidelines for the residents of Fresno County.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Highway 168 Fire Safe Council (Highway 168 Fire Safe Council 2022)                      | The Highway 168 Fire Safe Council is a non-profit group serving the eastern rural Fresno County unincorporated communities of Friant, Prather, Tollhouse, Auberry, Big Sandy, Meadow Lakes, Pine Ridge, Shaver Lake, Big Creek, and Huntington Lake. The group runs several programs aimed at mitigating wildfire risk, including the Shaver West Fuel Break Project, Beal Fuel Break Project, Sugarloaf Fuel Break Project and community education and outreach efforts. The Highway 168 Fire Council provides older adults and disabled residents with assistance to maintain their defensible space and reduce wildfire risk on their properties. |

## Letter 26

**COMMENTER:** Denise Wade, Master Plan and Special Projects Manager, Fresno Metropolitan Flood Control District (FMFCD)

**DATE:** June 27, 2023

### Response 26.1

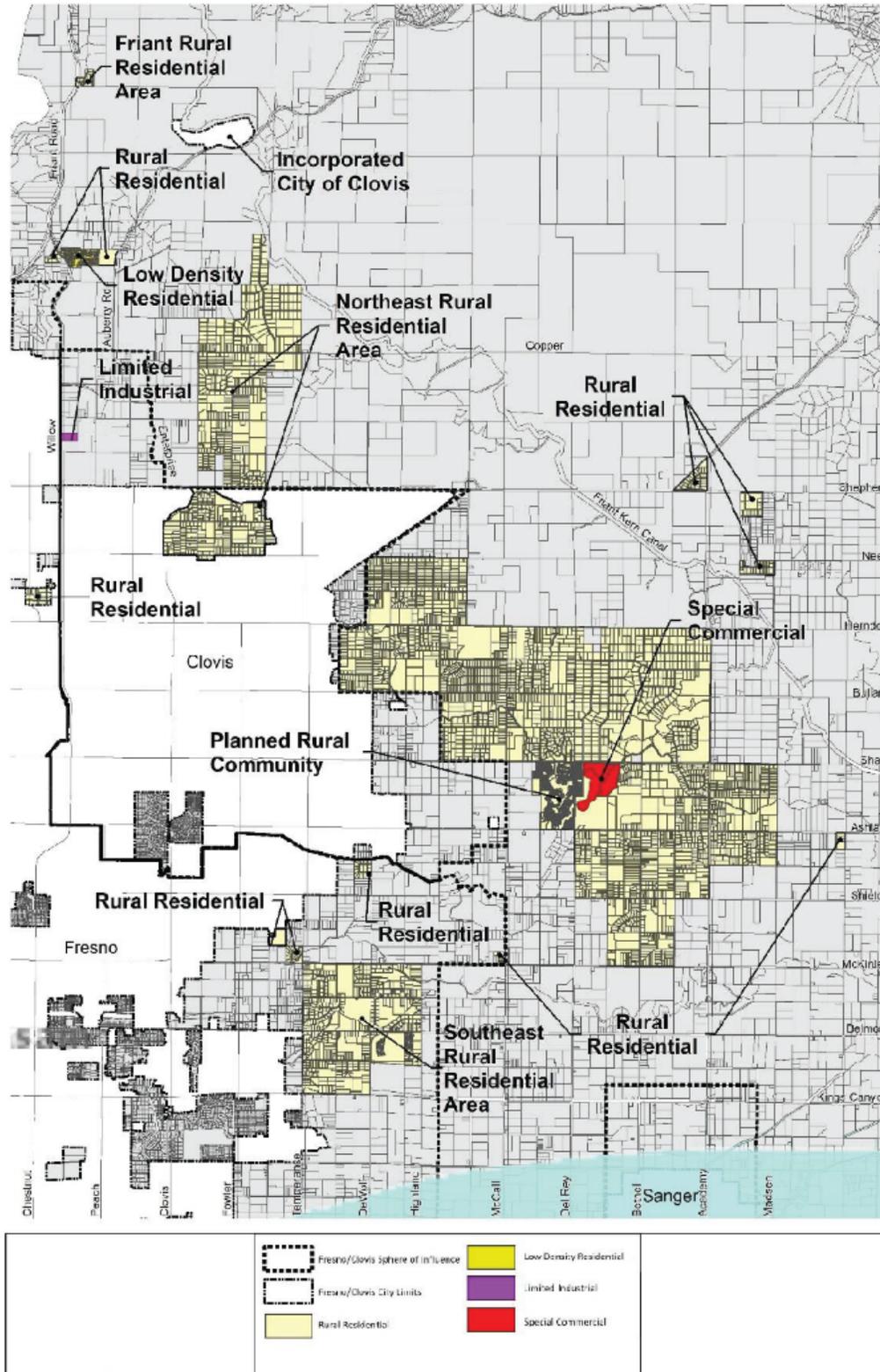
*The commenter requests that the Fresno Metropolitan Flood Control District (FMFCD) is added as “any other public agencies” on page 1-20 of the Draft EIR. The commenter recommends that FMFCD designated basins be added to Figure 2-5 on page 2-9 and Figure 2-6 on page 2-10. The commenter states that the Limited Industrial designation is located on existing on an existing FMFCD basin location and asks that the designation north of the existing FMFCD basin be moved on Figure 2-6 on page 2-10.*

Page 1-20 of the Draft EIR has been revised with the following to add FMFCD as a public agency (changes shown in ~~strikeout~~/underline):

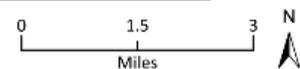
- Although there are no responsible agencies under CEQA with respect to adoption of the proposed project, several other agencies may have review or approval authority over aspects of projects that could potentially be implemented in accordance with various goals and policies included in the General Plan. These agencies and their roles are listed below.
- The State Geologist is responsible for the review of the County’s program for minimizing exposure to geologic hazards and for regulating surface mining activities.
- The California Department of Transportation (Caltrans) has responsibility for approving future improvements to the State highway system, including Highway 99 and Interstate 5.
- The California Department of Fish and Wildlife (CDFW) has responsibility for issuing take permits and streambed alteration agreements for any projects with the potential to affect plant or animal species listed by the State of California as rare, threatened, or endangered or that would disturb waters of the State.
- Any other public agencies, such as: Fresno County Fire Protection District, Fresno Irrigation District, Fresno Unified School District, Fresno Local Agency Formation Commission, Airport Land Use Commission of Fresno County, Central Valley Regional Water Quality Control Board, San Joaquin Valley Air Quality Management District, Army Corps of Engineers, Department of Water Resources, Fresno Metropolitan Flood Control District, and California Department of Housing and Community Development.

Regarding Figure 2-5 and Figure 2-6, flood basins are not required to be included in the Rural Residential Land Use Diagram or the Northeast Fresno County Municipal Area Land Use Diagram.

In response to the commenter’s correction, Figure 2-6 in the EIR has been replaced with the following figure.



Source: Fresno County General Plan, 10/3/2000.



## Response 26.2

*The commenter asks that a significance threshold and the name of the Construction General Permit be edited in Section 4.7.*

The language regarding “substantial soil erosion” is taken from Appendix G to the *CEQA Guidelines*. While the more technical equation and threshold suggested by the commenter may provide more specific information, it is not necessary for the EIR to include. As stated in Section 4.7, impacts relating to erosion would be less than significant.

Page 4.7-16 of the Draft EIR has been revised to correct the name of the Construction General Permit (changes shown in ~~strikeout~~/underline):

Construction activities that disturb one or more acres of land surface are subject to the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. ~~2012-0006~~2022-0057-DWQ/NPDES NO CAS000002) adopted by the State Water Resources Control Board (SWRCB).

## Response 26.3

*The commenter requests changes in Section 4.10, Hydrology and Water Quality, regarding an expanded discussion of the NPDES program, edits to the Construction General Permit name, minor typographic edits, and changes to the analysis.*

Page 4.10-8 of the Draft EIR has been revised with the following (changes shown in ~~strikeout~~/underline):

USEPA regulations on stormwater discharges, known as Phase I of the NPDES program, regulate municipal and industrial sources of pollution, and prohibit discharges of stormwater to waters of the United States from construction projects that encompass one or more acres of soil disturbance, unless in compliance with an NPDES permit.

Page 4.10-11 of the Draft EIR has been revised with the following (changes shown in ~~strikeout~~/underline):

Construction activities that disturb one or more acres of land surface are subject to the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. ~~2012-0006~~2022-0057-DWQ) adopted by the State Water Resources Control Board (SWRCB).

Page 4.10-13 of the Draft EIR has been revised with the following (changes shown in ~~strikeout~~/underline):

A portion~~The majority~~ of the storm drainage systems within unincorporated Fresno County are managed by the Fresno Metropolitan Flood Control District.

Page 4.10-16 of the Draft EIR has been revised with the following (changes shown in ~~strikeout~~/underline):

The geographic scope for the cumulative analysis of hydrology and water quality includes the Kings, Madera, Delta-Mendota, Westside, and Pleasant Valley Groundwater Basins, which are all subbasins of the San Joaquin Valley Groundwater Basin, in the San Joaquin River and Tulare Lake Hydrologic Regions. Cumulative development in Fresno County allowable under the Fresno County General Plan would also increase impermeable surfaces, which could increase runoff,

exacerbate flooding conditions, and reduce groundwater recharge. The impacts of increased impervious surface (e.g., increased runoff, altered drainage patterns, decreased water quality) would be reduced through adherence to the NPDES General Construction Permit administered by the State Water Resources Control Board (SWRCB). Every construction project that disturbs one or more acres of land surface or that is part of a common plan of development or sale that disturbs more than one acre of land surface would require coverage under the Construction General Permit. For projects less than one acre in size, Fresno County requires the implementation of Countywide BMPs to protect water quality. The Construction General Permit reduces impacts of land disturbance activities during construction and may not cover post-construction requirements. Compliance with the Clean Water Act would minimize post-construction runoff and maximize infiltration of stormwater, thus minimizing the potential impact of drainage pattern alteration from new development. Compliance with these regulations would reduce impacts to a less than significant level.

Page 4.14-16 of the Draft EIR has been revised with the following correction (changes shown in ~~strikeout~~/underline):

In terms of Threshold 1(e) regarding impacts on “other public facilities,” such facilities include libraries. Impacts related to libraries are discussed in this section. Impacts related to public stormwater facilities are addressed in Section 4.10~~8~~, Hydrology and Water Quality, and Section 4.17, Utilities and Service Systems. Impacts related to public wastewater, water, and solid waste facilities are discussed in Section 4.17, Utilities and Service Systems.

#### Response 26.4

*The commenter asks that Section 4.17 and Appendix C [of the General Plan Policy Document] be edited to add additional context or for small typographic changes.*

Page 4.17-4 of the Draft EIR has been revised with the following (changes shown in ~~strikeout~~/underline):

A portion~~Most~~ of the storm drainage systems within the unincorporated areas of Fresno County are managed by the Fresno Metropolitan Flood Control District. District facilities include drainage facilities, flood control water courses, and retention basins. The Fresno Metropolitan Flood Control District services the Fresno and Clovis areas including unincorporated areas stretching east into the Foothills.

Page 4.17-11 of the Draft EIR has been revised with the following (changes shown in ~~strikeout~~/underline):

The regulations, also known as Phase I of the NPDES program, provide that discharges of stormwater to waters of the United States from construction projects that encompass one or more acres of soil disturbance are effectively prohibited unless the discharge complies with an NPDES permit; it also covers municipal discharges as allowed under the municipal stormwater discharge permit.

Page 4.17-12 of the Draft EIR has been revised with the following (changes shown in ~~strikeout~~/underline):

In California, owners of construction projects may obtain NPDES permit coverage by filing a Notice of Intent (NOI) to be covered under the SWRCB Order No. ~~99-08~~2022-0057 Order No. 99-08-DWQ, NPDES General Permit No. CAS00002, WDRs for Discharges of Storm Water Runoff Associated with Construction Activity (General Permit) and subsequent adopted modification.

Page 4.17-18 of the Draft EIR has been revised with the following (changes shown in ~~strikeout~~/underline):

Stormwater drainage facilities within the unincorporated areas of the ~~Fresno County and Clovis metropolitan areas~~ are managed by the Fresno Metropolitan Flood Control District, and generally consist of channels and control features to guide the flow of stormwater runoff, stormwater detention basins to slow flow velocity and control discharge, and related facilities to guide surface flows through and around development areas, to avoid or minimize potentially adverse impacts.

Page 6-11 and 6-12 of the Draft EIR has been revised with the following (changes shown in ~~strikeout~~/underline):

Similar to the proposed GPR/ZOU, Alternative 2 would facilitate population growth in Fresno County, which would result in increased demand for water, stormwater drainage, wastewater collection and treatment, electric power and natural gas, and telecommunications facilities. Depending on the timing of development facilitated by this alternative, it may become necessary to construct new or expanded utility facilities, which could result in significant impacts to the environment. However, development facilitated by Alternative 2 would comply with applicable 2042 General Plan policies to ensure that adequate infrastructure is available to serve future development, similar to the proposed GPR/ZOU. Because Alternative 2 would facilitate increased development in a city SOI area, future development would be served by existing water, stormwater drainage, wastewater, electric power and natural gas, and telecommunications facilities; therefore, the need for new or expanded facilities would be reduced and impacts would be reduced compared to the proposed GPR/ZOU. However, similar to the proposed GPR/ZOU, Alternative 2 would result in a significant increase in water demand that may not be adequately served by Fresno County's projected and reasonably available water supplies. While development facilitated by this alternative would likely be served by existing water infrastructure, water demand would still increase, and impacts would remain significant and unavoidable.

Page 6-20

Similar to the proposed GPR/ZOU, Alternative 3 would facilitate population growth in Fresno County, which would result in increased demand for water, stormwater drainage, wastewater collection and treatment, electric power and natural gas, and telecommunications facilities. Depending on the timing of development facilitated by this alternative, it may become necessary to construct new or expanded utility facilities, which could result in significant impacts to the environment. However, development facilitated by Alternative 3 would comply with applicable 2042 General Plan policies to ensure that adequate infrastructure is available to serve future development, similar to the proposed GPR/ZOU. Because Alternative 3 would facilitate increased development in ~~€~~ areas within the SOIs of Fresno and Clovis and in the

Community Plan Areas, future development in these areas would be served by existing water, wastewater, electric power and natural gas, and telecommunications facilities; therefore, the need for new or expanded facilities would be reduced and impacts would be reduced compared to the proposed GPR/ZOU. However, similar to the proposed GPR/ZOU, Alternative3 would result in a significant increase in water demand that may not be adequately served by Fresno County's projected and reasonably available water supplies. While development facilitated by this alternative would likely be served by existing water infrastructure, water demand would still increase and impacts would remain significant and unavoidable.

Regarding revisions to Page C-95 of the 2023 Draft Policy Document, Appendix C has been revised with the following (changes shown in ~~strikeout~~/underline):

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|                                                                                                              |                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Fresno Metropolitan Flood Control District Flood Control Program (Fresno County Flood Control District 2022) | The Fresno Metropolitan Flood Control District's Flood Control Program manages storm flows in <u>the Fresno/Clovis Metropolitan area with</u> Fresno County through a planned system of dams, reservoirs, channels, and streams in order to minimize severe flooding. Climate change is not specifically acknowledged on the program pamphlet. |
| Fresno Metropolitan Flood Control District Rural Streams Program (Fresno County Flood Control District 2022) | The Fresno Metropolitan Flood Control District's Rural Streams Program preserves, restores, and maintains channels in the eastern portion of the District's management areas to minimize severe <u>flooding and safely convey</u> storm flows. Climate change is not specifically acknowledged on the program webpage.                         |

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These changes do not alter the findings or analysis in the DEIR and do not result in a new or substantial increase in any environmental impacts compared to the DEIR.

## Response 26.5

*The commenter suggests that the Storm Water Quality Management Plan (SWQMP) should be incorporated by reference in the Draft PEIR and implemented via updated County Policies. The commenter suggests that in order to reduce impacts to less than significant, the County should consider mitigation measures that support the expansion of the District boundary to mitigate the negative effects of runoff. The commenter requests a Statement of Legal Authority and states that an updated FMFCD and County of Fresno's Memorandum of Understanding (MOU) is required to implement provisions of the SWQMP.*

Regarding expansion of the district boundary, the EIR reflects that these impacts were determined to be less than significant and so no mitigation was required, however, this comment has been passed on to decision makers for review.

An MOU was approved July 28, 1998, providing the County with legal authority to implement the requirements of the NPDES permit within the geographic boundaries of the permit.

The request for an updated FMFCD and County of Fresno MOU is outside the scope of the GPR/ZOU and can be addressed separately under existing County processes for coordination with FMFCD. This comment does not pertain to the analysis or conclusions of the Draft EIR. This comment has been noted.

Page 4.10-3 of the Draft EIR has been revised with the following to incorporate the SWQMP (changes shown in ~~strikeout~~/underline):

The Fresno Metropolitan Flood Control District (FMFCD) is responsible for managing urban stormwater runoff within the greater Fresno/Clovis Metropolitan area. Its local urban system for stormwater drainage consists of storm drains, detention and retention basins, and pump stations. The system is designed to retain and infiltrate as much stormwater and urban runoff as possible. FMFCD's Storm Drainage and Flood Control Master Plan (Master Plan) includes 165 drainage areas, each providing service to approximately one to two square miles. All but five of the developed drainage areas are served by a retention or detention facility.

Urban storm water discharges are regulated by Section 402(p) of the federal Clean Water Act. The City of Fresno, FMFCD, the County of Fresno, the City of Clovis, and the California State University, Fresno are currently covered as Co-Permittees for Municipal Separate Storm Sewer System (MS4) discharges through National Pollutant Discharge Elimination System (NPDES) General Order No. R5-2016-0040 and NPDES Permit No. CAS0085324 (Storm Water Permit) effective May 17, 2018. To implement the Storm Water Permit the Co-Permittees adopted a Storm Water Quality Management Plan (SWQMP) that describes permit implementation and CoPermittee responsibilities. The current SWQMP was approved by the Central Valley Regional Water Quality Control Board on April 17, 2015 and is effective until adoption of a new SWQMP, which is anticipated within the next five years (FMFCD, 2023).

Page 4.10-7 of the Draft EIR has been revised with the following to incorporate the SWQMP (changes shown in ~~strikeout~~/underline):

The Storm Water Permit includes water quality and watershed protection measures for all discharges to the storm drainage system. Development projects are subject to specific measures included in the Storm Water Permit and implemented as described in the SWQMP. USEPA regulations on stormwater discharges, known as Phase I of the NPDES program, prohibit discharges of stormwater to waters of the United States from construction projects that encompass one or more acres of soil disturbance, unless in compliance with an NPDES permit. Phase II of the NPDES program expands the requirements to operators of small municipal separate storm sewer systems (MS4s) in urban areas and small construction sites, requiring NPDES permit coverage and pollution control measures. Discharges to the County's storm water conveyance system that would not be covered by the Phase II General Permit would be required to obtain coverage under an individual NPDES permit or comply with individual Waste Discharge Requirements, as approved by the Central Valley RWQCB.

These changes do not alter the findings or analysis in the DEIR and do not result in a new or substantial increase in any environmental impacts compared to the DEIR.

## **Response 26.6**

*The commenter addresses an FMFCD Drainage Fee Ordinance. The commenter states that the project shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to approval of any final maps and/or issuance of building permits at the rates in effect at the time of such approval.*

This comment has been noted. The GPR/ZOU does not propose individual development projects. Rather, the project is a policy update that will be applied to future developments. Individual development must comply with relevant General Plan policies and ordinances at all times.

### **Response 26.7**

*The commenter lists objectives and goals outlined in the FMFCD's Post-Development Standards Technical Manual. The commenter lists stormwater management requirements for priority projects. The commenter states that All Priority Projects must mitigate the Stormwater Quality Design Volume (SWQDV) or Stormwater Quality Design Flow (SWQDF) through LID- or treatment-based stormwater quality BMPs or a combination thereof. For new development or significant redevelopment projects for restaurants with less than 5,000 square feet, the project applicant must meet all the requirements of the Post-Development Standards Technical Manual except for mitigating the SWQDV or SWQDF and implementing stormwater quality BMPs. The commenter provides information relevant to impact analysis for individual development projects.*

This comment has been noted. The GPR/ZOU do not propose individual development projects. Rather, the Project is a policy update that will be applies to future developments.

### **Response 26.8**

*The commenter states that to mitigate development project impacts to stormwater related to toxic or hazardous materials, BMPs should be included to prevent discharges from leaving the property.*

The Project contains such policies including Policy OS.A-21 which requires the use of feasible and practical best management practices (BMPs) to protect streams from the adverse effects of construction activities and urban runoff, and Policy OS.D-3 which requires development to be designed in such a manner that pollutants and siltation do not significantly degrade the area, value, or function of wetlands and requires new developments to implement the use of Best Management Practices (BMPs) to aid in this effort. Additionally, through required compliance with the NPDES General Permit and State and local regulations, including Fresno County Code of Ordinances Chapter 14.24, future projects are required to implement Best Management Practices (BMP) for erosion control.

### **Response 26.9**

*The commenter notes that projects that can impact beneficial uses of receiving waters may be mitigated by implementation of the FMFCD Post-Development Standards Manual.*

Refer to Response 26.7 and Section 4.10, *Hydrology and Water Quality*, of the EIR. As stated therein, "Implementation of the [goals and policies in the GPR/ZOU] would ensure that the County maintains and implements effective stormwater management, and that the stormwater drainage system provides adequate drainage for both existing and new development. However, if new or updated stormwater drainage facilities are required, their development and construction would be subject to CEQA and appropriate mitigation measures." Individual projects would vary in which receiving waters or areas may be affected and how the Post-Development Standards Manual may be employed.

### **Response 26.10**

*The commenter also notes that sensitive areas such as streams and buffers, floodplains, wetlands, steep slopes and highly permeable soils should be protected and/or restored. The commenter suggests that the evaluation of a project's impact on sensitive communities should include aquatic and wetland habitats.*

This comment has been noted. While the project itself does not propose development, impacts to riparian and wetland habitats are addressed in Section 4.4, *Biological Resources*, of the EIR, under Impact BIO-2. Regarding the protecting of sensitive areas such as streams, buffers, floodplains, wetlands and slopes, the project contains such policies including Policy OS-A.21, which requires the use of feasible and practical best management practices (BMPs) to protect streams from the adverse effects of construction activities and urban runoff, Policy OS-D.1 would prevent the loss of wetlands in the County by supporting the “no-net-loss” wetlands policies of the USACE, USFWS, and CDFW and Policy OS-D.2 would require new development in the County to fully mitigate wetland loss for function and value. Policy OS-D.4 and OS-D.6 would require riparian protection zones around natural watercourses and protection of native riparian habitat.

Regarding aquatic and wetland habitats, the Project contains such policies including Policy OS-A.15 which requires the County to support the policies of the San Joaquin River Parkway Master Plan to protect the San Joaquin River as an aquatic habitat, Policy OS-E.11 which requires the County to protect significant aquatic habitats against excessive water withdrawals that could endanger special status fish and wildlife or would interrupt normal migratory patterns, and Policy OS-E.12 which requires the County to ensure the protection of fish and wildlife habitats from environmentally degrading effluents originating from mining and construction activities that are adjacent to aquatic habitats.

As described on pages 4.10-8 and 4.10-9, Goal OS-A is “to protect and enhance the water quality and quantity in Fresno County’s streams, creeks, and groundwater basins;” Goals OS-D and OS-E describe protection of wetlands, riparian areas, and aquatic wildlife; and Goal HS-F addresses minimizing risks from groundwater contamination due to hazardous waste. Compliance with these goals, NPDES permit requirements, and applicable state and local requirements, including the Fresno County Code of Ordinances Chapter 14.24, would reduce the risk of water contamination within the County from implementation of the GPR/ZOU. Given this, the EIR concluded that the impact would be less than significant.

## **Response 26.11**

*The commenter recommends that evaluation of a project’s effect on drainage patterns should refer to the FMFCD’s Storm Drainage and Flood Control Master Plan and have their project reviewed by FMFCD to assess the significance of altering existing drainage patterns and to develop any mitigation measures in addition to the stormwater mitigation system and consider any potential for streambed or bank erosion downstream from the project.*

This comment has been noted. The GPR/ZOU do not propose individual development projects. Rather, the Project is a policy update that will apply to future developments. Individual projects facilitated by the General Plan Review and Zoning Ordinance Update would be subject to FMFCD’s Storm Drainage and Flood Control Master Plan to the extent required and if/when a proposed project moves forward, their drainage impacts would be reviewed by County staff and FMFCD prior to approval/permits.



June 27, 2023

Chris Motta  
County of Fresno Department of Public Works and Planning  
Development Services Division  
2220 Tulare Street, Sixth Floor  
Fresno, CA 93721

Sent Via Email to: [CMotta@fresnocountyca.gov](mailto:CMotta@fresnocountyca.gov)

RE: Fresno County's 2023 General Plan Background Report, Policy Document, and Zoning Ordinance

Dear Mr. Motta,

Thank you for the opportunity to comment on Fresno County's 2023 General Plan Background Report, Policy Document, and Zoning Ordinance. The Fresno County General Plan update is long overdue. We are encouraged to see Fresno County undergoing the process to update the General Plan as we have been following this process closely for several years. Nevertheless, the County has failed to meaningfully and adequately incorporate input provided by residents of

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disadvantaged communities (DACs) and community based organizations to ensure that the plan invests in and supports healthy, thriving communities and equity. The undersigned organizations and groups write this letter to highlight our priorities, concerns, and recommendations noted in the released documents. This letter will focus on concerns and discrepancies noted in the Background Report, Policy Document, and Zoning Ordinance document to aid the County in updating the General Plan to ensure it is a plan that addresses the priorities of Fresno County residents. We are also submitting another letter to address the Draft Program Environmental Impact Report which takes a legal focus on several of the issues included in this letter.

The recommendations and observations noted in this letter stem from lived experiences and support from residents in the disadvantaged unincorporated communities of Cantua Creek, Three Rocks,<sup>1</sup> Lanare, Tombstone Territory,<sup>2</sup> Calwa, and South Central Fresno. Residents in these communities have actively sought to engage the County and other government entities to invest in and address historic disparities impacting their communities. For many years, Leadership Counsel for Justice and Accountability, Community United in Lanare, Friends of Calwa, South Fresno Community Alliance, and Central California Environmental Justice Network have worked alongside community residents in the aforementioned communities and have heard directly from residents the issues and solutions they would like to see come to their community. Based on this relationship we are able to elevate residents' concerns in this letter.

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### **I. Insufficiencies in SB 244 Analysis**

According to Government Code Section 65302.10.(a), cities and counties must include an analysis of water, wastewater, stormwater drainage, and structural fire protection needs or deficiencies for each of the identified communities in the land use element.<sup>3</sup> In late 2018, Leadership Counsel for Justice and Accountability and Public Interest Law Project sued the County on behalf of Comunidades Unidas Por Un Cambio when the County failed to comply with SB 244. This lawsuit resulted in the County including a SB 244 analysis in the General Plan and beginning to name community deficiencies. However, the County fails to collect adequate information on community needs to truly identify water, wastewater, stormwater drainage, and fire protection deficiencies. It is crucial that the County conduct a complete SB 244 analysis to address infrastructure deficiencies and historically disinvestment in disadvantaged unincorporated communities. Doing otherwise will continue to harm residents and contribute to the ongoing local neglect that has impeded communities to see change.

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<sup>1</sup> Also known as El Porvenir

<sup>2</sup> Also referred as "Tombstone" throughout the letter

<sup>3</sup> State of California Governor's Office of Planning and Research General Plan Guidelines, pg 5

### ***Drinking Water Inadequacies***

California has endured many years of dry summers and severe drought conditions that have greatly impacted the groundwater levels in communities that rely on groundwater. The County lacks critical information to determine the current and future status of private wells in the community. For example, Central Kings Groundwater Sustainability Agency includes several communities such as Tombstone, Caruthers, Selma and others. According to the GSP Dry Wells Tool,<sup>4</sup> the number of dry wells is projected to increase in the Central Kings Groundwater Sustainability Agency where it is anticipated that there will be 397 to 405 dry wells in the next 20 years. In Tombstone alone, there are currently at least 15 dry wells and with many more at risk of going dry. The County's analysis fails to account for shallow and dry wells which have left residents without water and puts residents' water supply at risk. Residents in communities like Tombstone as well as Britten Ave continue to experience the negative effects of the drought and have resorted to getting a water tank installed outside their home and getting water delivered once a week to be able to have access to drinking water. This is worrisome because it does not only impact Tombstone and Britten Ave as this is the fate of many other communities in Fresno County who rely on private wells. Having access to this data allows the County to not only provide an analysis but also work on solutions with other agencies such as Groundwater Sustainability Agencies.

Moreover, for the community of Britten Ave the County states that residents depend on private wells to access their water. However, the County fails to acknowledge that the testing done for wells in Britten Ave have shown higher levels of nitrates and uranium beyond maximum contaminant levels. The current analysis is missing this critical information necessary to inform the County of actions it can take to address drinking water contamination.

There are other drinking water inaccuracies in the drinking water analysis, in addition to incompleteness. For the community of Lanare, the analysis inaccurately notes that the community relies on two community wells. The community has relied on one community well since at least Fall 2021 because the other well had to be shut off due to benzene issues. This is a concern to residents and puts them in a situation where they risk running out of water and not having another well to supply water to the community. According to a wastewater feasibility study conducted by Black Water Consulting Engineers, Inc. in 2021, the Lanare Community Services District water system has 152 residential connections, 3 agricultural connections, and one commercial connection.<sup>5</sup> When there is an emergency, the existing community well will not have the capacity to adequately supply water to everyone in the community.

<sup>4</sup> <https://www.gspdrywells.com/gsas/central-kings/mt/>

<sup>5</sup> Lanare Community Services District Wastewater Collection, Treatment, and Disposal Planning, pg 6

### ***Wastewater Inadequacies***

The SB 244 analysis states that several communities do not have a community wastewater system and residents rely on septic tanks. However, the County fails to elaborate the extent to which residents experience septic failure. Due to the lack of wastewater infrastructure in unincorporated communities like Lanare, Tombstone, South Central and Britten residents often have to deal with the consequences of failing septic tanks. Septic tank failure causes wastewater to back up into the house, leads to groundwater contamination that affects drinking water sources, results in noxious odors, and impacts public health. The Office of Planning and Research (OPR) guidelines state that the County “should consider where there may be opportunities to provide more efficient, high quality service through consolidation, extension of services, and other regional solutions to address inadequacy of services and infrastructure.”<sup>6</sup> The County disregards this guidance and simply states that communities are not a part of a wastewater system. Residents in these communities want to be connected to a wastewater system to end deficiencies such as leaching and increased water contamination. We therefore recommend the county incorporate all impacts associated with wastewater deficiencies and identify implementation actions it can take to address issues.

### ***Stormwater Drainage Inadequacies***

Throughout the analysis, the County inaccurately states that certain communities do not experience flooding. The communities of Cantua Creek, Three Rocks, Lanare, Tombstone Territory, and Britten Ave all experience flooding due to lack of storm drainage infrastructure. The County reached this conclusion based on a lack of flooding reported to the County and a site visit to County DUCs on a dry spring day in 2019. For example, for Britten Ave “No incident of flooding was reported during the winter of 2018 – 2019 or during the spring of 2019, which experienced average rainfall in the Fresno area.”<sup>7</sup> This method of analysis results in inaccurate conclusions. This analysis fails to acknowledge the constant flooding, the effects of flooding, and the impact to day to day activities during this time period and beyond. Flooding in Britten creates puddles, a muddy road, and exacerbates road conditions causing residents to struggle to enter and leave their community. This is a huge impediment to getting children to school on time, adults to their jobs, and emergency services from entering and exiting the community. Residents share that postal service providers such as the United States Postal Service, FedEx, and Amazon have difficulty getting mail delivered when road conditions are impacted by flooding. Road conditions have gotten worse over time especially with the recent atmospheric rivers we have been experiencing this past winter.

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<sup>6</sup> 2017 General Plan Guidelines by the Governor’s Office of Planning and Research, pg 67

<sup>7</sup> Fresno County Background Report SB 244 Analysis, pg 16

### ***SB 244 Analysis Must Consider Climate Impacts***

The 2017 General Plan Guidelines by the Governor’s Office of Planning and Research (OPR) states that, “[T]he analysis should consider both the horizon year and the impacts of a changing climate.”<sup>8</sup> However, in the SB 244 analysis the County fails to mention that climate change is intensifying impacts on water, wastewater, stormwater, and fire protection infrastructure. Additionally, the current analysis for communities under SB 244 depicts a false representation of community needs when all the necessary information is not included. Therefore, we urge the County to complete an adequate analysis to determine water, wastewater, stormwater drainage, fire protection needs, and other infrastructure deficiencies in Fresno County.

### ***Gaps In Funding Opportunities***

Government Code 65302.10 states that cities and counties need to complete an “...analysis of benefit assessment districts or other financing alternatives that could make the extension of services to identified communities financially feasible.”<sup>9</sup> Although we appreciate the County including Table 2<sup>10</sup> to list potential funding and financing mechanisms to address SB 244 deficiencies, it is impossible for the County to name which funding opportunities communities can access when the SB 244 analysis is incomplete. As noted in this section, the County should first ensure information is adequate and include all the issues communities are facing. Additionally, the County should specify which funding source each community qualifies for and which deficiency will be addressed through that funding opportunity.

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## **II. The County Needs to Play a More Active Role to Ensure Drinking Water and Wastewater Availability**

### ***Access to Safe and Affordable Drinking Water***

Throughout the policy document, there is a common theme centered around protecting water for agricultural purposes but not policies to ensure communities have access to safe drinking water and wastewater services. This is despite the ongoing drinking water crisis in the County, with many households and communities with dry or contaminated wells. At the same time, the General Plan has various policies supporting the proliferation of agriculture, sprawl development, and oil and gas development all of which has the potential to negatively impact groundwater and drinking water supplies.

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<sup>8</sup> 2017 General Plan Guidelines by the Governor’s Office of Planning and Research, pg 66

<sup>9</sup> State of California Governor’s Office of Planning and Research General Plan Guidelines, pg 11

<sup>10</sup> Background Report, Fresno County SB 244 Analysis pg 241

**Policy LU-A.22** should be changed to include the following language, “The County shall adopt and support policies and programs that seek to minimize the impact of reoccurring drought conditions and groundwater over pumping on ground water supply **for drinking water users dependent on groundwater supply in existing disadvantaged communities, including those reliant on domestic wells, state small water systems, and small community water systems.**”

Furthermore, the County must commit to implement a **policy during drought declarations to not approve new or replacement agricultural wells within a half mile of existing domestic wells, small water systems, and community water systems.**<sup>11</sup> During non-drought periods, at a minimum, the county must require a written report that ensures any new proposed agricultural and/or industrial well is both consistent with groundwater management planning and will not interfere with or dewater any domestic well, small water system and/or community water system within a quarter-mile of the new proposed well. **The County should adopt a presumption that new and replacement agricultural wells within a half mile of existing wells will cause well interference.** This will ensure communities do not have to compete with agricultural wells that are generally much deeper and higher capacity than domestic supply wells.

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We acknowledge that there are other agencies who also play an active role in managing groundwater and ensuring there is a plan in place to mitigate overdraft. This means the County should be actively working with other agencies to ensure collaboration and help reach groundwater sustainability goals. This year the Department of Water Resources has started to review Groundwater Sustainability Plans (GSP) and has approved, denied or asked Groundwater Sustainability Agencies (GSA) to provide corrections to their plan to achieve sustainability by 2040. As per our Focused Technical Review of Groundwater Management Plans in the Kings subbasin, at least 43% of these domestic wells would be expected to be fully dewatered and an additional 14% of these wells would be expected to be partially dewatered based on current minimum thresholds.<sup>12</sup> This is a frightening statistic and a warning to the County to work with GSAs and drinking water users to establish clear demand reduction measures and timelines to ensure adequate groundwater management that is protective of domestic wells, small water systems, and community water systems. Adequate groundwater management and planning will also ensure groundwater supplies will be available to support potential growth in disadvantaged communities.

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<sup>11</sup> For most high volume irrigation wells, the cone of depression is around half a mile. see Pfeiffer, Lisa, and C-Y. Cynthia Lin. "Groundwater pumping and spatial externalities in agriculture." *Journal of Environmental Economics and Management* 64.1 (2012): 16-30

<sup>12</sup> Central Kings GSP Technical Review; Focused Technical Review: July 22, 2019 North Fork Kings Groundwater Sustainability Agency Public Review Draft Groundwater Sustainability Plan; Focused Technical Review: August 15, 2019 North Kings GSA Public Review Draft Groundwater Sustainability Plan; available at <https://drive.google.com/drive/folders/1fARFXS91mksdmx4DJB0a-3HOCSBZ5UwE?usp=sharing>

**Policy OS-A.10** should be changed to include the following language, “The County shall **review yearly water availability data** and coordinate with the relevant Groundwater Sustainability Agency(ies) concerning their Groundwater Sustainability Plan(s) and refer any substantial proposed General Plan amendment to the agency for review and comment prior to adoption. The County shall give consideration to the adopted groundwater sustainability plan when determining the adequacy of water supply.”<sup>13</sup> The addition to this policy to have the County review yearly data on water availability will help the County plan for water availability needs rather than respond to water emergencies.

Furthermore, under SB 552 counties are “required to have a standing drought task force to facilitate drought and water shortage preparedness for state small water systems (serving 5 to 14 connections), domestic wells, and other privately supplied homes within the county’s jurisdiction.”<sup>14</sup> The County is also responsible for developing a drought and water shortage plan in order to propose short and long term solutions to address drinking water availability. Examples of short and long term solutions include, but are not limited to, consolidating communities with existing water systems, private well drinking water mitigation programs, and emergency drinking water solutions such as delivery of bottled water, water tanks, and emergency interties. In our SB 244 analysis we have included drinking water issues communities face thus the County’s role in implementing SB 552 can serve as an additional tool to complement the role of GSAs in monitoring and protecting groundwater.

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Lastly, Fresno County communities that are surrounded by agriculture have constantly sought greater drinking water protections. Due to the overuse of fertilizers, pesticides and chemicals as well as substantial quantities of manure on nearby livestock operations, groundwater contamination continues to get worse, making it difficult and costly for water providers to deliver safe drinking water to communities and residents reliant on domestic wells to ensure safe drinking water supplies. Therefore, the County should revise **OS-A.18 to include clearly identifying sources of groundwater contamination impacting residential wells, protect communities from exacerbation of such contamination, address existing contamination of residents’ drinking water supplies and enact long-term solutions to ensure that residents have reliable access to safe and affordable drinking water.** This is necessary in order for the County to ensure consistency with Affirmatively Furthering Fair Housing duties and address a critical health and safety need that is an environmental justice (EJ) issue per the EJ Element.

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<sup>13</sup> Fresno County Policy Document, pg 2-121

<sup>14</sup> Drought Planning for Small Water Suppliers and Rural Communities (SB 552), Department of Water Resources

### *Access To Adequate Wastewater Service*

The General Plan does not contain any policies and programs to address adequate wastewater service in unincorporated communities reliant on failing septic tanks and/or where there is currently no sewer system. As mentioned in the SB 244 section, several communities we work with have failing septic tanks. The long term solution is often to connect these communities to existing wastewater systems, but as an interim measure for communities that are good septic-to-sewer candidates, and a long-term measure for those that are not, the County needs to create **policies centered around funding septic maintenance, repair, and replacement, as well as related education and outreach.** The County should create a program to assist with septic maintenance similar to the housing programs currently available for home improvements.<sup>15</sup> This is a health and safety issue that requires immediate attention and response by the County.

### **III. Environmental Justice Element**

Government Code Section 65302(h) requires the County to add an environmental justice (EJ) element to the General Plan to address the following three components:

1. “Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.”<sup>16</sup>
2. “Identify objectives and policies to promote civic engagement in the public decision-making process.”<sup>17</sup>
3. “Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.”<sup>18</sup>

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If implemented correctly this element can begin to address long lasting environmental injustices and serve as a powerful tool to bring positive changes to disadvantaged communities. We appreciate the efforts the County has made to include several new policies in the EJ element. Nonetheless, the County should include policies that intentionally address and reduce health risks in disadvantaged communities. This section addresses ways the County can improve the EJ element but the recommendations are not limited to only the following policies.

<sup>15</sup>See Calabretta, Investing in America’s Onsite Wastewater Treatment Systems for Equity and Sustainability, Environmental Policy Innovation Center (2022), available at [https://static1.squarespace.com/static/611cc20b78b5f677dad664ab/t/62e7bcf56ab0635d9c1ecf0c/1659354397043/FI\\_NAL\\_EPIC\\_SepticFinancingReport\\_2022.pdf](https://static1.squarespace.com/static/611cc20b78b5f677dad664ab/t/62e7bcf56ab0635d9c1ecf0c/1659354397043/FI_NAL_EPIC_SepticFinancingReport_2022.pdf).

<sup>16</sup> Office of Planning and Research General Plan Guidelines Chapter 4: Required Elements, pg 3

<sup>17</sup> Office of Planning and Research General Plan Guidelines Chapter 4: Required Elements, pg 3

<sup>18</sup> Office of Planning and Research General Plan Guidelines Chapter 4: Required Elements, pg 3

### ***Pollution from Existing and Future Land Uses***

Residents within the South Central Fresno area are disproportionately overburdened by different pollution sources. The County attempts to address the process for project development in this area in policy EJ-A.7.

While EJ-A.7<sup>19</sup> is a policy that will require the Air Pollution Control District to be involved in the development review process for applicants located within the South-Central Fresno AB 617 bounded area, this policy will not support efforts to reduce pollution in other disadvantaged communities of the County, nor will it allow these other overburdened communities to have an environmentally just review of impactful incoming development. To ensure that EJ-A.7 policy is effectively serving the AB 617 South Central Fresno area, the policy language should also state that **“the County should consult the established Community Steering Committee and the Air District. When the Community Steering Committee and the Air District gives comments and recommends that an industrial development application not be approved due to the oversaturation of polluting sources and detrimental environmental impacts on a community, then the County should honor that recommendation and not move forward with that industrial project.**

Additionally, policy EJ-A.2 also targets polluting land uses. We recommend the County include the following language,

**“The County shall require buffering and screening requirements as part of the development review process for all new and existing potentially pollution producing land uses proposed to be located adjacent to existing sensitive land uses that have historically been associated with heightened levels of pollution. These land uses associated with pollution include industrial land uses, agricultural operations using pesticides applied by spray techniques, wastewater treatment plants, and landfills and waste treatment facilities.”<sup>20</sup>**

The way policy EJ-A.2 is currently worded does not apply to existing pollution producing land uses where pesticides exposure and industrial pollution are present and cause several health issues. Residents in Cantua Creek, Three Rocks, Lanare, Tombstone, and South Fresno are surrounded by agriculture and would not benefit from this policy despite being vocal over the years about how their health has suffered as a result of pesticide exposure. The County needs to create policies that are truly enforceable. All residents deserve to live in a community where they can go outside and breathe clean air. While greater distance between new industrial uses and existing communities and sensitive receptors through buffering policies are needed, buffering

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<sup>19</sup> Fresno County General Plan, Policy Document pg 2-204

<sup>20</sup> Fresno County General Plan, Policy Document pg 2-204

only through set-backs on parcels planned for industrial development is not sufficient to address the environmental injustice perpetrated by the County through its designation and zoning of land surrounding communities for industrial use. We urge the County to redesignate and rezone land within a 1/2 mile of existing and planned sensitive uses to community-serving, non-industrial land uses. This will both help protect communities from further industrial encroachment and concentrated environmental burdens and create new opportunities for land uses desired by residents, including parks, housing, retail, education, and more.

***Environmental Justice must be at the forefront of policy planning and land use decisions.***

Another policy that needs to be improved is Policy EJ-A.6: Caltrans Coordination which states that, “The County shall coordinate with Caltrans to encourage the development of projects to mitigate roadway pollution along major interstates, such as the development of green barriers near existing sensitive land uses.” This policy language should be revised to, “**The County shall not pursue projects with or support projects by Caltrans that harm environmental justice communities.**” The current policy fails to protect environmental justice communities from continued harm and is unenforceable. Our proposed policy is consistent with Caltrans commitments to racial equity.

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***Green Spaces in Disadvantaged Communities***

The General Plan places an emphasis on the County's location near Yosemite, Sequoia, and Kings Canyon National Park as tourist assets, but the County does not do enough to make these areas accessible to residents or to directly address park deficiencies within disadvantaged communities. Throughout the years, residents in disadvantaged communities have asked for trails and parks in their communities to allow them to partake in physical activities. **Policy OS-H.6** states that the County “shall encourage the development of parks near public facilities such as schools...” which is the case in Cantua Creek and Riverdale where there are currently schools in these communities. However despite multiple requests from residents over the years to bring a park to their community, the County has failed to accomplish this and the language in this policy will not allow this to happen. Using words like “encourage” creates a false hope that the County is working to bring parks to communities near certain facilities. Instead we ask the County to create a **policy that commits the County to rezone land for parks to facilitate the development of parks.** Furthermore, some park benefits include improved mental and physical health, brings communities together, and improves air quality. While we appreciate that the Draft General Plan now includes a policy for the County to seek funding for parks, **Policy EJ-B.7**, as drafted, the policy provides little assurance that communities will actually benefit from increased or improved park space as a result. First, the policy fails to state how often the County will seek this funding and how the County will prioritize funding across different communities. The County should create a local fund in the likely case there are difficulties and delays in regularly

securing the funding mentioned in this policy. Additionally, **Policy EJ-B.2** states that the County will promote physical activity by removing barriers to outdoor activity. The absence of green spaces, trails, bike lanes, and sidewalks are currently barriers in partaking in outdoor activities. Therefore, the County needs to allocate local funding to go directly to disadvantaged communities to begin to address these barriers. The County can start by recording the lack of these amenities in each community on a document that can be updated each year to reflect the County's progress.

Policy EJ-B.2 and EJ-B.7 state that the County will work with community services districts (CSD) but fails to include communities that do not have this local government entity in place. Engaging with current CSDs is a good way to work and invest in these communities but the County needs to also ensure funding will be allocated to communities without a CSD especially in a County Service Area where the County already has an active role. In summary, we are asking the County to do the following:

- **Policy OS-H.6:** Rezone land to develop parks in communities that have schools.
- **Policy EJ-B.7:** Create a local fund to secure park funding from local, state, and federal sources and determine which communities will be prioritized. The County should also develop a parks master plan.
- **Policy EJ-B.2:** Create a local fund to bring trails, bike lanes, and sidewalks to disadvantaged communities.

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#### **IV. Disadvantaged Unincorporated Communities Require Additional Public Services**

Despite repeated requests for planning and investment, disadvantaged unincorporated communities remain extremely vulnerable to the impacts of climate change, lack access to basic services and amenities, are exposed to disproportionate sources of pollution, and lack the basic features of healthy and thriving communities, including safe and affordable housing, active transportation infrastructure (sidewalks, curb and gutter, streetlights, tree canopy), and green spaces.

For these reasons, we are particularly concerned with the inclusion of the following policy:

“LU-E.25 State Route 180/Trimmer Springs Road Special Study Area The approximately 7,000-acre generally located north of the State Route 180/Trimmer Springs Road interchange is designated as a Special Study Area. The County shall evaluate this Special Study Area for possible future urban residential, educational, office, and commercial land uses.”

As noted throughout this letter, significant infrastructure and basic service deficiencies exist in long established disadvantaged unincorporated communities. We urge the adoption of policies focused on addressing needs and opportunities in existing disadvantaged unincorporated

communities before resources are directed towards new growth areas. Doing so would not only comply with the goals of SB 1000, but would also align with state climate and equity goals and state planning priorities. The County must also take proactive steps to eliminate barriers to investment in existing communities such as policies that prioritize investment and planning in new areas or where the county deems they can be built.

### ***Fire Protection Infrastructure***

Residents in Cantua Creek, Three Rocks, Lanare, and Tombstone all lack access to a fire station in their community. It is important to note that in the past Cantua Creek did have a fire station, however the building is now empty. As a result, Cantua Creek residents pay higher home insurance rates due to lack of a fire station within certain miles of the community. There is a County wide slow response rate that does not allow the County to adequately protect residents from fire-related threats. In Lanare, it takes 30-40 minutes for a fire truck to arrive and respond to a call. In some instances, residents have reported illegal burning of tires, mattresses, and other items and have received no response. Therefore we recommend adding the following sentence to policy PF-H.3, “The County shall require that new fire stations be located to achieve and maintain a service level capability consistent with services for existing land uses. **The siting of new fire stations should have a response rate of less than 15 minutes.**”<sup>21</sup> If the County can not provide fire stations in all communities in Fresno County, it is imperative that the County work with existing fire stations to bring reliable, efficient fire protection services as stated in Policy PF-H.1.

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## **V. The County Needs to Urgently Address Climate Adaptation Planning**

Fresno County is experiencing the effects of climate change through extreme heat, drought, wildfires, storms, and more. It is past time for the County to be proactive by creating policies that truly address climate change and the disproportionate threats faced by low-income communities and communities of color which experience the most acute climate-related threats and impacts.

The threat to climate change impacts has been noted in the SB 244 analysis of our letter along with stormwater drainage deficiencies. The urgency to address these impacts and create policies need to be clearly stated in the General Plan. **Policy HS-C.6** can be more effective if the following changes are made, “The County shall **expand** stormwater and flood protection infrastructure capacity in order to accommodate changes in precipitation and extreme weather events including the establishment or expansion of recharge basins.”<sup>22</sup> By using words like “encourage expansion” this policy does not clearly apply to communities that do not have stormwater or flood protection. Therefore, the wording should be changed to explicitly apply to

<sup>21</sup> Fresno County General Plan Policy Document, pg 2-114

<sup>22</sup> Fresno County General Plan Policy Document, pg 2-172

communities that lack such protection, especially disadvantaged communities which lack resources to finance and address flood protection needs. Without the County's commitment to seek financial assistance to ensure the installation and maintenance of stormwater and flood protection infrastructure that meets these communities needs, it will not accommodate changes in precipitation and extreme weather events. Again, there are several communities in the County that need this basic infrastructure.

Last year the Board of Supervisors voted to disapprove a grant proposal which would have provided funding to do the following, “[S]upport existing efforts mandated through legislation aimed at climate resilience, which aims to anticipate and prepare for impacts to reduce the damage from extreme weather events, as well as chronic, long-term shifts, including those resulting from or aggravated by drought, flood, wildfire, extreme heat, and rising seas”.<sup>23</sup> This funding would have supported a necessary step to address climate change impacts in Fresno County and the alarming and counterintuitive decision to reject the funding was a disservice and detrimental to residents and future residents of the County. We recommend **policy HS-G.1** to include the following language, “**The County will actively take steps to develop and implement plans based on sound science to reduce the impacts of climate change.**” This change should not enable future decision makers in the County to reject funding, projects and regulations that will aid in fighting climate change. Additionally, the County should commit to provide a valid explanation to the community if there is ever an instance when future funding to address climate change is rejected.

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Finally, **policy HS-G.2 should be changed to have the County update the Fresno County Climate Change Vulnerability Assessment every five years.** Again, the impacts of climate change are not taking a pause and continue to harm communities every day. Updating this assessment and working on strategies centered around climate crisis response allows the County to prepare for emergencies rather than respond to them when the impact is greater.

### *Investing in Community Resilience Centers*

Community resilience centers can serve as a space to access resources, serve as a cooling and warming center, host food distribution, host physical activity classes, mobile health clinics, educational workshops, and more.

The County includes policies HS-A.3 and HS-A.4 which focus on responding to emergencies such as flooding, fires, and earthquakes where there is a physical space to attend to the needs of a community. This is vital in the County where communities are spread throughout the County and need to have a space to shelter in case of an emergency. In addition to HS-A.3 and HS-A.4, the

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<sup>23</sup> February 22, 2022 Board of Supervisors Agenda, Board Agenda Item 50, pg 2

**County should develop community resilience centers at existing and new facilities by committing to seek local and state funding.** Consequently, this policy will aid in fulfilling several policies in the environmental justice element such as EJ-A.4, EJ-A.8, EJ-A.9, EJ-C.1, EJ-C.2, EJ-C.3, EJ-C.4, EJ-C.5, and EJ-C.6.

## **VI. Economic/ Industrial Development Must be Equitable**

### **Policies must not exacerbate the environmental degradation of disadvantaged communities**

Despite requirements under Government Code sections 65302(h) (environmental justice planning), 65302.1 (air quality element), and civil rights laws, the Draft Policy Document continues to describe an economic development strategy that directs polluting land uses to disadvantaged communities and fail to meaningfully protect communities from both existing and future industrial, waste management, and energy-production land uses. For example, in Chapter 2, policy ED-A.7 refers to Locating New Industrial Sites. While it is a positive change that the language was deleted from the policy draft that stated that the “Initial focus of potential new or redeveloped industrial areas shall include Malaga, Calwa, and the Golden State Industrial Corridor”<sup>24</sup>, without changing existing land use designations that direct industrial development into the same disadvantaged communities, the effect is still the same. There are many clusters of homes and small apartment units along the Golden State Corridor as well as the communities of Malaga and Calwa. It is well documented and known that the focus of additional industrial sites in this area will increase the levels of air, light, noise and traffic pollution in an area that already ranks in the top 1% of census tracts of the most overburdened areas in CA according to the CalEnviroScreen 4.0.<sup>25</sup> This area also overlaps with the designated AB617 area of South Central Fresno which was chosen for its extreme concentration and over accumulation of pollution sources.

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Furthermore, policy ED-A.9: Fresno County Business and Industrial Campus Special Study Area, is being introduced in an attempt to still move forward with planning for additional industrial land uses in an area that should be completely off limits for further industrial development. The communities of Malaga, Calwa, and South Central Fresno are already overburdened ranking in the top 1% of census tracts of the most overburdened areas, and yet this Special Study Area will be located only ½ mile east of Malaga and will be a business park that is approximately 3,000 acres with 19 million square feet of industrial building space. The location of this study area will logistically require all of its heavy duty truck traffic to travel through Malaga from Highway 99 located to the west. The current community concerns already have the unresolved challenges of truck routes passing by the elementary school and running through the

<sup>24</sup> Fresno County General Plan pg 2-5

<sup>25</sup> CalEnviroScreen 4.0, OEHHA.ca.gov Census Tract 6019001500

residential areas of the community. This will also only be exacerbated by the increased amount of truck trips.

**We propose that the County commit to performing an Industrial Compatibility Study. Also, for land that qualifies as disadvantaged communities according to the CalEnviroScreen, the County should redesignate land within a 1/2 mile of sensitive uses from industrial to commercial uses or other buffer-spaces or uses that meet community needs. We also propose that the County commit to developing a study that identifies areas for industrial development that will not impact DACs and redesignates land accordingly.**

Policy ED-A.16: Regional Processing Facilities, states that, “ The County shall encourage processing facilities that ... may logically be expected to expand into regional processing facilities, to locate in industrial parks under city jurisdiction or within existing unincorporated communities areas with adequate infrastructure.” The areas of South Central, Malaga, and Calwa communities are classified as disadvantaged communities. As disadvantaged communities, they are already oversaturated with industrial facilities and cumulative impacts. Therefore, even though the remainder of the language of ED A.16 states that, “Processing facilities located in proximity to disadvantaged communities shall comply with the applicable provisions of the Environmental Justice Element”, there should be no intention nor plans to place more industrial parks within these communities, especially when this policy is written to encourage expansions of processing facilities..

27.1

**The General Plan must not allow additional industrial development in the areas classified as disadvantaged communities.**

Unfortunately, the Environmental Justice policy is written with the intent to continue industrial development in communities that are already confirmed to be overburdened with industrial and pollution impacts and yet the County wants to ignore this and continue the same practices. In the following policy, ED-B.4, again, there are no precautionary measures nor protections that are being written into this plan and the sole focus is on development regardless of the cost to the existing residents.

Policy ED-B.4 High-Speed Rail and Heavy Maintenance and Operations Facility states that “ If the heavy maintenance and operations facility is located in an unincorporated area of Fresno County, the County shall plan and identify land uses necessary to support and serve the heavy maintenance and operations facility of these facilities.”<sup>26</sup> There is no mention of what impacts that this could have on any existing communities that may be in the vicinity of these high speed rail facilities that are not yet constructed. **The policy should state that, “the County shall ensure that the HSR heavy maintenance and operations facility will not be constructed**

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<sup>26</sup> Fresno County General Plan pg 2-7

**near land uses of sensitive receptors nor shall these sensitive receptor land uses be changed in the future for the citing of heavy industrial uses.”**

The Public Facilities and Services Element policy PF-A.3 Industrial Infrastructure, states that “The County shall require new industrial development to be served by community sewer, stormwater, and water systems where such systems are available or can feasibly be provided.” The consequences of this policy with its lack of accountability to the residential communities are that private wells are completely running dry while large industrial facilities have the means to have clean water. **The policy must include language that states that when industrial facilities are served by community sewer, stormwater, and water systems, then so shall the communities have the option of connecting to the same water and sewer systems.**

27.1

## **VII. Agriculture and Land Use Policies Must Prioritize Human Health**

The Central Valley of California prides itself on its agricultural industries and yet the humans whose labor allows this multi billion dollar industry to flourish are those that suffer the most without the basic human rights of clean water, air, and healthy living conditions. The policies within the Agriculture and Land Use Element portion of the General Plan, focus on promoting agriculture without adequate protections needed for the residents of the rural communities near agricultural operations. This element must include protections from: fugitive dust from harvesting; exposure to toxic pesticides and its drift; and from contaminated groundwater from pesticide runoff and dairy biogas.

LU-A.13: Agricultural Buffers, states that “The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations. Additionally, the County shall consider buffers between agricultural uses and proposed sensitive receptors when processing discretionary land use applications.”<sup>27</sup>

**The language should state that, “The County shall protect sensitive receptors from proposed agricultural and industrial uses when processing discretionary land use applications and that buffers should be required, as well as set backs, on parcels zoned for agricultural and industrial uses.”** This will ensure that if and when existing uses are replaced and when new ones are proposed there is a protection from impacts through physical separations between agricultural and industrial uses and sensitive receptors.

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<sup>27</sup> Fresno County General Plan pg 2-33

Also, this policy only applies to proposed new development and does nothing for existing communities in the form of: 1) preventative protections from pesticides through the use of a notification system and 2) protections from harmful pesticide chemicals that drift onto the homes and schools of rural communities. There are no adequate notification provisions built into the requirements for agricultural uses that impact humans, and yet there are protections of the agriculture lands.

We urge the County to establish a pesticide notification program led by the community. It is important to create a tool to inform the community of when pesticide application is allowed and how residents are notified. Therefore, create a Land Use Policy with language that states, **“In communities that are exposed to pesticide usage and drift, the County shall establish a notification system that is informed by residents including those who have suffered from impacts from the exposure. The Notification system will also include what type of non harmful chemical pesticide applications can be applied.”**

**The County should also play an active role in only allowing non harmful chemicals to be applied to fields. The County Ag Commissioner, with the input from the community, should be required to create and adhere to a pesticide reduction plan with the goal of reducing the use of hazardous pesticides near sensitive receptors, especially in disadvantaged rural communities.** Residents who live in communities surrounded by agriculture are often the residents working the fields near their house and understand that their job depends on the survival of agriculture. However, their livelihood does not depend on the continuation of applying toxic chemicals that are harming them and their community. In the Background Report the County notes the effects of pesticides by stating that “Exposure to high levels of certain pesticides can cause immediate health problems or even birth defects or cancer later in life. Farmworkers and anyone living near agricultural fields are most exposed to pesticides.”<sup>28</sup> Residents report that they experience elevated cancer incidences, asthma and other respiratory and health complications in many disadvantaged communities which are surrounded by agriculture and cumulative impacts of pesticide exposure, groundwater contamination, and diesel fumes from agricultural equipment. Residents attribute in part to the lack of buffers and increased exposures to pesticides and dust. The County must not ignore these risks and include actionable policies to reduce and wherever possible, avoid them.

27.1

The county’s response to the inhumane treatment of rural communities can not be the policy of LU-A.15: The Right-to-Farm Notice. While this policy states that, “residents in the area should be prepared to accept the inconveniences and discomfort associated with normal farming activities and that an established agricultural operation shall not be considered a nuisance due to changes in the surrounding area”,<sup>29</sup> residents' constant reports of nosebleeds, asthma attacks,

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<sup>28</sup> Background Report, pg 3-73

<sup>29</sup> Fresno County General Plan pg 2-33

cancer hot spots, peeling bleeding skin due to pesticide exposure is beyond a discomfort or a nuisance. This policy prioritizes the convenience of commercial agriculture over the health and well-being of County residents, and in particular, residents of disadvantaged communities and people of color whose communities' are disproportionately surrounded by agriculture. Therefore LU-A.15 should be completely removed from the General Plan as it is not consistent with the environmental justice goals of EJ-A which states to ensure "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation and enforcement of environmental laws, regulations and policies do not disproportionately impact any individual race, any culture, income or education level."

### *New and Expanding Dairy Operations*

Large and expanding dairy operations impact Fresno County communities by contributing to air pollution, groundwater pollution, groundwater depletion, and odors and mosquitos. Lanare and Riverdale, for example, are surrounded by dairies and residents feel the impacts everyday, especially residents who have asthma and allergies. The General Plan should include a policy to protect sensitive receptors and other residents from the impacts of dairies and the zoning code should be updated to prevent further encroachment of large dairy facilities on residential communities and other sensitive receptors as follows:

27.1

**LU.A.: The County shall work with community residents living within five miles of dairies, relevant local agencies including the air district, regional water quality control board, and groundwater sustainability agencies to develop enforceable policies and programs to prevent dairy operations from contributing to groundwater pollution, groundwater overdraft, air pollution, odor, and other nuisances including mosquitoes and flies.**

The County must also update the zoning code to increase the required distance between dairy operations and residential uses and other sensitive receptors, especially with respect to unincorporated communities. We are particularly concerned that the required distance between dairies and unincorporated communities is only a half mile while the distance between city spheres of influence and dairies is one mile. This implicates increased impacts and burdens on disadvantaged unincorporated communities. **Accordingly, the zoning code should be updated to require at least a one mile buffer between unincorporated communities and dairy operations.**

While we recommend that the County prohibit the citing and expansion of dairies in the county unless a dairy can demonstrate that it will not in any way impact air quality, water quality, or groundwater resources or increase odor or flies and mosquitos, at the very least, **the county must change the zoning code to require all new dairies and dairy expansions to secure conditional use permits and go through a full CEQA review.**

Residents want to coexist with agriculture and dairies without having to jeopardize their lives for profit.

## VIII. Transportation and Circulation Element

**Transportation and Circulation improvements must include the improvements needed to benefit communities and not cause further environmentally unjust degradation.**

As stated earlier in section IV, access to everyday amenities and meeting the transportation needs for rural and fringe communities is a constant challenge, along with the need to decrease the detrimental health and safety impacts from industrial development. There is great need to have transportation routes that allow for community members of rural areas to reach the larger cities of Fresno. This leads to the topic of the need for improved infrastructure, for the purpose of improving community, however, the policies of this plan are only focused on the needs of development and expansion for industrial facilities and the heavy duty truck logistical circulations.. Accordingly, we recommend changes to the following policies:

### **Truck Routes Must Reroute Heavy Duty Trucks and Industrial Traffic away from disadvantaged communities**

Policy TR-A.16: Truck Routes, states that “The County shall work with the cities of Fresno County in establishing a system of designated truck routes through urban areas.”

TR-A.16 language needs to be changed and state that,

- **“The County shall work with the cities of Fresno County in establishing a system that will reroute trucks away from urban and residential disadvantaged communities.**
- **The County shall also participate in the city of Fresno’s AB617 truck reroute study and implementation of outcomes as proposed by the community steering committee and that avoid sensitive receptors to the greatest extent feasible.**

Communities of Calwa, Malaga, and South Central Fresno continue to suffer the impacts of air pollution with high concentrations of diesel PM2.5, light and noise pollution, and vibrational impacts due to the heavy duty trucks that drive within 20 feet from the front steps of their homes. The history of the poor planning and inadequate land use determinations created by the County as well as the City of Fresno have completely disregarded the needs and well being of disadvantaged communities of color. Policy TR-A.16 does not state that the County will prioritize the re-routing of heavy duty trucks outside of a community. Instead, it states that it will purposefully work to establish a system through urban areas. Again, there are no indications in the language of this policy that ensure that there will be a decrease in any industrial uses near the sensitive receptors of communities.

27.1

- The circulation diagram needs to be revised to include routes off-limit to trucks based on routes being located within a community and include a policy to enforce prohibition.
- The county wide truck routes must minimize exposure to sensitive receptors and prioritize minimizing exposures for communities impacted by high levels of air pollution.

**Land designated for industrial development that is located near sensitive receptors and/or which would require trucks to use roadways with sensitive uses in disadvantaged communities, needs to be rezoned to a less impactful use that will not allow for heavy duty truck traffic.**

Policy TR-A.17 Sensitive Land Uses, states that “The County shall limit within Urban Areas the expansion of existing or designation of new truck routes within 500 feet of sensitive land uses such as schools and residential areas.”<sup>30</sup> TR-A.17 policy only indicates that expansions of truck routes will only have to go as far as a maximum of 500 feet away from a sensitive receptor. While this is an improvement in comparison to prior language, the distance of 500 feet away from a sensitive receptor will not reduce health impacts when **it actually takes a minimum of 2500 feet from a truck route to begin to see a statistically significant decrease in the exposure to cancer risk from diesel PM2.5.**<sup>31</sup>

27.1

In the county’s pursuit of transportation planning through the Central Valley, the FCGP policies must require protections to be built into the language of all of its policies that will improve the quality of life of the communities that are being impacted.

- Policy language must include plans that will actually reduce exposure to air pollution such as diesel PM2.5 by improved rezoning of impact land uses away from sensitive receptors.
- Transportation goals must prioritize funding investments for projects that will create complete streets, improve bike lanes, tree canopy and improved public transit for disadvantaged communities.

## **IX. The Draft Zoning Ordinance Does not Promote the General Welfare of Fresno County Residents**

The purpose of the Zoning Ordinance states that it is, “adopted to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents and businesses in the County.” However, several of these goals appear to be forgotten when all

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<sup>30</sup> Fresno County General Plan pg 2-95

<sup>31</sup> CARB Freight Handbook: pg 13 Figure 2: Diesel PM Concentration and Associated Cancer Risk

priority is given to developmental growth without consideration of the long standing, existing communities.

In Article 1 Chapter 800.1 (E)(2) (page 1-3) of the Zoning Ordinance, it states that, “ An approved development for which construction has not begun as of the effective date of this Zoning Ordinance or amendment, may still be constructed as approved, as long as construction is diligently pursued, as determined by the Director, before the expiration of an applicable land use permit (Section 868.6.080, Expiration) or, where applicable, before the expiration of an approved time extension. “

This is of concern, especially in the county areas that are within the sphere of influence of the city of Fresno’s South Central area and Malaga and Calwa communities. As the focus of the County continues to be industrial development, these grandfathered permits will allow industrial facilities to be constructed within extremely close proximity to residential communities, without any prior notifications given to the residential property owners and without having to adhere to the Environmental Justice Policies that are being included in this updated General Plan.

**This Zoning Ordinance Update must adhere to the Environmental Justice policy goals and any prior approved development projects for which construction has not yet begun must also adhere to the Environmental Justice policy goals.**

27.1

In Article 2, Chapter 808.2, Agricultural Zones, all Agricultural Zones are written to give specific protections of different types of agricultural uses. However the same amount of protections are not given to residential uses nor to the areas zoned for residential use that are near industrial uses. For example, 808.2.010 (A) is for Exclusive Agricultural zoning which states that this zoning is, “intended to protect agricultural land and provide for those uses which are necessary...and to protect the general welfare of the agricultural community from encroachments of non-related agricultural uses.”

**Residential land uses should have the same equal protection from the encroachment of agricultural and industrial land uses, especially from the encroachment of: agricultural land that uses pesticides near communities; agricultural land that has been or is applying for rezoning to heavy and light industrial land uses; and protection from agricultural roads that are being transitioned into high capacity infrastructure build out for the sole purpose of increasing industrial development that will encroach upon residential communities.**

Again, the language related to this Zoning Ordinance prioritizes the needs of the agricultural industry over the needs and impacts of communities. Another policy that needs protections in its policy language is Chapter 816.2 on page 2-95. It states that Farmworker housing complexes will be included in special purpose land use zones. While there is a need for more affordable housing options for vulnerable and low income residents, the housing environment must allow

for provisions that will protect people from over exposure to pesticides and dust created within the farmlands.

In Article 3, Table 3-1 shows the Land Use Compatibility for Community Noise Environments.<sup>32</sup> It states that the land use category of Residential should not have decibel(dB) uses more than 75dB. It also states that Industrial, Manufacturing, Utilities, Agriculture can be conditionally acceptable with decibel uses starting at 70dB. The present concern is that when these permitted land uses of Residential and Industrial physically abut each other or are too close in proximity to each other, these decibel levels are too high. The County's own language in this diagram of Table 3-1 confirms what community members continue to state, which is that the noise pollution is too high and causes deafness and the inability to have healthy sleep patterns. While noise limitations are adequately addressed in Chapter 820.3.150, there are no safeguards to enforce that the noise limitations and standards will be adhered to and enforced.

In Chapter 820.3.150 - Vibration states that "No use shall generate vibrations that may be considered a nuisance or hazard on any abutting property. " However, the complaints of the community regarding noise and vibration pollution continue to be ignored by the county. The vibrations felt inside the homes cause attention disruption as heavy duty trucks pass by constantly on farm roads that were never meant to carry such massive amounts of weight. **The policy needs to include clear steps in which community members can make complaints when noise levels go beyond a nuisance.**

27.1

Chapter 822.3.090 Property Development and Use Standards-Screening and Buffering Section E and F (Table 2-6 and Table 2-8)<sup>33</sup> states that the maximum landscape buffer that is required only has to be 20 feet wide and a 10 foot high cinder block wall when it is 400,000 sq ft or greater. These minimal requirements are even less if the square footage of the facility is less than this square footage. Instead, **these standards should include increased landscape buffers with a minimum of 40 feet wide and a minimum of a 20 foot high cinder block when it is 400,000 sq ft or greater.**

Chapter 826.3.020: Commercial/Industrial/Warehousing Landscaping Standards states that frontage buffers will require a minimum 24-inch box drought tolerant trees. This is not sufficient as this is only a sapling of a tree that will take a minimum of 5 years to even begin to create a green buffer. Developers are only going to submit to the minimum and not go above and beyond for the protection of a community. **Therefore, the required tree size must be larger than a 36 inch box.**

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<sup>32</sup> Fresno County General Plan Zoning Ordinance pg 3-7

<sup>33</sup> Fresno County General Plan Zoning Ordinance pg 3-25

Chapter 828.3.080: Loading and Truck Parking for Designated Commercial/Industrial Warehousing Development states that (B) “Warehouses or commercial/industrial structures larger than 400,000 square feet in floor area. The building’s loading docks shall be oriented to provide minimal impact to surrounding sensitive receptors and located a minimum of 700 feet away, measured from the nearest property line adjacent to the sensitive receptor”<sup>34</sup> While this is an attempt to create mitigations of the vicinity of trucks near sensitive receptors, this distance needs to be a minimum of 2500 ft away from the sensitive receptor based on the importance of decreasing the risk of cancer from PM2.5 diesel exposure.<sup>35</sup>

While many of these comments and concerns uplifted in the zoning ordinance are very specific in the requests to improve the limitations or the standards allowed, it is because it directly impacts the environmental conditions in which community members continue to have to live in as the county allows for increased industrial growth within their neighborhoods.

27.1

#### **X. Draft Public Engagement Policies Fail to Meet their Intended Goals and Objectives**

Adequate Public Engagement is essential in ensuring a General Plan meets the needs of residents. The state also requires that the planning agency shall “provide opportunities for the involvement of citizens, California Native American tribes, public agencies, public utility companies, and civic, education, and other community groups.”<sup>36</sup> Effective public engagement ensures all voices are represented, promoting good governance and avoids conflicting policies or land uses.

Unfortunately, some communities are situated as far as one hour away from where local elected officials meet and are too often left out of important decision making processes. For this reason, it is crucial to have community engagement before, during, and after the General Plan is adopted this Fall. Throughout the General Plan documents the County commits to evaluate different programs and policies periodically and on a yearly basis. Thus, the commitment to engage residents does not end this year. By the County engaging residents in the General Plan update, the new plan can be reflective of community needs and priorities and be shaped by the community. We also know there will soon be a process the County will use to determine which community plan will be updated next. We expect the County to continue to do outreach when this process is completed to inform residents of this update.

Further, the current land use maps included in the general plan and zoning ordinance fail to include a land use map that illustrates land use designations for areas of unincorporated Fresno County which are within the sphere of influence of cities. Other included maps do not assign

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<sup>34</sup> Fresno County General Plan Zoning Ordinance pg 3-73

<sup>35</sup> CARB Freight Handbook: pg 13 Figure 2: Diesel PM Concentration and Associated Cancer Risk

<sup>36</sup> Government Code 65351

land designation for these areas either. Without a clear map, the GPR/ZOU fails to comply with Gov Code § 65302(a) which requires a plan to designate the general location and extent of land uses. Without its inclusion, residents are unable to accurately and easily interact and engage with General Plan amendments.

OPR guidelines also state the, “State law requires the local planning agency to provide opportunities for the involvement of the community”<sup>37</sup> We have attended past workshops when the County first began the process to update the General Plan and have continued to attend the most recent workshops the past two months. It should be evident that we want to continue to be included and see our feedback taken into consideration once the current General Plan documents are updated before adoption. Keeping this in mind, this is not the case for everyone in the County. There are residents who may not be aware of the workshops or that the County is undergoing this process. We recommend the County work with local organizations, agencies, water districts, etc to help spread the word and mail out this information to those who do not use social media or email. The County needs to make sure that the material and flyers are created in primary languages including, but not limited to, Spanish, Hmong, and Punjabi. These points need to be added to **policy EJ-E.4** where it simply states the diversity of the County will be taken into consideration when developing material.

27.1

In addition to the General Plan workshops, **Policy EJ-A.8** states that “The County shall provide residents within disadvantaged communities the opportunity to review and comment on discretionary development projects within their communities.”<sup>38</sup> The County should update this policy to include how far in advance residents can expect to be notified and how they will be notified.

We urge the County to be intentional about conducting outreach and including Fresno County residents in current and future processes. It is imperative that the County include community’s feedback and not treat it simply as a task that needs to be completed.

## **XI. Conclusion**

Thank you for your consideration and time in reviewing our letter. We look forward to the County incorporating our recommendations in the final General Plan documents. The County has the ability to positively impact the future of Fresno County and must keep community concerns in mind when creating policies and programs. We urge the County to be intentional and proactive about including all communities but especially historically disinvested communities.

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<sup>37</sup> OPR Guidelines, Chapter Community Engagement and Outreach, pg 26

<sup>38</sup> Fresno County Draft Policy Document, pg 2-204

Sincerely,

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Leadership Counsel for Justice and Accountability

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Alexandra Alvarado  
Faith in the Valley

Jim Grant  
Human Rights Coalition of the Central Valley

Kevin Hall

Friends of Calwa

Community United in Lanare

South Fresno Community Alliance

Comunidades Unidas por un Cambio

Cantua Creek y El Porvenir Prioridades

Tombstone Territory Por Un Futuro Mejor

Lanare y Riverdale Trabajando Por Cambios



## Letter 27

**COMMENTER:** Isaac Serratos, Staff Attorney, Leadership Counsel for Justice and Accountability

**DATE:** June 27, 2023

### **Response 27.1**

*The commenter provides recommendations and observations pertaining to the Background Report, Policy Document and Zoning Ordinance. The commenter expresses concerns regarding SB 244 analysis, climate change analysis and planning, infrastructure availability, and environmental justice. The commenter provides comments and recommendations regarding General Plan policies and the Zoning Ordinance Update.*

This comment does not relate to the analysis or conclusions within the Draft EIR. This comment has been noted and passed to decision makers. Please refer to Master Response GPR/ZOU for additional information regarding recommendations related to the GPR/ZOU.



June 27, 2023

Chris Motta, Principal Planner  
 County of Fresno, Department of Public Works and Planning  
 Development Services and Capital Division  
 2220 Tulare Street, Sixth Floor  
 Fresno, California 93721

*Sent Via Email*

**RE: DPEIR for FCGPR and ZOU**

Dear Mr Motta,

We submit this letter on behalf of Cantua Creek y El Porvenir Prioridades, Lanare y Riverdale Trabajando Por Cambios, Tombstone Territory Por Un Futuro Mejor, Community United in Lanare, Comunidades Unidas, South Fresno Community Alliance, Friends of Calwa, Planned Parenthood Mar Monte, Central California Environmental Justice Network, Faith in the Valley, Human Rights Coalition of the Central Valley, Kevin Hall, and Leadership Counsel for Justice and Accountability in response to Fresno County’s April 2023 General Plan Review and Revision Public Review Draft Background Report and Policy Document (together, “Draft GPR/ZOU”) and Public Review Draft Zoning Ordinance Update and their Draft Program Environmental Impact Report (“DPEIR”).

28.1

It is imperative that the GPR/ZOU, which direct growth and investment, acknowledge and protect and advance the priorities of disadvantaged communities in Fresno County. The General Plan Revision and Zoning Ordinance Update provide directives that will shape how growth occurs throughout the County for decades to come. The plan updates impact every facet of daily life, especially for communities that lack access to basic services, and who will be least able to absorb negative changes to transportation, air quality, and land use patterns. For years, residents and community-based organizations have sought County action to resolve long-standing issues of poor land use decisions and disinvestment which have harmed disadvantaged

communities. For all the time and energy expended by residents and advocates over the years, including input provided on previous GPR/ZOU iterations, the proposed GPR/ZOU fails to meaningfully address or ameliorate the issues raised and even threatens to deepen existing disparities in contravention of environmental, environmental justice, and civil rights mandates that apply to the County.

This letter compliments and should be read together with another policy-focused letter addressing the GPR/ZOU submitted concurrently by the signatories hereto. This letter describes the Draft GPR/ZOU's failure to satisfactorily address land use, housing, environmental health and investment disparities impacting disadvantaged communities and to include analysis and policy commitments that comply with state planning laws, the California Environmental Quality Act, and civil rights laws. The letter identifies areas for further analysis and revisions to avoid and reduce the GPR/ZOU's adverse impacts to disadvantaged communities and vulnerable populations in particular and to ensure that the GPR/ZOU includes commitments that advance quality of life, environmental quality, and public health for Fresno County residents.

28.1

**I. The Draft General Plan Revision is inconsistent with State Planning and Zoning Law requirements designed to advance environmental justice, respond to climate change, and protect public health**

**A. The Environmental Justice Element Does Not Satisfy SB 1000's Minimum Requirements**

SB 1000 (Stats. 2016, Ch. 587), codified at Government Code section 65302(h), requires cities and counties to amend their general plans to identify and describe disadvantaged communities (or "DACs") within the local jurisdiction and include environmental justice goals, policies, and objectives addressing eight topics. Gov. Code § 65302(h). These EJ Policies must (1) reduce unique or compounded health risks in disadvantaged communities by reducing pollution exposures, improving air quality, promoting public facilities, increasing food access, providing safe and sanitary homes, and promoting physical activity; (2) promote civic engagement in the public decision-making process, and (3) prioritize improvements and programs that address the needs of the disadvantaged communities. California law defines environmental justice to include "deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities" and "at a minimum, the meaningful consideration of recommendations from communities most impacted by pollution into environmental and land use decisions." (Gov. Code § 65040.12(e)(2)). Thus state law is clear that general plan environmental justice policies must actually help transform the conditions giving rise to the health and investment disparities that impact disadvantaged communities and create inclusive decision-making processes which create space for and residents' voices and carefully weigh to the messages they share.

28.2

Although the County has made certain revisions to its 2023 draft Environmental Justice Element, the draft EJ Element still fails to incorporate many of the recommendations and

requests provided to the County on the 2021 draft EJ Element and fails to identify objectives and policies necessary to address the requirements of SB 1000.

*1. The Environmental Justice Element Fails to identify Objectives and Policies to Meaningfully Reduce the Unique or Compounded Health Risks in Disadvantaged Communities*

Many disadvantaged communities in Fresno County are ranked among the worst in the state for the cumulative environmental burdens and are surrounded and interspersed with noxious and polluting land uses including warehouses, landfills, glass manufacturing, meat rendering, and biomass facilities, freeways and other heavily trafficked roadways, commercial agriculture, dairies, and more – in significant part, as a result of County land use designations and siting practices. With County support, the development and expansion of polluting land uses surrounding and within disadvantaged communities and near homes, schools, and other sensitive receptors in Fresno County has continued to proliferate, deepening the environmental and health inequities experienced by these communities. Despite SB 1000’s mandate that the County adopt policies that will reduce unique and compounded health risks impacting DACs, policies throughout the Draft GPR/ZOU would entrench and exacerbate risks resulting from the concentration of polluting land uses in and around DACs, including through policies supporting the development and expansion of industrial facilities, oil and gas operations, agriculture, and new greenfield residential communities in rural Fresno County (i.e., sprawl) without incorporating protections for environmental impacts on nearby and vulnerable communities. *See e.g.*, GPR Policy Document Figure LU-1a (depicting agricultural land use designations entirely surrounding Lanare, Huron, and other DACs); Figure LU-6 and Policy ED-A.9 (respectively depicting and committing the County to study development of a 3,000 acre industrial business campus study area adjacent to the community of Malaga); Figure LU-5 (depicting industrial corridors along State Route 99 and Golden State Boulevard in areas proximate to environmentally-burdened communities); Policies ED-A.7 & 16 (providing that the County will support development and expansion of industrial and processing facilities while failing to address County land use and zoning which directs these facilities to DACs<sup>1</sup>); LU-E.25

28.2

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<sup>1</sup> Based on our review of the GPR and ZOU documents, we are not able to locate a land use map or land use maps which depict land use designations for certain areas of unincorporated Fresno County, including unincorporated South Fresno neighborhoods located within or near the Sphere of Influence of the City of Fresno and other Fresno County cities. Figure LU-1a, the “Countywide Land Use Diagram,” omits designations for areas it identifies as “Cities”, yet these areas include significant unincorporated county land. Figures LU-1c and LU-1d depict rural residential land use designations and some other designations on unincorporated land located in the City of Fresno’s and City of Clovis’ SOI. These maps notably fail to depict any land use designations for significant swaths of unincorporated land depicted on these maps, including extensive land on the Southern fringes of the City of Fresno which is designated for industrial land use under the 2000 General Plan and currently zoned industrial. No other maps appear to assign land use designations to these areas. As a result, the General Plan appears to fail to satisfy Government Code section 65302(a)’s requirement that the plan include a map that designates the distribution of land uses within the jurisdiction. This omission creates uncertainty for South Fresno residents and stakeholders and undermines the Draft EIR’s analysis of the GP/ZOU’s environmental impacts, which by virtue of the omission cannot assess the potential impacts of development allowed under land use designations which will be applied to those parcels.

(establishing a 7,000 acre study area in the Sierra Nevada foothills for new community development); LU-A.1, B.10, OS-C.16 (allowing oil and gas exploration and extraction approval without protections for nearby sensitive uses); Economic Development Chapter (identifying expanding agriculture as a primary economic development strategy and including policies to direct County resources towards implementing that policy without complimentary policies to prevent air and water impacts on communities). At the same time, the EJ Element's policies, due to their vague language and limited scope, will do little to offset the new and amplified risks created by those policies let alone reduce the risks associated with the status quo.

EJ Element Policy EJ-A.1 demonstrates the County's lackluster effort to respond to SB 1000 and how, while some policies included in the EJ Element do represent an improvement from previous General Plan Revision iterations, those policies fail to address or prevent the exacerbation of existing health burdens in DACs. EJ-A.1 states that "[t]he County, during the development review process, shall require proposed new sensitive land uses (such as residential uses, schools, senior care facilities, and daycare facilities) to be located an appropriate distance, to be determined during the development review process, from freeways, major roadways, and railroad tracks based on analysis of physical circumstances of the project location so as to minimize potential impacts including, but not limited to, air and water pollution exposure, odor emissions, light, and glare." The Draft General Plan critically fails to define what constitutes an "appropriate distance" and fails to set a minimum distance that might qualify as such, allowing the County great discretion to determine what distance between new sensitive receptors and heavily trafficked corridors will satisfy this policy and no option for the public to ensure compliance by the County or developers with a specific distance that actually protects occupants from health-harming exposures.

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While the Draft GPR laudably removes some language that specifically targeted disadvantaged communities, and Malaga and Calwa in particular, for industrial development, the Draft GP and EJ Element fail to demonstrate that the GPR change the heavy industrial land use designations that direct industrial development to Calwa, Malaga and other South Fresno DACs, includes policies promoting industrial development which based on existing land use designations can occur primarily in South Fresno neighborhoods and almost exclusively in DACs, and plans for the creation of a new 3,000 acre industrial park adjacent to Malaga. See Footnote 1; GPR 2-65. Together, these policies render the deletion of explicit language targeting disadvantaged communities for industrial development nothing more than symbolism.

We commend the County for adding language to the Draft GPR that supports "buffers" between sensitive land uses and polluting land uses and enhanced landscaping to enclose industrial facilities, but they are wholly insufficient without correction of the policies mentioned above and without additional specifics representing firm commitments. Additionally, some of the protective measures in the EJ Element would only apply to discretionary approvals. The ZOU Table 2-8 makes clear that many industrial facilities (i.e., meat packing and processing, various manufacturing, plastics products, large recycling collection facilities) would be allowed by right, therefore only requiring ministerial approval and sidestepping the few protections that would have been otherwise provided. Further, the current EJ element contains measures that are

already required by other laws, or simply require consideration. See EJ-A.8. To the extent that the County continues to apply industrial land use designations to land adjoining and surrounding sensitive land uses and DACs, robust, specific, and enforceable protections from and environmental review for all uses with potentially adverse impacts on communities are even more critical.

Finally, SB 1000 requires the County to reduce the unique or compounded health risks to safe and sanitary homes in disadvantaged communities. In response to this requirement, the Draft EJ Element only includes two policies, EJ-D.1 and EJ-D.2 which identify two total programs that the County is already administering, the Housing Assistance Rehabilitation Program and unspecified programs to support housing rehabilitation for seniors, residents with disabilities, and low-income residents. GPR 2-207. While the inclusion of EJ-D.1 and EJ-D.2 represents an improvement from the County's 2021 Draft GP, which contained no policies aimed at supporting safe and healthy homes in the EJ Element, both programs identified are funded through limited federal grants that include only limited funding which is subject to federal budget reduction and which have not significantly met community housing needs. In fact, the County's 2021 Annual Progress Report states that the County "did not receive applications from qualified applicants for HARP loans" and "did not provide any Rental Rehabilitation Program loans for housing" in the unincorporated county in 2021.<sup>2</sup> The APR does not reflect the provision of any funding support for any housing rehabilitation projects for senior residents or persons with disabilities in 2021. Therefore, it is unlikely that policies EJ-D.1 and EJ-D.2 will in fact reduce unique and compounded health risks in DACs by improving safe and sanitary homes, as required by SB 1000. Gov. Code § 65302(h)(1)(A).

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Further, disadvantaged communities in Fresno County experience a range of health and safety issues associated with housing that EJ-D.1 and EJ-D.2 entirely fail to address. Disadvantaged communities in several areas of the County lack access to potable water, community wastewater systems, and hazardous conditions in housing, including severe dilapidation, faulty electrical systems, pest infestations, inadequate insulation and cooling to protect residents from extreme weather conditions, and more. Not only does the County fail to identify meaningful safe and sanitary home policies to address these issues, but it further entrenches inadequate supply and unaffordable prices for low-income households, patterns of segregation, resource disparities, and regional air pollution through growth strategies supporting market rate new town development and sprawl. LU-E.25 creates a 7,000 acre study area in the rural Sierra Nevada foothills for residential and commercial development, and LU-G-14 allows the County to approve to approve developments in a City's SOI without first referring it to the City for annexation. Several policies also eliminate restrictions in the 2000 General Plan that development occur where infrastructure exists; instead of allowing development to occur in existing DACs that currently lack infrastructure and supporting the development infrastructure in DACs to make development possible, the Draft GPR simply allows development to occur

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<sup>2</sup> See Fresno County 2021 APR, 12. Housing Assistance Rehabilitation Program, 13. Rental Rehabilitation Program, available at <https://www.fresnocountyca.gov/files/sharedassets/county/vision-files/files/63480-2021-general-plan-progress-report.pdf>

anywhere that infrastructure “can be provided.” *See e.g.*, p. 1-2, 2-29. The policies will unlock the floodgates for even more sprawl in Fresno County without guaranteeing affordability, thereby ensuring a further decline in public services without guaranteeing affordable, safe, and sanitary homes for already disadvantaged communities. Policies encouraging smart growth, inclusive housing opportunities for low-income residents both within existing DACs and in all new growth areas, and investment in disadvantaged communities should be identified and policies promoting sprawl should be revised or deleted.

*2. The Environmental Justice Element Must identify Objectives and Policies to Promote Civil Engagement in the Public Decisionmaking Process*

Government Code section 65302(h)(1)(B) makes explicit that local jurisdictions must identify objectives and policies to promote civil engagement in the public decisionmaking process. Gov Code 65302 § (h)(1)(B).

Disadvantaged communities are often underrepresented in civic life and are not substantially engaged in meaningfully altering decision-making. Identifying and creating opportunities for DACs to engage creates a more holistic and inclusive decisionmaking process. Since its original draft, the County has altered and expanded some policies. Still these policies are unlikely to accomplish the goal set out in SB1000 to engage and involve DACs. For example, EJ-A.8 states “the County shall provide residents within disadvantaged communities the opportunity to review and comment on discretionary development projects within their community” FCGP Review 2-204. The policy essentially states what CEQA already requires the County to do. Additionally, E.J-E.4 requires the County to consider the diversity of residents when developing notice and outreach efforts. Although a positive step, the policy does not elaborate on how notice and outreach would be expanded and conducted. County sponsored workshops are often poorly attended and act more as a checkbox ticking activity instead of incorporating and reaching out to a larger group of disadvantaged residents. As mentioned above, as the County increases industrial development through by right development, the opportunity for disadvantaged communities to engage are further reduced.

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We encourage the County to expand its notification efforts to increase greater participation in civic life. For example, increasing the distance from a proposed project that a community will receive notifications, explaining the project's potential effects upon notification, and holding events in a format that is helpful for an exchange of information (discussion groups, not simply a presentation with questions). Without identifying additional measures to increase civic engagement, the County will fail to increase civic engagement among disadvantaged communities, thereby failing to identify policies to comply with SB1000.

*3. The Environmental Justice Element Must Identify Objectives and Policies that Prioritize Improvements and Programs that address the Needs of Disadvantaged Communities*

Those policies must identify objective and policies that prioritize improvement and programs that address the needs of disadvantaged communities. Gov Code 65302 § (h)(1)©. This broad requirement allows the County to tailor its policies and objectives to suit the disadvantaged communities within its jurisdiction.

Communities have continually requested greater investment in their communities through community gardens, trails, sidewalks, or suitable transportation options. EJ policies to effectively address disadvantaged communities' requests should be considered and reflected through objectives and policies. Those policies should go further than simply considering the policy. For example, considering an agricultural buffer does little for the community exposed to higher pesticide use and increased cancer rates. Instead, the policy should fully consider and implement the use of an agricultural barrier. SB 1000 was not passed as a paper exercise; its goal was for local jurisdictions to consider the needs of disadvantaged communities to address their concerns meaningfully.

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### **B. The General Plan fails to comply with Gov Code § 65302.1**

Acknowledging the particularly poor air quality in the San Joaquin Valley, the legislature implemented additional requirements for local jurisdictions' general plans in the SJV. Gov Code § 65302.1(a)(1). The County must amend the elements relating to land use, circulation, housing, conservation, and open space, to include data and analysis, goals, policies, and objectives, and feasible implementation strategies to improve air quality and lower vehicle miles traveled. Gov Code § 65302.1(b). Fresno County must plan for land uses in ways that support a multimodal transportation system and plan land uses to minimize exposure to toxic air pollutant emissions from industrial and other sources, and reduce particulate matter emissions from sources under local jurisdiction. Gov Code § 65302.1 (3) (C), (E), (F). The adoption of air quality amendments to a general plan shall include a comprehensive set of feasible implementation measures designed to carry out those goals, policies, and objectives. Gov Code § 65302.1 (c)(4)

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Fresno County attempts to meet its obligations by creating largely empty goals without actionable policies that would improve air quality or vehicle miles traveled as Gov Code § 65302.1 intended. Policies TR-A.7, TR-A.8, TR-A.14, TR-A.15 largely only require the County to "coordinate," identify funding, or consider the possibility of future policies that could potentially improve air quality and vehicle miles traveled. And yet, these go further than some Goals lack even a policy of "consideration." For example, Goal TR-C states, "[t]o reduce travel demand on the County's roadway system and maximize the operating efficiency of transportation facilities so as to reduce the quantity of vehicle emissions and reduce the amount of investment required in new or expanded facilities." The goal includes no policies to achieve the stated goal; therefore, it only provides a façade for improving air quality. Without actionable policies behind each goal included in the general plan, the County will fail to carry out its duty to improve air quality.

### **C. The General Plan does not fully address the climate change adaptation and**

**resiliency requirements provided by Gov. Code § 65302(g)(4).**

Fresno County was required under Senate Bill 379 (“SB 379”) to address climate adaptation and resiliency in the Safety Element of its General Plan (GP) by May 2018, upon the most recent update to the County’s Multi-Jurisdictional Hazard Mitigation Plan. As such, the County is five years overdue to address these requirements. Gov. Code § 65302(g)(4). This section obligates the County to (1) prepare a climate vulnerability assessment, (2) adopt climate adaptation and resilience goals, policies, and objectives based on this assessment, and (3) approve feasible implementation measures to carry out these goals, policies, and objectives. *Id.* We appreciate the County’s efforts thus far in taking affirmative steps to meet these requirements. These attempts, however, fall short of achieving the conformity standards envisioned by SB 379. We find it necessary that the County more explicitly address disadvantaged communities and their specific vulnerabilities to climate change, provide the Fresno County Climate Change Vulnerability Assessment, demonstrate how policies incorporated from other elements of the GP specifically meet SB 379 requirements, and commit to more definite and proactive policies designed to remedy these communities’ specific needs.

*1. The Draft Policy Document and Background Report Fail to Provide Substantive Climate Change Vulnerability Assessment Information with Regard to Specific Sensitive Communities Within the County.*

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The Draft GP Review’s (GPR) discussions of existing conditions within the County fail to meaningfully account for the systemic lack of infrastructure and resources that render its disadvantaged communities especially exposed to climate change impacts. In reviewing the Draft GP, SB 379 mandates that the County “shall consider advice” provided in the Office of Planning and Research’s (OPR) General Plan Guidelines—which provide the state’s interpretation of SB 379’s requirements as well as the best practices for compliance to create an effective analysis—but it appears the County has not taken them into account. *Id.* The County must also include in its vulnerability assessment information on populations that will be sensitive to various climate change exposures, maps of vulnerable areas, and existing and planned development in identified at-risk areas. Gov. Code § 65302(g)(4)(A)(ii)(III), (V), & (VI). The guidelines state that “in all cases” reviewing the information and process guidance in the California Adaptation Planning Guide (APG) should “be the first step, in parallel with reviewing data and information in the Cal-Adapt tool.” OPR General Plan Guidelines (2017), p. 156. We find that the County has fallen short of completing these obligations.

Throughout the Health & Safety Element, the County cites information contained within the Fresno County Climate Change Vulnerability Assessment, which it references as “Appendix C.” Whereas the Draft Policy Document broadly lists vulnerable populations—those most sensitive to climate change hazards—as those that are low-income, non-White, outdoor workers, or pollution burdened, among many others, it then refers to Appendix C for mapped communities most at risk in unincorporated Fresno County, detailed descriptions of vulnerable populations groups, and adaptive capacity in the County. We find it troubling that there is no Appendix C

attached in the documents to begin with, nor is Appendix C posted to the County's GPR update. In its current state, the Draft GPR thus not only fails to meet SB 379's explicit requirements pursuant to Gov. Code § 65302(g)(4)(A)(i), but it also prevents policy makers and the public from utilizing this information to inform policies within the Climate Adaptation section of the Draft GP.

Equity should be treated as a "critical component of all planning, including climate adaptation planning," and is essential for jurisdictions' compliance with their duties under civil rights laws. California APG (2020), p. 28. This involves identifying persons who may be most vulnerable to climate change and ensuring that planning processes, distribution of resources, and efforts to address systemic wrongs are all conducted in an equitable manner. *Id.* Without more, the Draft Policy Document's summary discussion and lack of substantive information on this topic run directly counter to state requirements. The only other information about these sensitivities is found in the Draft Background Report, which utilizes Cal-Adapt to analyze projected increases in temperatures, extreme heat days, variable precipitation, extreme storm events, and flooding in the County over the coming decades. While certainly useful, these figures describe general trends throughout the County without referring to how climate change impacts may exacerbate existing vulnerabilities and infrastructural deficiencies in particular sensitive communities. As a result, the Draft GP leaves decision-makers and the public in the dark about the unique and acute risks faced by Fresno County's most vulnerable communities, and fails to effectively inform climate adaptation and resiliency policy to ensure their preparedness and protection.

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This may be amended by expanding upon the County's use of the California Environmental Health Tracking Program tool to detail disparities in resources and how they heighten at-risk residents' exposure at the census tract level. *See* OPR General Plan Guidelines at p. 147 ("increases in average temperature, a greater incidence of extreme weather conditions...all will not only exacerbate existing hazards...but may also create new hazards where none previously existed"). The County should also draw from written and verbal input provided by residents of disadvantaged communities and community-based organizations (CBOs) that work with them during the GPR process and in other related processes. This is crucial due to the prevalence of community-specific climate impacts that are not uniformly felt throughout the County, but are instead localized on neighborhoods with historic disinvestment and lack of resources. For example, unincorporated fringe communities near south Fresno City limits experience unique extreme heat impacts that are magnified by the rapid development of concrete e-commerce warehouses. This extreme heat has also triggered fires at warehouses, recycling centers, and industrial facilities that store flammable and hazardous materials, which create serious air quality hazards for nearby residents when ignited. These impacts are only compounded by other health risks when hotter, sunnier days increase ozone formation; this itself is then exacerbated by air pollution hot spots in these communities produced by truck traffic to and from adjacent industrial and warehouse facilities. Communities in these areas are additionally exposed to flood risks because of a lack of paved or maintained streets. As such, emphasis on County engagement with CBOs and local residents is the most effective manner of directly remedying current and future climate consequences.

2. *The Safety Element's incorporation of policies from other elements that address adaptation and resiliency do not meet Gov. Code § 65302(g)(4)(D)(ii).*

In the Climate Adaptation section of the Health and Safety Element, the County incorporates by reference a large number of policies from other elements of the Draft GP in Table HS-1. These policies cover a range of topics including but not limited to agriculture, water resources, storm drainage and flood control, and fire protection. The County states that these policies address health and safety risks associated with climate change for County residents, but fails to explain how they do so. The County then mentions that the goals, policies, and implementation programs in the Health and Safety Element aim to “fill the gaps” and ensure the GP “fully addresses the needs of residents.” But given the ineffectiveness of these referenced policies at directly addressing climate impacts in disadvantaged communities, as seen in Policy PF-C.7 which requires the creation of infrastructure master plans for the provision of potable water only “for areas undergoing urban growth,” these gaps are surely much wider than the County anticipated.

When a city or county incorporates other provisions, plans, or documents, it must do so by “specifically showing how each requirement” has been met by those policies. Gov. Code § 65302(g)(4)(D)(ii). By merely listing the names of these policies in a table and stating that they address climate adaptation and resiliency strategies, the County attempts to circumvent these explicit requirements and fails to demonstrate that these referenced policies are supported by feasible implementation measures that are actually based on specific risks identified in the climate change vulnerability assessment. Accordingly, the County must clearly acknowledge the obligations set forth by Gov. Code § 65302(g) with respect to how these policies satisfy the subdivision.

3. *The General Plan's Identified Climate Adaptation Goals, Policies, Objectives, and Associated Implementation Measures are Vague and Indefinite.*

In Fresno County, many disadvantaged communities already feel the cumulative burden of climate change, environmental pollution, and historical socioeconomic disparities. California APG at p. 28. Identifying and acknowledging these communities is important, as there is an opportunity in climate adaptation planning to address issues holistically. *Id.* As equity in adaptation planning is multidimensional, it may involve resource prioritization for communities that experience disproportionate inequities, unmet needs, and impacts; correcting past harms and preventing future unintended consequences; and fairly distributing resources, benefits, and burdens. *Id.* Such an approach is also consistent with the County’s obligations pursuant to its duty to affirmatively further fair housing (AFFH), which requires the County to take meaningful actions to overcome patterns of segregation and disparities and access to opportunity, since communities most impacted by climate change are also those impacted by historic segregation and disinvestment. Gov. Code § 8899.50(a) & (b). The California Department of Housing and Community Development (HCD) states that the AFFH duty requires jurisdictions to creatively

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use both land use planning and public investments in mitigation measures to solve for issues including environmental hazard risk and climate change adaptation. *See* California HCD AFFH Guidance for All Public Entities and for Housing Elements (2021) p. 42. The guidance also provides an example of an AFFH action by addressing the negative impacts of climate change through investments in adaptation measures, such as urban forestry or flood prevention measures in disadvantaged communities. *Id.* at p. 73.

- a. *Existing policies within the Draft Policy Document Allow for improper County Discretion and Would Exacerbate Climate Change and Its Impacts.*

The degree of specificity desired by SB 379 has been demonstrated by the California Attorney General’s Office Bureau of Environmental Justice. In one case, the Office commended the City of Placentia for the equitable climate adaptation policies in its General Plan. Not only did the City explain the impact of climate change in disadvantaged communities, but it also linked specific existing conditions—like low tree canopy coverage—in these communities to threats such as the urban heat island effect. *See* Attorney General’s SB 1000 Comment Letter to the City of Placentia (2019). One City policy thus committed to planting trees along all streets in its disadvantaged communities by 2023. The Attorney General’s Office praised these comprehensive, clear policies as an example of those with concrete deadlines that will yield specific benefits for these neighborhoods. The climate adaptation and resiliency goals, policies, objectives, and implementation measures provided by Fresno County comparatively leave much to be desired. Policy HS-G.1, for example, states that “when based on sound science, the County shall support” plans and other investments to reduce climate change impacts. But it fails to provide any legitimate criteria, standard, or implementation measure defining what sufficiently constitutes sound science, allowing the County excessive discretion to pick and choose as it pleases.

Numerous other policies currently included in the Draft GP not only provide the County with this discretion, but also threaten to exacerbate climate change and climate change impacts. While those policies should be revised to avoid that scenario, their current inclusion makes it all the more imperative that the County study their impacts both in the vulnerability assessment component of SB 379 as well as the in the development of robust climate adaptation policies and implementation measures. These policies include several supporting new Greenfield development and sprawl by planning for entirely new communities in the Sierra Nevada foothills; by allowing new development anywhere that infrastructure can be developed, this contributes to increased driving, air pollution, and greenhouse gases directly within the County. Other Draft GP policies support oil and gas drilling, expanding the agricultural economy, and industrial development without providing adequate, clear policies to reduce emissions or other climate impacts resulting from that development. Ultimately, this will result in heightened

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impacts on groundwater resources, air quality (through pollution-emitting equipment use), and local temperatures as more warehouses produce more and more intense urban heat islands.

- b. Policies in the Health & Safety Element fail to account for disproportionate existing and future vulnerabilities to flood, depleting water resources, wildfire and poor air quality, and rising temperatures in disadvantaged County communities.*

In disadvantaged communities throughout the County, existing conditions have the potential to intensify residents' exposure to climate risks. The County has failed to account for this exceptional vulnerability under SB 379's requirement that feasible implementation measures include the "designation of adequate and feasible infrastructure located in an at-risk area." Gov. Code § 65302(g)(4)(C)(iii). In addition to the previous examples regarding extreme heat, fires, air pollution hot spots, and other health risks in unincorporated fringe communities in South Fresno, the County has not considered that many communities lack sidewalks, complete streets, or adequate stormwater drainage. Other unincorporated communities such as Cantua Creek and El Porvenir additionally lack wastewater facilities and are forced to rely on leaking and failing septic tanks, which may even back up into residents' homes and yards. With changing precipitation patterns bringing heavier flood risks, these communities face additional exposure due to deficient infrastructure. This will worsen the degrading environmental quality in these areas from nearby agricultural uses, pesticide risks, and impaired waters. Policy HS-C.6, and program HS-C.F implementing it, only mandates that the County "shall encourage" expansion of stormwater and flood protection infrastructure capacity, including recharge basins. In doing so, it fails to describe any specific action the County will take to actually advance such projects beyond "participating" in the investigation and "supporting" the construction of water storage and banking facilities by other entities in the general upper San Joaquin River Basin area, measures which in themselves pose significant environmental and resource risks and are not clearly aimed at addressing impacts in communities with the greatest need. The Draft GP further fails to provide definite implementation measures to hold the County to specific actions to improve stormwater and flood protection infrastructure, including for DACs. Flood hazard policies HS-C.5, HS-C.9, HS-C.12, and HS-C.18 similarly rely on weak "encourage" language that do not provide clear direction for actions the County will take. Moreover, their associated implementation programs do not appear to fully address all objectives identified in each policy, or provide any real accountability for future policies. To comply with SB 379 and fulfill its purposes, the County must amend these flood policies and implementation programs by approaches including but not limited to: supplying stronger language committing the County to these actions, providing community-specific information about the effectiveness of existing infrastructure to drain stormwater, including both rudimentary (e.g. roadside ditches) and absent infrastructure, and investing in pervious or climate-smart surfaces and low-impact development to mitigate future flood harms on County buildings and residents. California APG, Appendix D: Examples of Local Adaptation Strategies by Sector.

This lack of infrastructure will further deteriorate access to clean drinking and potable

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water, which will only worsen in the coming decades as climate change progresses. Many disadvantaged communities in Fresno County are reliant on groundwater wells and resources for domestic use, particularly in unincorporated areas. But these wells are often contaminated by nitrates, arsenic, hexavalent chromium, and 123-TCP, while surface water is often impacted by treatment byproducts. Even if uncontaminated, wells are often vulnerable to complete failure due to reduced groundwater levels from drought and excessive agricultural pumping. As climate-related groundwater changes continue to affect the availability and adequacy of drinking water through variable annual snowpack and rainfall, there must be strong policies to connect communities to permanent water supplies. The County must meet the needs of impacted residents by taking a proactive role in extending, retrofitting, and upgrading water infrastructure to disadvantaged communities. This may additionally involve developing standards for the retrofit of existing buildings to increase water efficiency, residential or commercial low water fixtures such as low flow toilets or faucets. *Id.* The County should revise its climate adaptation goals, policies, and objectives to commit to such actions.

Furthermore, the escalation of wildfire frequency and severity associated with climate change will continue to disproportionately place disadvantaged residents at risk. Many low-income communities within the County are not well insulated, including residents in older or mobile homes. In combination with farmworkers, construction workers, and other outdoor laborers, they are faced with extraordinary smoke exposure during wildfires. As instances of wildfire increase in the coming decades due to climate impacts, increased smoke will exacerbate the extremely poor air quality that is already burdening disadvantaged communities. This comes as a result of heavy contaminants including PM 2.5, diesel, toxic facility releases, and pesticides due to these communities' locations next to freeways, commercial agricultural operations, dairies, industrial facilities, and other significant sources of pollution. The County must acknowledge these conditions and include policy solutions such as hardening residents' homes for better indoor air quality, expanding fire protection infrastructure programs and services in disadvantaged unincorporated communities, and equipping residents and outdoor laborers with appropriate N95 masks. The County should also strengthen Policy HS-G.8 by explicitly catering to the communication and noticing needs of local residents and workers in advance of smoke events through additional language and accessibility options.

On top of these numerous threats, of utmost concern for disadvantaged County residents are the rising air and surface temperatures expected in the coming decades. The Draft Background Report itself states that there is a high vulnerability in urbanized areas, especially in areas with low air conditioner and car ownership among residents. Given the close proximity of disadvantaged communities to heavy industrial and commercialized developments as well as incompatible and other harmful land uses, overall rising temperatures will only compound the intense urban heat island effects in these areas. The County must address these inequities by preventing further heavy development in proximity of these homes, encouraging infill and mixed-use development, and preventing increased developments and urbanization on farmland or new growth areas. Although we appreciate that Policy HS-G.7 takes initiative to utilize drought-tolerant plantings and shade structures for applicable County projects, the County should strengthen this policy by collaborating with CBOs to identify other areas in disadvantaged

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communities that will greatly benefit from urban greening and native vegetation. The County can bolster its urban greening commitment even further by investing in park spaces designed to reduce heat island impacts; investing in climate resilient public transportation infrastructure, such as those for cooling features and flood protection; requiring the incorporation of heat island mitigating features (such as green roofs, cool pavement, or greater landscaping) in new development located in or near heat islands; and creating and requiring developer fee contributions to a community benefit fund, like that created by the City of Fresno, to mitigate development impacts and those that exacerbate climate threats on housing, schools, and other sensitive land uses. This mitigation may include programs such as those implementing energy efficient HVAC systems, which both provides insulation to reduce heat exposure and reduces air pollution exposure. The cumulative benefits provided by such policies—including cleaning the air quality, sequestering carbon, cooling neighborhoods, reducing stormwater costs, buffering noise, and providing wildlife habitat—cannot be understated.

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## II. General CEQA Inadequacies

The following are general comments on the legal inadequacies found throughout the Fresno County General Plan Review and Zoning Ordinance Update Draft Program Environmental Impact Report. More specific comments on individual comments on individual sections of the document are included below. Unless the inadequacies are addressed and additional mitigation measures considered, the DPEIR fails to comply with the legal requirements of CEQA.

### A. The DPEIR Improperly Attempts to Avoid Analysis and Mitigation of the General Plans' Impacts by Concluding They Are Significant and Unavoidable.

Where all available and feasible mitigation measures have been proposed, but are inadequate to reduce an environmental impact to a less-than-significant level, an EIR may conclude that the impact is significant and unavoidable. See CEQA Guidelines § 15126.2. If supported by substantial evidence, the lead agency may make findings of overriding considerations and approve the project in spite of its significant and unavoidable impacts. *Id.* at §§ 15091, 15093. However, the lead agency cannot simply conclude that an impact is significant and unavoidable and move on. See *Berkeley Keep Jets Over the Bay Comm. v. Port Commissioners*, (2001) 91 Cal.App.4th 1344, 1371 (holding agency violated CEQA by finding project would have a significant environmental impact and adopting statement of overriding considerations without adequately analyzing the impact). A conclusion of residual significance does not excuse the agency from (1) performing a thorough evaluation and description of the impact and its severity before and after mitigation, and (2) proposing all feasible mitigation to “substantially lessen the significant environmental effect.” CEQA Guidelines § 15091(a)(1); see also *id.* § 15126.2(b) (requiring an EIR to discuss “any significant impacts, including those which can be mitigated but not reduced to a level of insignificance” (emphasis added). “A mitigation measure may reduce or minimize a significant impact without avoiding the impact

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entirely.” 1 Stephen Kostka & Michael Zischke, Practice Under the California Environmental Quality Act § 14.6 (2d ed. 2008).

The DPEIR finds that the County’s plans for future growth and development as set out in the General Plan will result in significant and unavoidable impacts in multiple topic areas. DPEIR at 5-3. As detailed below, in numerous instances, the PEIR fails to thoroughly assess impacts deemed to be significant and unavoidable and/or fails to identify all feasible mitigation measures to reduce the severity of the impacts.

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**B. The DPEIR Fails to Analyze the Impacts of All Development That Could Result from Buildout under the General Plan.**

The General Plan implicitly acknowledges the harmful effects of unrestricted growth in the County, including increased reliance on personal automobile use and the inability to provide efficient public transit, increased vehicle miles traveled, and insufficient water availability. GPR/ZOU DPEIR pp 2-22. To minimize these impacts, the DPEIR proposes to promote “urban-centered growth” by directing most new urban development to incorporated cities and existing unincorporated urban where public facilities and infrastructure are available and can be provided. Further, it prohibits designation of new areas as Planned Rural Community and restricts the designation of new areas for rural residential development. Unfortunately, these vague goals and restrictions do little to inform the public of intended new growth. These terms and restrictions are impermissibly vague under CEQA, which does not require blind trust by the public, especially in light of CEQA’s fundamental goal that the public be fully informed as to the environmental consequences of action by their public officials.” *Laurel Heights Improvement Assn v. Regents of the University of California* (1988) 47 Cal.3d 376, at 404.

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The DPEIR continuously provides vague and unhelpful language to describe the GPR’s growth. For example, “the GPR/ ZOU facilitates growth primarily as infill and redevelopment within urbanized areas of the County where infrastructure and roads currently exist.” GPR/ZOU DPEIR pp ES-21. The language fails to provide any specificity in the location or intensity of planned development. The language is frustratingly vague, and unusable for environmental analysis. Impact UTL-1 admits “[h]owever it is not known where or how extensive new facilities would be required; therefore potential impacts would be significant and unavoidable.” GPR/ZOU pp ES-20. The impact itself alludes to significant growth outside infill areas with sufficient infrastructure to accommodate increased growth. Without indicating where growth would be directed with anymore specificity, and alluding to inconsistent growth directing policies, the GPR/ZOU DPEIR is a vague and ineffective environmental document that does not comply with CEQA.

Other examples of ineffective environmental analysis due to unanalyzed buildout include: Impact AG-1, Impact AG-2, Impact AQ-1, Impact AQ-2, Impact AQ-3, Impact PS-1, Impact T-2, Impact UTL-2, Impact UTL-3, Impact UTL-4.

### **C. The DPEIR Ignores Feasible Mitigation, Such as Changes to the Land use Designations and Densities and Intensities Proposed in the GPR/ZOU**

For several of the General Plan’s significant and unavoidable impacts, notably the GPR/ZOU’s significant impacts related to greenhouse gas emissions, air quality, and transportation, the DPEIR fails to consider all feasible mitigation. The DPEIR only tacitly considers changes to land use designations, densities, and intensities as potential mitigation, even though such changes could significantly reduce greenhouse gas emissions and other significant impacts disclosed in the DPEIR. CEQA requires the EIR to consider such mitigation.

The County cannot approve projects with significant environmental impacts if any feasible mitigation measure or alternative is available that will substantially lessen the severity of any impact. Pub. Res. Code § 21002; CEQA Guidelines § 15126(a). The County is legally required to mitigate or avoid the significant impacts of the projects it approves whenever it is feasible to do so. Pub. Res. Code § 21002.1(b). “In the case of the adoption of a plan, policy, regulation, or other public project [such as the General Plan], mitigation measures can be incorporated into the plan, policy, regulation, or project design.” CEQA Guidelines § 15126.4(a)(2). Mitigation is defined by CEQA to include “[m]inimizing impacts by limiting the degree or magnitude of the action and its implementation.” CEQA Guidelines § 15370(b). In addition to proposing new “policies” as mitigation, mitigation should include changes in where development is planned, what kind is planned, and how dense or intense that development is planned to be, i.e., changes to the land use diagram and land use designations.

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Here, the County “considers” increasing density through Policy LU-F.14 which allows the County to permit land designated low and medium density residential to develop to the next higher density when such development will not have an adverse impact on the surrounding land use. GPR/ZOU DPEIR 4.1-11. The building height of the proposed structure may not exceed the height of the surrounding structures. GPR/ZOU DPEIR 4.1-11. The policy limitation demonstrates that in practice, the policy will be ineffective and will not serve as a needed mitigation measure to reduce impacts to identified significant impacts. Therefore, the County did not meaningfully consider the policy.

The County also fails to consider changing the designation of existing industrial sites further from sensitive receptors. Instead, it only “considers” the implications siting new industrial facilities near sensitive receptors.

### **D. The DPEIR Cannot Rely on Unenforceable and Noncommittal General Plan Policies to Mitigate the Project’s Significant Impacts**

Mitigation measures proposed in an EIR must be “fully enforceable” through permit conditions, agreements, or other legally binding instruments. Pub. Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2). The DPEIR relies on a on a number of General Plan policies to mitigate significant environmental impacts. Many of these General Plan policies and programs are vague, optional, directory, or otherwise unenforceable.

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The GPR fails to require even the simplest enforcement policies. For example, it relies on language like “encourage” to mitigate environmental impacts. See, e.g., Policy OS-G.12 (the County shall review development projects and encourage the use of architectural coating materials as defined in the SJVAPCD Rule 4601). Vague and unenforceable policies fail to describe how the County would meaningfully “encourage” each development to opt for a specific architectural coating. As a result, this policy, and many like it will likely be seldom, if ever used.

Other examples of ineffective mitigation – out of numerous instances – include the following: Policy HS-H.10, Policy HS-H.11, Policy TR-A.25, Policy TR-A.14, Policy ED-A.7.

A general plan’s goals and policies are necessarily general and aspirational. The County may rely on such policies to mitigate environmental impacts under CEQA, however, only if they will be implemented through specific implementation programs that represent a firm, enforceable commitment to mitigate. See *Napa Citizens for Honest Gov’t v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 358 (citing *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 377). CEQA requires that mitigation measures be implemented—not merely adopted and disregarded. *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1186-87; *Fed’n of Hillside & Canyon Ass’ns v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.

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The County has included an abundance of vague, unenforceable noncommittal policies and programs (and policies for which no implementation programs are identified), allowing the County to evade mitigation requirements and thus fail to meet its CEQA requirements. See *Anderson First*, 130 Cal.App.4th at 1186-87. The County leaves out a mitigation monitoring program to ensure implementation of the county’s proposed mitigation measures. Without a mitigation monitoring program, the public cannot be certain that the mitigation measures proposed would be dutifully implemented.

### **III. The DPEIR Fails to Adequately Analyze and Mitigate the GPR/ZOU’s Air Quality Impacts**

The County of Fresno and the surrounding San Joaquin Valley Air Basin suffer from some of the nation’s worst air pollution. In its 2023 State of the Air Report, the American Lung Association ranked the Fresno-Madera-Hanford metropolitan area as the second, third, and fourth worst for 24-hour particle pollution, annual particle pollution, and high ozone days, respectively, out of the metropolitan areas studied.<sup>3</sup> The region’s poor air impacts all Fresno County residents, but vulnerable populations, including people of color, low-income residents, children, and people with underlying health conditions, face heightened health risks. The DPEIR estimates that operational emissions under the DPEIR would exceed significance thresholds for

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<sup>3</sup> <https://www.lung.org/research/sota/city-rankings/msas/fresno-madera-hanford-ca> (Accessed June 20, 2023)

ROG, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>. GPR/ZOU DPEIR 4.3-20. Through GPR/ZOU buildout, total daily VMT would increase by approximately 248,599. GPR/ZOU DPEIR 4.8-1.5.

The GPR/ZOU actively seeks to attract increased industrial development in Southeast Fresno, and in industrial corridors between Fresno/Fowler, Fowler/Selma, and Selma/Kingsburg. DPEIR LU-5. The GPR/ZOU assumed there would be 7,9096,135 square feet of manufacturing, mining, and other industrial uses by full GPR/ZOU buildout in 2042. Fresno Co GPR/ZOU – Fresno County, Annual Page 1. Industrial parks would generate 4,916,191 annual VMT while manufacturing would generate 35,777,975 annual VMT. Fresno Co GPR/ZOU – Fresno County, Annual Page 22. The increase in industrial and manufacturing would lower air quality throughout the region, but most dramatically for residents near the facilities.<sup>4</sup>

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Due to existing and planned industrialization, it is essential that the DPEIR provide an accurate assessment of the GPR/ZOU's potential to degrade air quality in the region further. To minimize these impacts, the DPEIR must identify and adopt all feasible mitigation measures to minimize those impacts. Despite this, the DPEIR omits critical air quality analysis to allow the public and decision-makers to understand the magnitude of its impacts while failing to identify enforceable mitigation to address those impacts.

#### **A. The DPEIR Fails to Connect the Amount of a Pollutant with its Health Impacts**

The DPEIR failed to adequately analyze the GPR/ZOU's air quality impacts to public health. In *Sierra Club v. County of Fresno*, the Court held that a discussion of air quality impacts must include an explanation of the nature and magnitude of the health and safety problems caused by the physical change of the project. *Sierra Club v. Cty. of Fresno*, 6 Cal. 5th 502, 241. As the DPEIR notes, "an EIR must reflect a reasonable effort to discuss relevant specifics regarding the connection between and the estimated amount of a given pollutant the project will produce and the health impacts associated with that pollutant. GPR/ZOU DPEIR 4.3-15. Unfortunately, instead of carrying out the required analysis, the DPEIR relies on a amicus curiae brief submitted by SCAQMD in the case. The County relies on the brief to argue "quantifying specific health risks that may result from ozone precursors and other air pollutants from individual development projects (like those that would result from the GPR/ZOU) would be unreliable and misleading due to the relatively small scale of these individual projects (from a regional perspective), unknown variables related to pollutant generation/release and receptor exposure, and regional model limitations." GPR/ZOU DPEIR 4.3-15. The DPEIR concludes that current scientific, technological, and modeling limitations prevent accurate and quantifiable relation of the GPR/ZOU's emissions to likely health outcomes for local and regional receptors. Despite the County's assertions, other jurisdictions have been able to comply with the statewide holding, yet it refuses to do so.

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Other jurisdictions have been able to connect air quality impacts of a project to public health. For example, the Bay Area Air Quality Management District (BAAQMD) has developed

<sup>4</sup> <https://www.epa.gov/air-research/research-health-effects-air-pollution#health-effects-vulnerable-pops>

such a tool that several projects have successfully used over the years.<sup>5</sup> It is clear the County had access to guidelines, thresholds, and models that would surely comply with the Court's holding but instead chose to make assumptions that likely underestimate air pollution consequences on public health. As a result, the GPR/ZOU DPEIR fails to comply with CEQA.

The County's accurate analysis of air pollutants is especially important due to planned expansions of industrial facilities near residential areas. See LU-F.38. Further, the County lacks truck studies that would guide truck traffic away from residential areas. The County must prioritize connecting air quality impacts with public health impacts on varying receptors.

### **B. The DPEIR Fails to Identify Adequate Mitigation for the Project's Criteria Air Pollutants**

The DPEIR argues that, despite mitigation measures, significant but unavoidable environmental impacts will exist. Yet, the DPEIR only relies on the bare minimum of mitigation measures without considering further feasible measures. The DPEIR primarily relies on AQ-1, AQ-2, and AQ-3. As previously discussed, AQ-1 is largely unenforceable. AQ-2 fails to mitigate the environmental impacts of construction adequately. It only reduces diesel particulate from construction equipment.

The project also includes AQ-3 Policy EJ-A.15: Sensitive Receptor Setbacks, which states:

“Consistent with the provisions contained in the California Air Resources Board (CARB) Air Quality and Land Use Handbook, project applicants shall identify appropriate measures for projects with sensitive uses located within 500 feet of freeways, heavily traveled arterials (daily vehicle trips of 10,000 or more), railways, and other sources of diesel particulate matter (DPM) and other known carcinogens. The County shall require development projects that are located within 500 feet of freeways, heavily traveled arterials (daily vehicle trips of 10,000 or more), railways, and other sources of DPM and other known carcinogens to retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the California Environmental Protection Agency's Office of Environmental Health and Hazard Assessment requirements to determine the exposure of nearby sensitive receptors to emission sources.” GPR/ZOU DPEIR 4.3-25

AQ-3 goes the furthest in addressing project impacts but still falls short of addressing the GPR/ZOU's air quality impacts. The mitigation measure would only capture new emission sources. Additionally, the proximity to sensitive receptors is overly restrictive. Air quality impacts felt by sensitive receptors are likely to be felt much further than 500ft from a project, yet only impacts within those 500 ft would be captured in this

<sup>5</sup> <https://cms6.revize.com/revize/burlingamecity/App%20B%20-%20HRA%20ASMBLD.pdf>

mitigation measure. Additionally, although sensitive receptors are the most vulnerable, all residents will have be impacted by the increased air pollution.

Further, the measures would unlawfully defer the formulation of mitigation to future projects without incorporation of specific performance standards the mitigation will achieve. CEQA Guidelines § 15126.4(a)(1)(B). The County may not rely on mitigation measures AQ-3 as currently drafted.

The DPEIR is required to identify and consider all feasible mitigation. The County must revise the DPEIR to incorporate mitigation measures that apply to all projects (not only those subject to discretionary review) that contribute to the General Plan’s significant air impacts and identify enforceable and feasible mitigation. Examples of effective mitigation measures include but are not limited to:

- the re-designation of industrial land uses near residential land uses, schools, and other sensitive receptors to less intensive and community-serving uses;
- amendment of the Development Code to incorporate enhanced protections for disadvantaged communities and vulnerable populations, including adopting Conditional Use Permit requirements for warehouse facilities and other land uses known for significant air quality impacts;
- heightened standards for acceptable impact levels for permit issuance; heightened performance standards; and specific penalties and enforcement measures to reduce air quality-related violations for projects which would have air quality impacts and are located in or near disadvantaged communities;
- the adoption, funding, and staffing of a program to conduct proactive code enforcement of air quality-related rules, regulations, and mitigation measures applicable to industrial facilities, warehouse and distribution centers, and other facilities which result in significant air impacts on sensitive receptors; and
- the creation of a program to dedicate funds for enforcement of air quality-related rules and regulations to programs to reduce the impacts of air pollution exposure on vulnerable populations.

For a more exhaustive list of feasible mitigation measures specifically tailored for warehouse and distribution projects the attorney general’s office released “Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act.” The guide identifies warehouse-feasible mitigation measures that have been successfully implemented throughout the state. As the County embarks on setting aside large swaths of land for industrial development and actively seeks industrial growth in the County, we encourage the County to incorporate both our suggestions, and that of the Attorney General’s Office.

#### **IV. The DPEIR Fails to Adequately Analyze and Mitigate the GPR/ZOU’s GHG Emission Impacts**

Reducing GHG emissions to minimize the harms of climate change is one of the most urgent challenges of our time. The County of Fresno and the surrounding region face mounting risks from climate change, including wildfire, precipitation extremes, decreased water supply, and increased air pollution formation. GPR/ZOU DPEIR 4.8-5. Moreover, the effects of climate change in California and the San Joaquin Valley in particular – such as extreme heat events, flooding, and drought – disproportionately impact low-income communities and communities of color. These communities often have more limited resources to access cooler and safer conditions during heat events and are more likely to suffer from chronic health conditions that heighten the risk of death during heat waves and other extreme weather events.

**A. The DPEIR Presents Mitigation Measures That Cannot Produce the Necessary Emission Reductions and Lacks Evidence it will be Implemented.**

The GHG analysis' most fundamental weakness may be its failure to identify a set of GHG reduction measures that come anywhere near aligning the County's emission with that of the state. The County argues "[c]urrently it is infeasible to meet the State's long term targets because achieving these targets will depend on substantial technological innovation in GHG emission reduction measures and changes in legislation and regulations that will need to occur over the next 23 years. GPR/ZOU DPEIR 4.8-12. To remedy this "inability" the County uses an efficiency bases threshold based on the CARB 2017 Scoping Plan as the appropriate threshold of significance to apply for the GPR/ZOU DPEIR. Even using the higher threshold the County's buildout of the GPR/ZOU would exceed its thresholds and miss the reduction targets identified in SB 32. GPR/ZOU DPEIR 4.8-13.

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To mitigate the GPR/ZOU's GHG emissions, the County proposes 2 mitigation measures. Policy HS-H.10 Funding for a Greenhouse Gas Inventory and Preparation of a Climate Action Plan would seek a variety of sources, but not limited to, grants, state funding, and or impact fees to fund the preparation of a Fresno County-specific Climate Action Plan. Once funding is available, the County shall proceed to prepare a Climate Action Plan. Next, Policy HS-H.11 Preparation and Implementation of a Climate Action Plan would require the County to begin a countywide Climate Action Plan within two years of adopting the General Plan Amendment No. 529 (General Plan Review) to meet a GHG reduction trajectory consistent with State law.

Critically, both policies violate CEQA in that they defer mitigation to future projects, without specific performance standards the mitigation will achieve. CEQA Guidelines § 15126.4(a)(1)(B).

**V. The DPEIR Fails to Adequately Mitigate the GPR/ZOU's Transportation Impacts**

GPR/ZOU buildout would not reduce VMT below significance thresholds. In 2019, VMT per capita was 16.1, while VMT per employee was 25.7. Through GPR/ZOU buildout, VMT per capita is expected to be 14.4, while VMT per employee is expected to be 23.7. The GPR/ZOU buildout would generate VMT per capita that exceeds 87 percent of the countywide average rate

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of VMT per capita. Although the GPR/ZOU proposes several policies to reduce VMT, they are largely aspirational. As the GPR/ZOU DPEIR acknowledges “implementation of regional VMT-reducing strategies such as extending transit services, may not be feasible as there are currently no procedures or policies in place to establish such actions.” GPR/ZOU DPEIR 4.15-20. As noted above, the County may rely on such policies to mitigate environmental impacts under CEQA; however, only if they will be implemented through specific implementation programs that represent a firm, enforceable commitment to mitigate. CEQA requires that mitigation measures be implemented—not merely adopted and disregarded. *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1186-87. Here it is clear that County intended to simply place aspirational policies to reduce VMT but in no way intended to seek or identify funding to implement the mitigation measures.

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## **VI. The DPEIR Fails to Adequately Analyze and Mitigate the GPR/ZOU’s Impacts to Utilities and Service Systems**

### **A. The DPEIR Fails to Disclose and Identify Adequate Mitigation to Minimize the Project’s Groundwater Supply Impact on Neighborhoods Reliant on Well Water**

Fresno County is located across 4 Groundwater basins: the Kings, Delta-Mendota, Westside, and Pleasant Valley Groundwater Basins, which are all subbasins of the San Joaquin Valley groundwater Basin. The California Department of Water Resources (DWR) has designated the Kings, Delta-Mendota, and Westside subbasins as high-priority basins. These subbasins are subject to a condition of critical overdraft as identified in DWR’s Bulletin 118 and are subject to the Sustainable Groundwater Management Act (SGMA). All four subbasins have developed Groundwater Sustainability Plans to achieve groundwater sustainability by 2040 or 2042. Because water demand associated with population growth under the General Plan Update are the same as would occur under the General Plan, which was used to inform the GSPs to reach groundwater sustainability, the County argues that water supply impacts are less than significant.

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The County must analyze the GPR/ZOU’s groundwater impacts beyond this. Some proposed policies in the GPR would exacerbate groundwater depletion by increasing groundwater use, lowering groundwater infiltration, and increasing groundwater contamination risk through the continued use of septic systems. The GPR includes several policies and programs that seek to protect and enhance surface water and groundwater resources critical to agriculture yet fail to extend those protections to existing disadvantaged communities. See LU-A.20. Additionally, despite claims that the GPR/ZOU would promote urban growth and limit sprawl, the GPR/ZOU includes policies such as LU-F.13, which require a minimum of 36,000 square feet per dwelling unity in low-density residential areas with community water.

The DPEIR contains no discussion about the current groundwater availability for residential communities and households that rely on domestic wells for their everyday water needs and the project’s potential groundwater impacts on these communities and households. A well will lose access to water as the water table falls below its lowest depths, while losing

pressure in the meantime. Because residential wells are often much shallower, they are at greater risk of dewatering due to overpumping by deep aquifer wells. For example, the North Kings GSA GSP minimum groundwater thresholds allow for a 107 ft decline in groundwater levels<sup>6</sup> Certain communities are more dependent on domestic or shallow wells than others; therefore, it is essential to analyze the effects of continued groundwater depletion before sustainability is reached.

Finally, the County fails to consider the effects of climate change on water supplies. As climate change progresses, severe and prolonged drought will likely occur, increasing the need for groundwater pumping, further endangering communities that rely on groundwater. Without information relating to the impacts of climate change on groundwater supply between the present and the potential attainment of balanced water demand in 2040, the DPEIR fails to accurately inform decision-makers of the nature and magnitude of the project's significant impacts on groundwater supplies in the subbasins that make up Fresno County.

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To mitigate the significant negative effects of groundwater depletion, we suggest the County adopt the following:

- Pursue groundwater system consolidation.
- Reconsider, and adjust the utilities and services section of the general related to water supplies every 5 years using the most recent available data.
- Reject all new agricultural wells within 1 mile of residential wells during periods of drought.
- Require municipal water and wastewater extensions to disadvantaged communities when additional development occurs within .5 mile of the disadvantaged communities that receives a service extension.

## **VII. The DPEIR Fails to Identify a Reasonable Range of Potentially Feasible Alternatives**

An EIR must consider a reasonable range of potentially feasible alternatives that would avoid or lessen a project's potentially significant effects. 14 C.C.R. § 15126.6(a). "The core of an EIR is the mitigation and alternatives section." *Watsonville Pilots Association v. City of Watsonville* (2010), 183 Cal.App.4th 1059, 1089. Alternatives must be able to implement most project objectives, though they need not implement all of them. 14 C.C.R. § 15126.6; *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 CA4th 477, 489. The range of alternatives required in an EIR are those that are necessary to permit a reasoned choice. 14 C.C.R. § 15126.6(f). The scope of alternatives reviewed must be considered in light of the nature of the project, the project's impacts, relevant agency policies and other material facts. *Rancho Palos Verdes v. City Council* (1976) 59 Cal. App. 3d 869, 891. The "purpose of an alternatives analysis is to allow the decision maker to determine whether there is an environmentally superior

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<sup>6</sup> Available at <https://northkingsgsa.org/wp-content/uploads/2021/04/4-Sustainable-Management-Criteria.pdf>

alternative that will meet most of the project's objectives." *Watsonville Pilots Ass'n*, 183 Cal.App.4th at 1089.

In evaluating only the "No Project Alternative," "Increased Development near the City of Fresno Alternative 2," and the "Increased Development near Cities of Fresno and Clovis and in Community Plan Areas Alternative 3" the County has failed to meet CEQA's standards for its alternative analysis. Courts have made clear that the "No Project Alternative" is not in fact an "alternative" pursuant to the CEQA Guidelines, since the No Project Alternative by default does not advance the Project's objectives. The "Increased Development near the City of Fresno Alternative" similarly does not advance the Project's goals. As the County admits "The County doesn't control the annexation process, and projects within these areas would likely be dependent on urban services from the cities of Fresno and Clovis; therefore, Alternative 2 may be infeasible." GPR/ZOU DPEIR 6-21. The County therefore effectively evaluates only one alternative, the "Increased Development near Cities of Fresno and Clovis and in Community Plan Areas Alternative 3." For a guidance document that is likely to last decades, having only analyzed one alternative is unreasonable.

Further, the County found that Alternative 2 was the would be environmentally superior alternative as it would result in reduced impacts compared to the proposed GPR/ZOU. GPR/ZOU DPEIR 6-21. The County's failure to analyze an environmentally superior alternative that is feasible exacerbates the inadequacy of the DPEIR's alternative analysis. The policies and measures proposed in "Increased Development near the City of Fresno" would be largely identical to the proposed GPR/ZOU with the only critical difference being concentrating almost all growth near the Cities near Fresno and Clovis.

Confusingly, the DPEIR misclassifies its own alternatives. On GPR/ZOU DPEIR ES-4 the DPEIR classifies its Alternatives as Alternative 1: no project, Alternative 2, moderately increased density, and alternative 3 substantially increased density. Finally, it finds, that Alternative 3 is the environmentally superior alternative, followed by Alternative 2, and Alternative 1.

The County failed to include a reduced industrial development alternative analysis, instead only considering general growth. An EIR is required to consider those alternatives that will "attain most of the basic objectives" while avoiding or substantially reducing the environmental impacts of the project. A reduced development alternative may be required where it is capable of avoiding or substantially lessening any significant effects of the project," even if it "would impede to some degree the attainment of the project objectives. *Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal.App.4th 1058, 1088-1089 (General Plan EIR was inadequate where it failed to consider a reduced development alternative that would have met most general plan objectives and would have reduced environmental impacts attributable primarily to growth itself). A reduced development alternative which replaces heavy industrial land use designations with less intensive, non-industrial designations with land use designations that meet community needs directly surrounding existing residential and other sensitive neighborhood uses would achieve the CEQA requirement that alternatives considered avoid or

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substantially reduce the project’s significant environmental impacts. Importantly, such a reduced development alternative would reduce health impacts, noise, vibration, while improving pedestrian safety and housing quality for vulnerable populations in Southeast Fresno, Fowler, and Selma. Additionally, the County could consider alternative development patterns that would place industrial development further from vulnerable communities.

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The County must revise and recirculate the DPEIR to comply with CEQA’s requirements for selecting and analyzing project alternatives.

### **VIII. The GPR/ZOU and DPEIR are Inconsistent with Civil Rights Laws**

The FPEIR’s deficiencies violate state and federal fair housing and civil rights laws which prohibit the County from engaging in actions and omissions that disproportionately adversely impact residents and/or their housing opportunities on the basis of race, color, country of origin, and other protected characteristics and that require the County to affirmatively further fair housing and not act inconsistently with that duty. Cal. Gov. Code §§ 12900, et. seq., 11135, 8899.50. These deficiencies include the DPEIR’s failure to acknowledge and fully analyze impacts that uniquely, acutely, and/or disproportionately burden lower-income communities of color and non-English speaking populations; the DPEIR’s failure to analyze project alternatives that would reduce or eliminate impacts that disproportionately impact lower income communities of color and non-English speaking populations; and the DPEIR’s failure to identify and include adequate mitigation measures for the same. Thus, the DPEIR not only violates CEQA but results in violations of state civil rights laws which require the County to both avoid discrimination and to affirmatively further fair housing.

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#### **A. The GPR/ZOU Violates The California Fair Employment and Housing Act**

The GPR/ZOU continues the practice of directing polluting land uses to disadvantaged communities. Continued industrial development near low-income people of color likely violates housing discrimination laws. The California Fair Employment and Housing Act (FEHA) prohibits discrimination either intentionally or through a facially neutral land use practice with a discriminatory effect that “make[s] housing opportunities unavailable” based on race or other protected characteristics. Gov. Code, § 12955(i). This prohibition includes any land use practice that “[r]esults in the location of toxic, polluting and/or hazardous land uses in a manner that ... adversely impacts ... the enjoyment of residence...or any other land use benefit related to residential use....” (C. C. R., tit 2, § 12161(b)(10).)

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As the Attorney General’s office noted for the County in its letter to the County’s Draft General Plan, intent is irrelevant in a discriminatory effect challenge. (Sisemore v. Master Financial, Inc. (2007) 151 Cal.App.4th 1386, 1419.) FEHA may provide greater protection than federal law and cannot be construed to provide lesser protection. (Gov. Code, § 12955.6.) A plaintiff must show that “a challenged practice caused or predictably will cause a discriminatory effect.” (C. C. R., tit. 2, § 12061, (a); see also Southwest Fair Housing Council, Inc. v. Maricopa Domestic Water Improvement District (9th Cir. 2021) 17 F.4th 950, 962 (permitting challenge

where a policy “exacerbated a discriminatory effect”). Upon proof that a policy has a discriminatory effect, it would fall to the County to establish a “legally sufficient justification” for the land use policy, including without limitation the absence of an alternative with a less discriminatory effect. (C. C. R., tit. 2, § 12062, (b).)

The GPR/ZOU would create a 2,940-acre special study area to evaluate possible future urban industrial, office, and commercial land uses. LU-F.38 Special Study Area for Fresno County Business and Industrial Campus. Commercial square footage available to businesses in the Study Area could total about 19 million square feet.<sup>7</sup> The large designation would bring large amounts of heavy truck traffic to the area. The size and concentration of industrial uses would disproportionately affect Calwa and Malaga as the Malaga County Water District pointed out “industrial saturation or intensity in or around the Malaga Community will result in ... greater pollution burden” on the residents and that “the current and proposed land use and zoning within the Malaga Community has resulted in poor road conditions and inadequate circulation for the high frequency of truck traffic..., inadequate availability of housing particularly low-income housing, inadequate open space and parks, and inadequate economic opportunity for the residents....”<sup>8</sup> Calwa and Malaga consistently rank in the top percentile for pollution burden and are further burdened by high rates of low education, linguistic isolation, and poverty.<sup>9</sup>

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The increased pollution brought by industrial concentration would concentrate polluting land uses near protected groups, adversely affecting the enjoyment of their residence, thereby having a discriminatory effect and violating FEHA. (C. C. R. § 12161(b)(10).) As noted above, the County attempted to remove Calwa and Malaga from ED-A.7, specifically targeting them, but refused to alter or remove the underlying land use designation that would continue concentrating polluting land uses near protected groups. The insistence in keeping the land use designation but only changing the wording of the policy could demonstrate intentional discrimination by the County.

### **B. The GPR/ZOU Violates the County’s Duty to Affirmatively Further Fair Housing**

As a public agency the County has a duty to affirmatively further fair housing. Gov Code § 8899.50 (a)(2)(B). This means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty

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<sup>7</sup> Statement made by Lee Ann Eager, President and CEO of the EDC at Fresno County Board of Supervisors Meeting on August 24, 2021.

<sup>8</sup> Comment Letter to Fresno County Department of Public Works and Planning (March 13, 2018), Malaga County Water District

<sup>9</sup> [CalEnviroScreen 4.0](#) | [OEHA](#)

into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. Gov Code § 8899.50 (a)(1). The mandate is broad and the County must administer its programs and activities relating to housing and community development in a manner to affirmatively further fair housing, taking no action that is materially inconsistent with its obligation to affirmatively further fair housing.

28.18  
cont.

Here, the County has taken several actions inconsistent with its duty. Most glaringly, as pointed out above the County insists in concentrating industrial uses near Calwa and Malaga. Continuing to industrialize the area would continue to segregate the area and increase pollution burdens.

### **IX. Conclusion**

For the reasons included in this letter, we request that the City revise the DPEIR to address the issues identified and recirculate the revised DPEIR for public review and comment. The revised DPEIR must consider the impacts of the GPR/ZOU through the full buildout and implementation of the Project. This must include identifying alternatives to avoid significant impacts, mitigating significant impacts, and fully analyzing the Project's impacts. In addition, we request the County reconsider the proposed GPR/ZOU to fully comply with state planning laws, as well as civil rights laws.

28.19

Feel free to contact Isaac Serratos at [iserratos@leadershipcounsel.org](mailto:iserratos@leadershipcounsel.org) or (925) 768-4863 if you would like to set up a time to discuss these comments.

Sincerely,

Isaac Serratos  
Staff Attorney  
Leadership Counsel for Justice and Accountability

Cassandra Vo  
Legal Intern  
Leadership Counsel for Justice and Accountability

Socorro Santillan  
Director of Public Affairs  
Planned Parenthood Mar Monte

Nayamin Martinez  
Executive Director  
Central California Environmental Justice Network

Alexandra Alvarado

Chris Motta  
June 27, 2023  
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Faith in the Valley

Jim Grant  
Human Rights Coalition of the Central Valley

Cantua Creek y El Porvenir Prioridades

Lanare y Riverdale Trabajando Por Cambios

Tombstone Territory Por Un Futuro Mejor

Community United in Lanare

Comunidades Unidas por un Cambio

South Fresno Community Alliance

Friends of Calwa

Kevin Hall

## Letter 28

**COMMENTER:** Isaac Serratos, Staff Attorney, Leadership Counsel for Justice and Accountability

**DATE:** June 27, 2023

### Response 28.1

*The commenter states that the letter is submitted on behalf of Cantua Creek y El Porvenir Prioridades, Lanare y Riverdale Trabajando Por Cambios, Tombstone Territory Por Un Futuro Mejor, Community United in Lanare, Comunidades Unidas, South Fresno Community Alliance, Friends of Calwa, Planned Parenthood Mar Monte, Central California Environmental Justice Network, Faith in the Valley, Human Rights Coalition of the Central Valley, Kevin Hall, and Leadership Counsel for Justice and Accountability. The commenter claims that the Draft GPR/ZOU fails to satisfactorily address land use, housing, environmental health and investment disparities impacting disadvantaged communities and to include analysis and policy commitments that comply with state planning laws, the California Environmental Quality Act, and civil rights laws. The commenter states that the letter identifies areas for further analysis.*

This comment has been noted. See responses to specific comments and concerns in Response 28.2 through 28.19.

### Response 28.2

*The commenter opines that the Draft General Plan Revision is inconsistent with State Planning and Zoning Law requirements designed to advance environmental justice, respond to climate change, and protect public health. The commenter claims that the Environmental Justice Element does not satisfy SB 1000's minimum requirements.*

This comment does not pertain to the analysis or conclusions of the Draft EIR. This comment has been noted. Please refer to Master Response GPR/ZOU for additional information regarding comments related to the GPR/ZOU.

### Response 28.3

*The commenter encourages the County to expand notification efforts and other measures to increase engagement among disadvantaged communities in compliance with SB 1000 and to identify objectives and policies in the Environmental Justice Element that address the needs of disadvantaged communities.*

This comment does not pertain to the analysis or conclusions of the Draft EIR. This comment has been noted. Please refer to Master Response GPR/ZOU for additional information regarding comments related to the GPR/ZOU.

### Response 28.4

*The commenter claims that the General Plan fails to comply with Government Code § 65302.1.*

This comment does not pertain to the analysis or conclusions of the Draft EIR. This comment has been noted. Please refer to Master Response GPR/ZOU for additional information regarding comments related to the GPR/ZOU.

### **Response 28.5**

*The commenter claims that the General Plan does not adequately address climate change adaptation and resiliency requirements provided by Government Code § 65302(g)(4).*

This comment does not pertain to the analysis or conclusions of the Draft EIR. This comment has been noted. Please refer to Master Response GPR/ZOU for additional information regarding comments related to the GPR/ZOU.

### **Response 28.6**

*The commenter claims that the DPEIR does not adequately assess significant and unavoidable impacts and does not adequately identify all feasible mitigation measures to reduce the severity of the impacts.*

See responses to specific comments in Response 28.7 through 28.19 below.

### **Response 28.7**

*The commenter claims that the DPEIR does not adequately analyze the impacts of all development that could result from buildout under the General Plan and that description of locations impacts will occur is vague. The commenter expresses concern about the language used in the DPEIR.*

The EIR analyzes the GPR/ZOU, which is not growth inducing but growth accommodating. As stated on page 2-5 of the EIR in Section 2, *Project Description*, "The revised General Plan would accommodate County population growth projected through 2042." As further explained on page 2-20, "The figures in Table 2-2 show the anticipated growth that would occur through 2042 and that would cause environmental impacts, forming the basis of this EIR. While the GPR/ZOU is not itself causing this growth, for the purposes of this EIR, the potential growth in Table 2-2 is compared to existing conditions in 2021, which form the baseline for anticipated physical impacts that may occur as a result of the implementation of the GPR/ZOU and the population growth through 2042." The EIR identifies the general plan policies to encourage development along transit corridors and areas that can more easily accommodate growth and is consistent with regional growth strategies. Such planning was found to be acceptable and appropriate by the Court in *San Franciscans for Livable Neighborhoods v. City and County of San Francisco* (2018) 26 Cal.App.5th 596, 630-631, stating "CEQA is not intended to resolve disagreements on public policy issues between a public agency that approves a project and those who oppose it."

### **Response 28.8**

*The commenter claims that the DPEIR does not adequately address all feasible mitigation including changes to land use designations and densities/intensities proposed in the GPR/ZOU. The commenter specifically expresses concerns about significant impacts related to greenhouse gas emissions, air quality, and transportation. The commenter expresses concerns about the ability to achieve higher density land uses within existing building height limitations.*

Changes to proposed land use designations would be changes to the proposed project itself, and therefore not mitigation. Additionally, the commenter's claims about Policy LU-F.14 rely on the supposition that the policy is used as mitigation; in fact, Policy LU-F.14 is not mitigation used in the EIR. Additionally, the County is not required to consider changes to the proposed project, such as changing the designation of existing industrial sites.

### **Response 28.9**

*The commenter expresses concerns about the enforceability of General Plan policies and programs as mitigation measures. The commenter expresses concerns that the absence of a mitigation and monitoring program will not ensure implementation of the proposed mitigation measures.*

This comment has been noted. Pursuant to *CEQA Guidelines*, §15126.4, subd. (a)(2) mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design. The County is including a Mitigation Monitoring or Reporting Program (MMRP) for the proposed project pursuant to *CEQA Guidelines*, §15097.

### **Response 28.10**

*The commenter expresses concerns about air quality impacts. The commenter claims that the DPEIR does not provide adequate analysis regarding air quality impacts and mitigation measures.*

The EIR includes analysis regarding Air Quality in Section 4.3, *Air Quality*. The DPEIR is a programmatic document that discusses the impacts to the community as a whole as impacted by the implementation of the GPR/ZOU. Individual development projects under the GPR/ZOU have not been identified and therefore the exact nature of the land uses and projects that will be implemented is unknown. It is speculative to implement specific measures to reduce potential impacts when the nature of those impacts or the individual projects influence on these impacts cannot be determined. However, as detailed in Response to Comment 32.1, the DPEIR's mitigation measures have been revised to ensure that all future development under the GRP/ZOU undergoes the appropriate level of air quality impact analysis to ensure that individual projects either do not result in significant impacts or mitigate any potential significant impacts to the fullest extent feasible.

### **Response 28.11**

*The commenter expresses concerns about air quality pollutants. The commenter claims that the DPEIR does not provide adequate analysis regarding air quality pollutants and mitigation measures. The commenter expresses concerns about the absence of truck studies.*

The DPEIR is a programmatic document that discusses the impacts to the community as a whole as impacted by the implementation of the GPR/ZOU. Individual development projects under the GPR/ZOU have not been identified and therefore the exact nature of the land uses and projects that will be implemented is unknown. Health impacts result from not only a total level of emissions, but also the location to/from existing and future sources of these emissions as weather patterns and wind speed/direction influence the length of exposure and therefore the potential for individuals/communities to be impacted by these emissions. As the exact nature and location of individual projects to be implemented under the GPR/ZOU is unknown, the exact nature of the impacts to be expected is also unknown and speculative. The DPEIR has implemented mitigation measures that will provide for the reduction of impacts with respect to future individual project development. Also note that Section 4.3, *Air Quality*, of the EIR discloses that Impact AQ-1, AQ-2, and AQ-3 would be significant and unavoidable. Furthermore, as detailed under Response to Comment 32.1, Mitigation Measures have been revised to incorporate language that ensure all future development projects evaluate the projects potential construction and operational impacts to air quality and incorporate mitigation as necessary to reduce these impacts. Additionally, as

detailed in Response to Comment 24.8, consistency with the SJVAPCD's thresholds will determine if significant health impacts are generated by implementation of the individual projects. The revisions to Mitigation Measure AQ-3 as detailed in Response to Comment 32.1 incorporates the evaluation of truck routes and air quality impacts with respect to individual development projects that will incorporate heavy-heavy duty vehicle traffic.

### **Response 28.12**

*The commenter expresses concerns about greenhouse gas emission impacts. The commenter opines that the DPEIR does not provide adequate analysis regarding greenhouse gas emissions and mitigation measures. The commenter expresses concerns about the absence of truck studies.*

The DPEIR is a programmatic document that discusses the impacts to the community as a whole as impacted by the implementation of the GPR/ZOU. Individual development projects under the GPR/ZOU have not been identified and therefore the exact nature of the land uses and projects that will be implemented is unknown. Therefore, implementation of specific mitigation measures that will adequately address needs of unknown projects is speculative. Greenhouse gas impacts are analyzed in Section 4.8, *Greenhouse Gas Emissions*, of the EIR, and vehicle trips, including truck trips, were included in the modeling for the analysis. However, as detailed in Response to Comment 32.1, GHG mitigation measures have been revised to include additional potential measures that can be adopted by individual projects as necessary to adequately reduce emissions. These measures include energy efficiency as well as vehicle mile traveled reductions.

### **Response 28.13**

*The commenter expresses concerns about transportation impacts. The commenter states that the GPR/ZOU would not reduce VMT below significance thresholds.*

VMT Impacts are discussed in Section 4.15, *Transportation and Traffic*. There is currently no project-level mitigation available that could be feasibly implemented for each potential project that may occur as a result of the GPR/ZOU, and it would be speculative to identify a measure(s) when site specific analysis or project level details are not yet known. Nevertheless, Mitigation Measure T-1 recommends a new General Plan policy to ensure that future projects implemented under the GPR/ZOU individually would be required to reduce project specific VMT to a level below the 87 percent threshold.

Although Mitigation Measure T-1 would implement a new policy into the 2042 General Plan that would require projects to demonstrate a reduction of both VMT per capita and VMT per employee in unincorporated Fresno County to at least 13 percent below the baseline conditions countywide, the implementation of project-level VMT-reducing strategies may not be feasible for each project, and a reduction consistent with at least 13 percent below baseline conditions cannot be guaranteed on a project-by-project basis. Similarly, implementation of regional VMT-reducing strategies, such as extending transit services, may not be feasible as there are currently no procedures or policies in place to establish such actions. Therefore, it is speculative to assume every project would meet such a requirement, and this impact would remain significant and unavoidable. No additional mitigation measures to reduce this impact to a less-than-significant level are feasible.

Regarding mitigation, pursuant to *CEQA Guidelines*, §15126.4, subd. (a)(2) mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design. To evaluate mitigation

measures, the County is including a Mitigation Monitoring or Reporting Program (MMRP) for the proposed project pursuant to *CEQA Guidelines*, §15097.

## Response 28.14

*The commenter expresses concerns about impacts to utilities including groundwater supply. The commenter states that the DPEIR does not provide adequate mitigation measures regarding groundwater supplies to neighborhoods reliant on wells.*

The commenter states that GPR policies would exacerbate groundwater depletion through several means, each of which is addressed below.

- **Increasing groundwater use.** The GPR/ZOU and the local GSPs provide management direction for the development of sustainable groundwater conditions while also accounting for anticipated growth and associated water demands. Because groundwater is the primary supply source in this area, water demands associated with future growth would be met at least in part by groundwater. However, the GSPs account for demands of future growth provided through the GPR/ZOU, and outline projects to achieve sustainable conditions while also supporting increased demands, as applicable. Additionally, the following policies seek to avoid adverse impacts to groundwater:
  - Policy OS-A.2 seeks to protect, enhance, monitor, and manage groundwater resources within its boundaries;
  - Policy OS-A.5 seeks to encourage, where economically, environmentally, and technically feasible, efforts to replenish the county's groundwater through direct or indirect recharge;
  - Policy OS-A.6 proposes that the County would ensure that new development does not limit the capacity or function of groundwater recharge areas;
  - Policy OS-A.7 states that the County would direct, to the extent feasible, its available water resources to groundwater recharge areas; Policy OS-A.11 would permit and encourage, where economically, environmentally, and technically feasible, over-irrigation of surface water as a means to maximize groundwater recharge;
  - Policy OS-A.14 would require the County to protect floodplain lands and, where appropriate, acquire public easements for groundwater recharge among other purposes.
- **Lowering groundwater infiltration.** The GPR/ZOU would facilitate new development in areas overlying groundwater basins, and in some areas, this development may result in site-specific alterations to infiltrations rates. However, as discussed under Impact HWQ-2 of the DEIR, infill development would be prioritized under the GPR/ZOU through Policies LU-F.4, LU-F-14, and LU-G.4:
  - Policy LU-F.4 provides for redesignation of vacant land for higher-density uses or mixed uses; this supports infill development, which would minimize the introduction of new impermeable surfaces.
  - Policy LU-F-14 facilitates density increases in Low and Medium Density Residential areas to facilitate development of by-passed remnant parcels in substantially developed areas, further minimizing the introduction of new impervious surfaces.
  - Policy LU-G.4 prioritizes infill development over outward expansion of urban development, which also minimizes the extent of new impervious surfaces.

- **Increased contamination risk through continued septic system usage.** The commenter is correct that the GPR/ZOU would allow the continued usage of existing septic systems. However, this would not introduce new or increased risk of contamination, nor alter existing septic system permitting requirements to avoid adverse impacts. The GPR/ZOU also requires new development to connect to the municipal sewer system where possible.

The GPR/ZOU would not exacerbate groundwater depletion, but rather would facilitate the development of sustainable groundwater conditions consistent with the local GSPs.

The protections provided by the GPR/ZOU to surface water and groundwater resources are designed to protect and improve water resources throughout the study area. The local GSPs and the GPR/ZOU provide management direction to develop sustainable groundwater conditions in all local basins, and regulatory requirements provide protection of water quality throughout the study area. The development of sustainable groundwater conditions and protection of surface water quality protect the water supply resources available to disadvantaged communities and other water users. This is demonstrated through several policies, including:

- Policy PFE.20 requires that the County's new development of facilities near rivers, creeks, reservoirs, or substantial aquifer recharge areas to mitigate any potential impacts of release of pollutants in flood waters, flowing rivers, streams, creeks, or reservoir waters.
- Policy HS-C.2 prohibits new development in existing undeveloped areas protected by a State flood control project without consideration of significant known flooding risks, and implementation of reasonable and feasible action to mitigate the potential property damage to the new development resulting from a flood.

The commenter is correct in stating that the GPR/ZOU would promote growth with limited sprawl while also providing requirements for low-density residential areas. To clarify, the cited Policy LU-F.13 does not require a minimum square footage, but rather promotes the development of higher-density housing along transportation corridors and transit routes. Transit-oriented development such as that provided by Policy LU-F.13 minimizes urban sprawl and the expansion of new impervious surfaces.

The DEIR addresses groundwater sustainability, which would improve the reliability of domestic wells through balanced basin conditions. Water supply for development under the GPR/ZOU would be provided through existing sources, largely consisting of local groundwater which is actively managed for sustainability. As discussed in the DEIR Section 4.9.1, *Setting*, under item (b) *Groundwater*, all Fresno County groundwater basins that contribute to supply for the GPR-ZOU are actively being managed by designated GSAs in accordance with GSPs that will ultimately be approved by DWR for compliance with SGMA. The GSPs include pumping requirements to avoid adverse effects to the local basins, which include over-pumping and drawdown of existing wells. In addition, as discussed under Impact HWQ-2, although population growth would occur under the GPR/ZOU, this growth is already accounted for in the existing General Plan; no additional population growth is proposed or projected under the GPR/ZOU. As discussed under Impact HWQ-1, the GPR/ZOU includes Goal PF-C, which is to ensure the availability of an adequate and safe water supply for domestic and agricultural consumption. The GPR/ZOU would not disproportionately affect domestic wells or small communities; rather, in combination with the local GSPs, the GPR/ZOU would improve groundwater sustainability for all users within the local basins.

In accordance with SGMA, the GSPs consider future drought scenarios in analyses of water supply availability and groundwater sustainability. These scenarios include single dry-year conditions and

multiple dry-year conditions, which reflect extended drought conditions such as those associated with the effects of climate change. The development of sustainable groundwater conditions includes consideration of water supply shortages. In addition, as discussed under Impact HWQ-2, the GPR-ZOU would not inhibit the implementation of any groundwater management plan.

The commenter's suggestions will be passed on to policy makers for consideration.

### Response 28.15

*The commenter states that the DPEIR does not adequately identify a reasonable range of potentially feasible alternatives. The commenter states that the DPEIR misclassifies the alternatives. The commenter suggests that including an alternative that reduces industrial development or places industrial development further from vulnerable communities would achieve CEQA requirements. The commenter recommends that the County recirculate the DPEIR.*

CEQA requires project alternatives that reduce the environmental impacts of the proposed project; the commenter's suggestion to look at changing the designation of existing industrial properties to reduce impacts to adjacent communities does not address impacts of the GPR/ZOU; rather, the suggestion addresses pre-existing baseline conditions that do not exist as the result of the GPR/ZOU. Additionally, CEQA requires that a reasonable range of alternatives be analyzed, not an infinite number of alternatives.

Page ES-4 of the Draft EIR has been revised with the following correction (changes shown in ~~strikeout~~/underline):

As required by the California Environmental Quality Act (CEQA), this EIR examines alternatives to 2042 General Plan. Studied alternatives include the following three alternatives. Based on the alternatives analysis, Alternative 2 was determined to be the environmentally superior alternative.

- Alternative 1: No Project (Continuation of the 2000 General Plan)
- Alternative 2: Increased Development Near City of Fresno ~~Moderately Increased Density~~
- Alternative 3: Increased Development Near City of Fresno and Clovis and in Community Plan Areas ~~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 ~~2~~<sup>3</sup> is the environmentally superior alternative, followed by Alternative ~~3~~<sup>2</sup>, and Alternative 1.

Page 6-21 of the Draft EIR has been revised with the following (changes shown in ~~strikeout~~/underline):

Based on the alternatives analysis provided above, Alternative 2 would be the environmentally superior alternative as it would result in reduced impacts compared to the proposed GPR/ZOU. While Alternative 3 would also reduce impacts, Alternative 2 would further reduce these impacts with a more compact residential growth pattern. Alternative 2 would meet project objectives and would accomplish the same goals as the proposed GPR/ZOU. However, the County doesn't control the annexation process, and projects within these areas would require

~~extensive governmental coordination likely be dependent on urban services from the cities of Fresno and Clovis; therefore, Alternative 2 cannot be guaranteed to occur may be infeasible.~~

### **Response 28.16**

*The commenter suggests that the GPR/ZOU and DPEIR do not adequately analyze project alternatives and mitigation measures that avoid discrimination, are consistent with civil rights laws, and affirmatively further fair housing.*

The Draft EIR includes a discussion of existing conditions related to individual impact areas and specific to CEQA Guidelines Appendix G questions. Individual impact areas include a discussion of the existing conditions which are then compared to the anticipated change induced by the project. No revisions to the Draft EIR are necessary in response to this comment. Also note that The Fresno County Multi-Jurisdictional Housing Element is a separate project and includes an AFFH analysis and programs to address fair housing issues.

### **Response 28.17**

*The commenter suggests that the GPR/ZOU violates the California Fair Employment and Housing Act (FEHA). The commenter expresses concern about the potential for industrial development near low-income communities of color. The commenter expresses concern about Policy LU-F.38 and the potential for it to introduce truck traffic to the area. The commenter expresses concerns about current and proposed land use designations within the Malaga Community. The commenter expresses concern about pollution from industrial development and the potential for it to violate FEHA.*

This comment has been noted and was sent to decision makers for review. Please refer to Master Response GPR/ZOU for additional information regarding comments related to the GPR/ZOU.

Also, Policy TR-A.16 and Policy TR-A.17, while not mentioned in the EIR, were revised in the General Plan to develop truck routes away from residential areas and sensitive land uses. Additionally, Policy EJ-A.14 regarding truck routes has been updated as well.

### **Response 28.18**

*The commenter suggests that the GPR/ZOU does not adequately affirmatively further fair housing.*

This comment has been noted. The comment does not pertain to the analysis or conclusions of the Draft EIR. Please refer to Master Response GPR/ZOU for additional information regarding comments related to the GPR/ZOU.

### **Response 28.19**

*The commenter requests that the DPEIR be revised and recirculated for public review and comment. The commenter requests that the County reconsider the GPR/ZOU regarding compliance with state planning and civil rights laws.*

This comment has been noted and passed to decision makers for consideration. Please refer to Master Response GPR/ZOU for additional information regarding comments related to the GPR/ZOU, including Responses 28.1 through 28.18 above. Recirculation of the Draft EIR would be triggered if any of the circumstances in Section 15088.5 of the CEQA Guidelines occurred. The comments, responses, and Draft EIR revisions presented in this document do not constitute such “significant new information;” instead, they clarify, amplify, or make insignificant modifications to the Draft EIR.

For example, none of the comments, responses, and Draft EIR revisions disclose new or substantially more severe significant environmental effects of the proposed project, or new feasible mitigation measures or alternatives considerably different than those analyzed in the Draft EIR that would clearly lessen the proposed project's significant effects. Therefore, recirculation is not required.

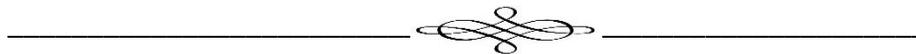
June 27, 2023

Chris Motta | Principal Planner  
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2220 Tulare St., 6<sup>th</sup> Floor  
Fresno, CA 93721

**RE: Comments on the Draft EIR for the General Plan Review and Zoning Ordinance Update**

This letter is comment on the Draft Environmental Impact Report (EIR) for the 2023 General Plan Review and Zoning Ordinance Update (GPR/ZOU).

Having carefully read the 2023 Draft General Plan Policy Document and the associated 2023 Draft EIR, I’ve come to the conclusion that proposed changes for the 2000 General Plan significantly weaken policies and programs designed to conserve and protect agricultural land. I further find that the Draft EIR is deficient in its evaluation of proposed changes.



**1. Introduction**

Nearly twenty years ago, the update of the Fresno County General Plan (in 2000) greatly strengthened long-standing efforts by county residents to conserve and protect agricultural land.

The Draft Environmental Impact Report (DEIR) prepared for the adoption of the 2000 General Plan explained it this way.

“The Draft General Plan policies would help the County clearly define where new development should occur and where agricultural land should be preserved. For example, Policy LU-A.1 states that new development should be located within existing urban areas....Policies LU-A.15, LU-A.16, LU-A.20 and LU-B.14 also provide direction for the County to consider [when] establishing several agricultural conservation programs, including setting up criteria to determine which lands should receive priority funding for land conservation easements, establishing an agricultural mitigation fee program to help offset development on agricultural lands, and participation in the Agricultural Land Stewardship Program Fund.” (2000 DEIR, page 4.3-12.)

29.1

Adoption of the 2000 General Plan update was an extraordinary achievement for ag land conservationists. However, some individuals knew that protections could be further strengthened. Of note is a comment letter on the DEIR for the 2000 General Plan update submitted by Harold Tokmakian, a certified planner who was former Director of the County Planning Department and a professor in Urban and Regional Planning at California State University, Fresno. Said he,...

“It appears that some prime agricultural land will be lost in the future to urban development, mining and other non-farm uses. Some of this precious resource, essential for the County’s economic base will be unavoidable but all such loss is significant. To protect our limited prime land resources, partial mitigation can be accomplished by a new policy to add to Goal LU-A to recognize that prime agricultural land lost to non-farm uses be replaced by the responsible party with acquisition of conservation easements and the transfer of these rights to an appropriate conservation entity. The approach elevates our prime farm land resources to the level now established for wetlands and the related “no net loss” policies and programs. (See OS-D.1,2)

Such a policy is realistic, feasible and forward-thinking here in the San Joaquin Valley. Not only will it be a positive initiative to help attain Goal LU-A but it is also related to Goal LU-F and Goal LU-G. A careful analysis of the County’s prime land resources in proximity to locations around the Fresno-Clovis Metropolitan Area can identify priority acreage for such a program. Finally, the policy should be a disincentive for encroachment of urban and other non-farm development into our scarce agricultural land resources.” (April 21, 2000, Harold Tokmakian.)

The County took his recommendation seriously, as reported in the Final EIR.

**“Response to Comment 22-7:**

The Fresno County Planning Commission debated at length this ‘no net loss’ policy recommendation but could not achieve consensus to add the policy. Revised Policy LU-A.15 and a new program under LU-A require the County to periodically review agricultural land protection measures, including conservation easements, for possible adoption. (Final 2000 EIR, pages 3-81 and 3-82.)

Despite the lack of consensus on the part of commissioners, as part of the October 3, 2000 update of the 2000 General Plan Policy Document, the Board of Supervisors changed the text of the Policy Document to further strengthen ag land conservation. For example, the first paragraph in the Introduction to the General Plan was revised to place the protection of agricultural land, literally and symbolically, ahead of “development.” The change is shown below.

29.1  
cont.

“The Fresno County General Plan is a comprehensive, long-term framework for the development of the county and the protection of the county’s agricultural, natural, and cultural resources and for the development in the county.” (2000 General Plan Policy Document, page 1.)

On the day of plan adoption, the Board of Supervisors also added to the General Plan Policy Document the text underlined below.

“Since the early 1950s, Fresno has been the leading agricultural county in the United States in the value of farm products. Since most of the county’s highly productive agricultural soils could be easily developed by urban, rural residential, and other non-agricultural uses, careful land use decision-making is essential to minimizing the conversion of productive agricultural land. This land use conversion diminishes Fresno County’s agricultural production capacity and economic viability and detrimentally impacts surrounding agricultural operations to the extent that further losses in production may occur. As the introduction to the Economic Development Element states, the first step in expanding the county’s job base is to strengthen the county’s historical economic base of agriculture.”

29.1  
cont.

And on that day the Board incorporated into the plan several additional policies and programs designed to further protect and conserve agricultural land, including these:

**LU-A.14**

“The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.”

**Program LU-A.B**

“The County shall evaluate minimum parcel sizes necessary for sustained agricultural productivity on land designated for agriculture throughout the county, and, as appropriate, amend the Zoning Ordinance according to the results of that analysis.  
(See Policy LU-A.6.)”

**Program LU-A.D**

“The County shall periodically review agricultural land preservation programs and assess their effectiveness in furthering the County's agricultural goals and policies.  
(See Policy LU-A.13 and LU-A.16)”

On pages 4.3-3 through 4.3-9 of the Final EIR there is a list of twenty-eight General Plan policies that support “*the goal of long-term preservation and protection of agricultural resources.*” These policies — LU-A.1 through LU-A.21, LU-B.2, LU-B.4, LU-B.5, LU-B.7, LU-B.9, LU-B.10 and LU-B.14 — were all adopted as mitigation measures to lessen impacts to agricultural resources.

Fast forward to 2023, and the question that must be asked is whether the Draft 2023 Policy Document offers the same level of protection to agricultural resources or whether it increases or lessens it. As will be demonstrated in this comment letter, the unfortunate answer is that proposed changes to the General Plan Policy Document significantly weaken support for ag land conservation.

29.1  
cont.

## 2. Changes to Policies and Programs in 2023 that Adversely Affect Ag Land Conservation

Before diving into my assessment of proposed changes to the General Plan, I must note that for the past decade I've found it extremely difficult to participate effectively. This is due in large part to the County having made hundreds of revisions to policies and programs without any meaningful effort to engage the public. But that was not always the case. From 2008 through 2014, the County published a matrix listing all recommendations for revision of the General Plan Policy Document, noting who made each suggestion (whether County staff or a member of the public) and the County's response. But that communication with the public diminished after 2014. (For more information about this, please see the attached document: *Difficulty Understanding the Nature of General Plan Amendment No. 529 (General Plan Review) and the Scope and Content of the Associated Draft EIR.*)

Discussed in this letter are proposed changes to thirty policies and programs in the 2000 General Plan Policy Document that, if adopted, would significantly compromise the County's goal to conserve and protect agricultural land. These policies and programs are primarily housed in two General Plan elements: in the Agriculture & Land Use Element and in the Economic Development Element. Sixteen of the policies and programs are proposed for deletion, nine for revision and five for addition to the plan.

29.2

My review of draft changes to policies and programs is in two parts. Section "2a" assesses changes that directly affect efforts to conserve ag land, and section "2b" assesses changes that indirectly affect the County's ability to conserve ag land.

### 2a. Changes Proposed for Policies and Programs that Directly Affect Ag Land Conservation

Identified below are proposed changes to seventeen policies and programs that will have a significant adverse impact on ag land conservation. The first six are program deletions.

If the 2023 Draft Policy Document were to be adopted as currently written, there would no longer be a requirement that the County...

29.3

|        | <b>Requirement in the 2000 General Plan</b>                                                                        | <b>Comment on the Proposed Change</b>                                                                                |
|--------|--------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| LU-A.B | ...conduct an evaluation to determine the parcel sizes that are necessary for sustained agricultural productivity. | This program was targeted for completion by 2002. No progress was made and the program is now proposed for deletion. |

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|        |                                                                                                                                                                                                                                                                |                                                                                                                                                                           |
|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LU-A.I | ...look into establishing an agricultural land value scale to be of help in discussions regarding the conversion of agricultural lands.                                                                                                                        | This program was targeted for completion by 2004. No progress was made and the program is now proposed for deletion.                                                      |
| LU-A.H | ...develop a program to establish criteria for the prioritization of funding for agricultural conservation easements.                                                                                                                                          | This program was targeted for completion by 2003. No progress was made and the program is now proposed for deletion.                                                      |
| LU-A.D | ...periodically review agricultural land preservation programs to assess their effectiveness in furthering the County's agricultural goals and policies.                                                                                                       | In truth, this program is being retained. However, since it has never been implemented and there's little likelihood it ever will be, in practice, it is already deleted. |
| ED-A.G | ...determine if capital deficiencies exist for farmers with the capital costs of shifting production modes to crops that create higher employment levels and, if such deficiencies are identified, work to access additional funds or redirect existing funds. | This program was targeted for completion by 2004. No progress was made and the program is now proposed for deletion.                                                      |
| ED-A.D | ...,working in cooperation with the cities, develop criteria for the location in unincorporated areas value-added agricultural processing facilities that are compatible with an agricultural setting.                                                         | This program was to have been completed by 2004. No progress was made and the program is now proposed for deletion.                                                       |

29.3  
cont.

The County also proposes to significantly revise the three policies summarized below.

If the 2023 Draft Policy Document were to be adopted as currently written, the following changes would be made to the 2000 General Plan.

|         | <b>Synopsis of Policy in the 2000 General Plan</b>                                                                                         | <b>Synopsis of Proposed Change in 2023</b>                                                                                                                                         |
|---------|--------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LU-A.1  | Urban development is limited to areas of the county planned for such development where public facilities and infrastructure are available. | Urban development can be expanded to areas of the county where public facilities and infrastructure are either available <u>and/or planned for</u> .                               |
| LU-A.17 | The County <u>will</u> accept California Land Conservation (Williamson Act) contracts.                                                     | The County <u>should</u> accept California Land Conservation (Williamson Act) contracts — but only if the County receives full subvention payments (reimbursement) from the state. |
| LU-B.14 | Same as above. The County <u>will</u> accept California Land Conservation (Williamson Act) contracts.                                      | The County <u>should</u> accept California Land Conservation (Williamson Act) contracts — but only if the County receives full subvention payments (reimbursement) from the state. |

With respect to the policy changes above, most troubling is the change proposed for Policy LU-A.1, which would allow urban development to expand into areas where infrastructure is currently unavailable but where it could be provided.

There is a similar change proposed for the General Plan theme titled “Urban-Centered Growth.” The proposed change is redlined below. If the Draft 2023 Policy Document were to be adopted as written, “Urban-Centered Growth” would no longer embody limiting urban development to areas of the county that “already” have the infrastructure necessary for such growth. Instead, it would embrace expanding growth to areas where infrastructure does not now exist but could be provided. Shown below is a redlined version of the theme (2000 on the left, 2023 on the right).

### Changes Proposed for the General Plan Theme Supporting “Urban-Centered Growth”

#### Citation from 2000 General Plan

“The plan promotes compact growth by directing most new urban development to incorporated cities and existing urban communities ~~that already have the infrastructure~~

to accommodate such growth. This plan assumes over ~~93 percent~~ of new population growth and new job growth will occur within incorporated city spheres of influence and seven percent would occur in unincorporated areas ~~(see Appendix A).~~

Accordingly, this plan prohibits designation of new areas as Planned Rural Community and restricts the designation of new areas for rural residential development while allowing for the orderly development of existing rural residential areas.”

#### Citation from the 2023 Revised General Plan

“The plan promotes compact growth by directing most new urban development to incorporated cities and existing unincorporated urban communities where public facilities and infrastructure are available or can be provided consistent with the adopted General Plan or Community Plan

to accommodate such growth. This plan assumes approximately 96 percent of new population growth and new job growth will occur within incorporated city spheres of influence and 7 percent would occur in unincorporated areas.

Accordingly, this plan prohibits designation of new areas as Planned Rural Community and restricts the designation of new areas for rural residential development while allowing for the orderly development of existing rural residential areas.

Fresno County recognizes, however, that because of state-mandated directives, including the Regional Housing Needs Allocation, the County may be forced to consider approval of urban development in areas that are not currently planned for such uses. Careful consideration and Board policy direction will be necessary if Fresno County needs to designate new areas for urban development.”

29.3  
cont.

The text above asserts that due to the state’s Regional Housing Needs Allocation (RHNA), the County may be “forced” to consider approval of urban development in areas that are not currently planned for such uses. This concept is troubling for two reasons. First, the County has not provided an explanation as to where such urban expansion might take place. But more importantly, the County’s most recent report to the Department of Housing and Community Development states that the County has a vacant land inventory that’s sufficient to accommodate its RHNA. Below is a citation from the County’s APR for 2022.

“...the remaining inventory can accommodate the following number of units: 5,123 units for the Above Moderate-Income category, 2,480 for Moderate Income Category, and 1,073 units for the Very Low and Low-Income categories. Based on the remaining RHNA obligations that are shown in Table B, the County currently has adequate vacant land inventory to accommodate the remaining number of units in all income categories for the balance of the Fifth-Cycle [Housing Element] Update.” (2022 General Plan Annual Progress Report, page unnumbered, approved by the Board of Supervisors on March 28, 2023.)

29.3  
cont.

The County also proposes to delete six policies from the 2000 General Plan Policy Document.

If the 2023 Draft Policy Document were to be adopted as currently written, there would no longer be a requirement that the County...

- LU-E.17 ...,when reviewing rezoning and subdivision proposals, consider the current inventory of undeveloped parcels designated Rural Residential or Foothill Rural Residential.
- LU-G.15 ...,within a city's planned urban boundary, which the County has designated Reserve on its community plan, (1) establish a limited agricultural zone district prohibiting creation of lots less than twenty (20) acres and (2) consider contracts in accordance with the California Land Conservation Program (Williamson Act).
- LU-G.19 ...,on land that is not within a city's planned urban boundary but is within a city's sphere of influence, (1) maintain zoning consistent with the General Plan or applicable community plan and (2) consider contracts in accordance with the California Land Conservation Program (Williamson Act).
- LU-E.13 ...allow agricultural preserves to be established within areas designated Rural Residential.
- LU-F.37 ...,within the Golden State Industrial Corridor, allow agricultural preserves to be established.
- LU-E.19 ...encourage owners of parcels twenty (20) acres or larger which are outside the sphere of influence of a city to seek redesignation of their land for agricultural uses by establishing procedures that allow the related General Plan Amendment and rezoning applications to be processed without cost to the property owner.

Against the backdrop of the deletions and revisions cited above, the County plans to add two new policies to the Agriculture & Land Use Element: Policy LU-A.23 and Policy LU-A.24.

The Draft EIR asserts that new Policy LU-A.23 will help mitigate the conversion of farmland to nonagricultural uses. However, I do not agree that conducting soil evaluations, providing crop histories, assessing the availability of surface water or considering farmland conservation mechanisms for property proposed for permanent conversion to nonagricultural uses, in themselves, do anything to help conserve farmland.

However, if the policy were to be revised to include standards by which the County could conclude that farmland should not be converted to nonagricultural uses, then the policy might have some utility. Examples of policies in the 2000 General Plan that have such standards are Policies LU-A.3, LU-A.9, LU-B.3, LU-B.7, LU-E.1, LU-E.8, LU-E.23, LU-E.24, LU-E.25, LU-E.26 and LU-E.27. These policies typically read that approval of the new use will be *“subject to the following criteria”* or permitted *“if the following conditions are satisfied.”*

29.4

The 2023 Draft EIR asserts that new Policy LU-A.24 will help conserve farmland as well. It won't. If approved, Policy LU-A.24 will require the County to encourage the California Department of Conservation to update its Important Farmland Map to reflect the potential loss of irrigable land due to recently imposed groundwater pumping restrictions and reduced access to surface water. It should be obvious to everyone that this policy in no way helps to conserve ag land. An update of the state's Important Farmland Map may actually encourage conversion of ag land to nonagricultural uses.

Below are summaries of new Policies LU-A.23 and LU-A.24.

If the 2023 Draft Policy Document were to be adopted as currently written, the County would need to...

LU-A.23 ...require discretionary land use projects which propose the permanent conversion of forty acres or more of Prime Farmland to nonagricultural uses to undertake an evaluation of soil type, existing crop history and access to surface irrigation water to support the nonviability of the land for agricultural use.

...consider offsetting the conversion of Prime Farmland through grants of perpetual conservation easements, deed restrictions, establishment of land trusts, etc.

LU-A.24 ...encourage the California Department of Conservation to update its Important Farmland Map in consideration of recent restrictions to groundwater pumping and reduced access to surface water and the potential loss of irrigable land.

**2b. Changes Proposed for Policies and Programs that Indirectly Affect Ag Land Conservation**

Identified below are proposed changes to thirteen policies and programs that will have a an indirect adverse impact on ag land conservation. Some of the effects are subtle, such as those arising from the expansion of tourist-related business opportunities across the county. And others are more obvious, such as the effects that will result from directing urban development of areas of the county where supporting infrastructure does not presently exist but can be provided.

I turn your attention to changes proposed for four policies. Reproduced below are Policies ED-B.19, ED-B.11, ED-B.13 and ED-B.15 — both as currently written and as proposed for revision. Although the changes are subtle, they can, over time, have a significant negative impact on ag land conservation.

If the 2023 Draft Policy Document were to be adopted as currently written, the County would more purposefully promote business opportunities in rural areas of the county. The textual changes are highlighted in blue print.

29.5

| 2000    | 2023    | 2000 Text                                                                                                                                                                                                                      | 2023 Draft Text                                                                                                                                                                                                           |
|---------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ED-B.11 | ED-B.9  | “The County shall encourage the development of visitor-serving attractions and accommodations in unincorporated areas where natural amenities and resources are attractive and would not be diminished by tourist activities.” | “The County shall encourage the development and expansion of businesses serving visitors in unincorporated areas where natural amenities and resources are attractive and would not be diminished by tourist activities.” |
| ED-B.14 | ED-B.11 | “The County shall encourage additional recreational and visitor-serving development in the Sierra and foothills areas such as Shaver Lake and Pine Flat.                                                                       | The County shall encourage development of businesses serving visitors in the High Sierra and foothill areas such as Shaver Lake, Pine Flat, and Squaw Valley.                                                             |
| ED-B.16 | ED-B.13 | “The County shall encourage coordination in advertising by the Visitor and Convention Bureau and by visitor-serving businesses.”                                                                                               | “The County shall encourage cooperative marketing by destination marketing organizations and tourism stakeholders.”                                                                                                       |
| ED-B.18 | ED-B.15 | “The County shall initiate a planning process to identify additional recreation opportunities in the coast range foothills and other areas where ‘gateway opportunities’ exist.”                                               | “The County shall promote additional recreation opportunities in the coast range foothills and other areas where ‘gateway opportunities’ exist as a component of the County’s tourism program.”                           |

Listed below are changes proposed for two policies that will increase industrial development in rural areas of the county.

If the 2023 Draft Policy Document were to be adopted as currently written, the County would encourage industry to locate most anywhere in the county. The proposed changes to text are highlighted in blue print.

| 2000    | 2023    | 2000 Text                                                                                                                                                                                                                                                                                                                                                                                                  | 2023 Draft Text                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ED-A.8  | ED-A.7  | <p>“The County shall encourage the location of new industry within cities and unincorporated communities. The County, in cooperation with the cities will identify circumstances for locating industrial uses in other unincorporated areas consistent with the cities’ economic development strategies and taking into account opportunities offered by variations in local environmental conditions.</p> | <p><i>“The County shall encourage the location of new and expanding industry within Fresno County consistent with the County’s Economic Development, Agriculture and Land Use and Environmental Justice Elements Goals, Policies and Zoning Ordinance.</i></p>                                                                                                                                                                         |
| ED-A.23 | ED-A.16 | <p>“The County shall encourage processing facilities that obtain raw products regionally rather than just locally, including those which may logically be expected to expand into regional processing facilities, to locate in industrial parks under city jurisdiction or within existing unincorporated communities.</p>                                                                                 | <p><i>The County shall encourage processing facilities that obtain raw products regionally rather than just locally, including those which may logically be expected to expand into regional processing facilities, to locate in areas with adequate infrastructure. Processing facilities located in proximity to disadvantaged communities shall comply with the applicable provisions of the Environmental Justice Element.</i></p> |

29.5

Reproduced on page 12 below are one program and four policies proposed for deletion from the 2000 General Plan. The deletions could pave the way for urban development northeast of Fresno on land currently designated for agriculture.

Just prior to the General Plan being updated in 2000, the County received about a half dozen proposals from developers to change the land use designation for approximately 3,000 acres in the Friant/Millerton area from Agriculture to Residential. The County responded to each proposal with a nearly identical letter saying that urbanization of that area necessitated the development of a regional plan and that planning through 2020 would focus on “expanding and enhancing the area’s recreational activities and resources.” Typical of the County responses was a March 27, 2000 letter from the County to Dirk Poeschel, Land Development Services, Inc. A portion of that letter is reproduced below.

*“On behalf of your client, the Bigelow-Silkwood Friant Ranch, you requested that commercial and residential land use designations be applied to approximately 1,100 acres of land generally located directly south and east of the unincorporated community of Friant. This request was made through several letters from your office and information provided by Mr. Wagner. This proposal and others in the area were taken into consideration in the preparation of the GPU [General Plan Update] documents. After consideration of the projected growth in the County of Fresno and evaluation of land use needs to accommodate growth as well as the unique character of the Friant and Millerton areas it was determined that a Regional Plan should be prepared for the area....The plan is to focus on expanding and enhancing the area’s recreational activities and resources for the near-to-mid-term. It is noted that the area may be suitable for urban development in the long-term, beyond the 2020 time horizon of this General Plan.”*

We are now three years beyond the 2020 time horizon of the 2000 General Plan, and with the pending revision of the plan, the County is proposing to delete from the 2000 General Plan the requirements that the County prepare a regional plan for the Friant/Millerton area and develop the area as a recreation corridor.

Pressure to allow residential development northeast of Fresno has not abated. In a letter to the County dated April 12, 2018, the Building Industry Association of Fresno/Madera Counties proposed that the County consider as part of the revision of the General Plan the redesignation of 3,650 acres in that area from Agriculture to Residential. Printed below is a portion of an August 21, 2018 staff report to the Board of Supervisors.

“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.” (August 21, 2018 staff report to the Board of Supervisors for Agenda Item No. 8: General Plan Review and Zoning Ordinance Update Report.)

It’s my opinion that the requirement to prepare a regional plan and to plan that area for recreation has kept developers at bay and that with the deletion of these two components from the General Plan, the area will be open to numerous proposals for urban development.

29.5  
cont.

As discussed above, if the 2023 Draft Policy Document were to be adopted as currently written, the County would remove the following program and two policies from the General Plan.

- LU-H.A ~~“The County shall prepare and adopt a regional plan for the Friant-Millerton area consistent with the directives of Policy LU-H.8”~~
- ED-B.13 ~~“The County shall promote the development of the Friant-Millerton area as a major recreational corridor that includes camping, water sports, hiking, golf, conference/hotel facilities, and historic attractions. Facilities should include moderately priced multifamily employee housing.”~~
- LU-H.8 ~~“The County shall prepare a regional plan for the Friant-Millerton area. The preliminary study area boundaries for the new regional plan depicted in Figure LU-5 are designed to encompass the area’s major recreation facilities and open space resources, include the area’s existing and potential residential growth areas, but exclude most productive agricultural land. In the near-to-mid-term, planning and development in the area should focus on expanding and enhancing the area’s recreational activities and resources. In the long-term, the area may be suitable for urban development as the unincorporated county’s largest remaining area without productive agricultural soils near the Fresno-Clovis Metropolitan Area and recreational and scenic resources.~~
- ~~The new regional plan shall at a minimum address the following key issues:~~
- ~~a. Expansion and enhancement of recreation activities and facilities centered on Millerton Lake and the San Joaquin River.~~
  - ~~b. Open space and natural resource protection.~~
  - ~~c. Implementation of appropriate policies of the San Joaquin River Parkway Master Plan.~~
  - ~~d. Groundwater and surface water availability.~~
  - ~~e. Wastewater disposal limitations and options.~~
  - ~~f. Development of affordable housing, particularly for workers at recreational and related tourist facilities in the area.~~
  - ~~g. Suitability of the area for future long-term urbanization and options for how this might occur (e.g., County specific plan, city annexation, or city incorporation).~~
  - ~~h. Provision of an adequate circulation/transportation systems, including mass transit.”~~
- OS-H.9 ~~“The County shall plan for the further development of the Friant-Millerton area as a recreation corridor. (See Policy LU-H.8, Administration)”~~

29.5  
cont.

With regard to other areas of the county, the 2023 Draft Policy Document has three new policies that direct the County to study the possibility of future urban development on a total of approximately 10,000 acres in three different locations: east of Fresno near the Kings River, south of Fresno near Highway 99 and three miles north of the Clovis city boundary.

If the 2023 Draft Policy Document were to be adopted as currently written, the County will be required to...

- LU-E.25 ...evaluate a Special Study Area for possible future urban residential, educational, office, and commercial land uses on approximately 7,000-acre acres generally located north of the State Route 180/Trimmer Springs Road interchange.
- LU-E.24 ...expand Rural Residential zoning to cover an approximate 400-acre area generally 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 the Birkhead Road alignment to the north and encompassing those parcels to the west of the full length of Willow Bluff Avenue.
- ED-A.9 ...evaluate a Special Study Area for possible future urban industrial, office and commercial land uses on approximately 2,940 acres generally bounded by North Avenue to the north, Peach Avenue and State Route 99 to the west, Fowler Avenue to the east and American Avenue to the south.
- LU-F.38

My comment letter has identified thirty proposed revisions to policies and programs in the 2000 General Plan that, individually or in concert, will weaken ag land conservation. While some changes delete requirements that the County study issues related to farmland conservation; others support increased urbanization of agriculture land.

29.5  
cont.

The revision of the General Plan also weakens County support for the Williamson Act, and proposed changes promote the location of industry and expansion of business opportunities in unincorporated areas of the county.

Of great concern are revisions proposed for Policy LU-A.1 and for the General Plan theme of *“Urban-Centered Growth,”* which together give the nod to increasing urban development throughout the county by directing development to areas of the county where essential infrastructure does not yet exist but can be provided.

The EIR fails to recognize that these thirty changes run counter to the General Plan Goal to promote the long-term conservation of agricultural lands.

With regard to the one new policy that purports to benefit ag land conservation — Policy LU-A.23, which requires, as part the process to convert ag land to nonagricultural uses, an evaluation of soil type, existing crop history, access to surface irrigation water and the consideration of offsetting conservation measures, it’s important to note that the General Plan already contains Program LU-A.F and Policy LU-A.16, which together serve the same purpose, as they both promote and support the implementation of agricultural land preservation programs for the long-term conservation of viable agricultural operations. So there’s a question in my mind as to whether new Policy LU-A.23 is actually needed.

### 3. Dissimilar Findings in the 2000 and 2023 EIRs; The Absence of Mitigation Monitoring

The EIR that was prepared for the 2000 General Plan update concluded that there were four adverse impacts related to farmland conservation and agricultural production that could not be reduced to a level of insignificance and would, therefore, remain significant and unavoidable. Even so, to reduce those impacts, the Board of Supervisors adopted 35 policies from Sections LU-A and LU-B of the Agriculture and Land Use Element to serve as measures to mitigate the impacts.

Reproduced below is an image of Table 3-1, which summarizes the impacts and mitigation measures that were considered by members of the board of Supervisors when they adopted the General Plan Update in 2000. According to the EIR prepared for the update, development under the 2000 General Plan...

1. Would result in the permanent loss of important farmland.
2. Would result in a significant reduction in agricultural production.
3. Would result in increased non-renewal and cancellation of Williamson Act contracts.
4. Could, cumulatively speaking, result in the permanent loss of important farmland, a significant reduction in agricultural production, and an increase in the non-renewal and cancellation of Williamson Act Contracts.

29.6

| TABLE 3-1<br>REVISED SUMMARY OF IMPACTS AND MITIGATION MEASURES (AUGUST 2000)                                                                                                                                                                                                                               |                                           |                         |                                                                                                                                                                                                                                                                                                                              |                                        |                         |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-------------------------|--|
| Impact(s)                                                                                                                                                                                                                                                                                                   | Level of Significance Prior to Mitigation |                         | Mitigation Measure(s)                                                                                                                                                                                                                                                                                                        | Level of Significance After Mitigation |                         |  |
|                                                                                                                                                                                                                                                                                                             | County                                    | Non-County <sup>1</sup> |                                                                                                                                                                                                                                                                                                                              | County                                 | Non-County <sup>1</sup> |  |
| <b>4.3 Agriculture</b>                                                                                                                                                                                                                                                                                      |                                           |                         |                                                                                                                                                                                                                                                                                                                              |                                        |                         |  |
| 4.3-1 Development under the Draft General Plan would result in the permanent loss of important farmland.                                                                                                                                                                                                    | S                                         | S                       | 4.3-1 None available beyond Draft General Plan Policies LU-A.1 through LU-A.21, Programs LU-A.B and LU-A.D, and Policies LU-B.1 through LU-B.14 for Fresno County. No mitigation measures are available to the County to reduce impacts occurring within the cities' jurisdiction.                                           | SU                                     | SU                      |  |
| 4.3-2 Development under the Draft General Plan would result in a significant reduction in agricultural production.                                                                                                                                                                                          | S                                         | S                       | 4.3-2 None available beyond Draft General Plan Policies LU-A.4, LU-A.6, LU-A.7, LU-A.10, LU-A.11, LU-A.19 through LU-A.21, Programs LU-A.B and LU-A.D, and Policies LU-B.5 through LU-B.7 for Fresno County. No mitigation measures are available to the County to reduce impacts occurring within the cities' jurisdiction. | SU                                     | SU                      |  |
| 4.3-3 Development under the Draft General Plan would result in increased non-renewal and cancellation of Williamson Act Contracts.                                                                                                                                                                          | S                                         | S                       | 4.3-3 None available beyond Draft General Plan Policies LU-A.16, LU-A.17, and LU-B.14 for Fresno County. No mitigation measures are available to the County to reduce impacts occurring within the cities' jurisdiction.                                                                                                     | SU                                     | SU                      |  |
| 4.3-4 Development within Fresno County, in conjunction with other development within the San Joaquin Valley, could result in the permanent loss of important farmland, a significant reduction in agricultural production, and an increase in the non-renewal and cancellation of Williamson Act Contracts. | S                                         | S                       | 4.3-4 None available beyond Draft General Plan Policies LU-A.1 through LU-A.21, Programs LU-A.B and LU-A.D, and Policies LU-B.1 through LU-B.14.                                                                                                                                                                             | SU                                     | SU                      |  |

S — Significant      SU — Significant and Unavoidable

In sharp contrast, the EIR prepared for the 2023 revision of the General Plan concluded that just two adverse impacts were significant and unavoidable and that there were only two policies — both new — that could lessen those impacts. The 2023 EIR did not consider for possible adoption any of the 35 mitigation measures adopted by the Board of Supervisors in 2000.

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Reproduced below is an image of the summary of the impacts and mitigation measures that appears in the Draft 2023 EIR. According to the 2000 EIR, development under the revised plan...

1. Could result in the conversion of farmland.
2. Could result in conflicts to existing zoning for ag uses and to Williamson Act contracts.

| Agriculture                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| <p><b>Impact AG-1.</b> The GPR/ZOU is designed to encourage the continued operation of existing agriculture lands and Forest lands in The Planning Area. However, buildout of the GPR/ZOU could result in the conversion of Farmland or forestland to non-agricultural use. Therefore, impacts would be significant and unavoidable.</p> | <p><i>AG-1: Agriculture Conservation.</i></p> <p><b>Policy LU-A.23</b></p> <p>The County shall require discretionary land use projects which propose the permanent conversion of forty acres or more of Prime Farmland (as designated by the Farmland Mapping and Monitoring Program) to non-agricultural uses to undertake an evaluation of soil type, existing crop history and access to surface irrigation water to support the non-viability of the land for agricultural use. Should documentation indicate a loss of productive agricultural land would occur due to project development, consideration shall be given to offsetting land conversion through grants of perpetual conservation easements, deed restrictions, establishment of land trusts, in-lieu fee payment program or other County-approved farmland conservation mechanisms for the purpose of preserving agricultural land. This policy does not apply to land zoned or designated in the General Plan for non-agricultural land uses.</p> <p><b>Policy LU-A.24</b></p> <p>The County shall encourage the State of California Department of Conservation to update its Important Farmland Map in consideration of recent restrictions to groundwater pumping, reduced access to surface water and the potential loss of irrigable land.</p> | <p>Significant and Unavoidable</p> |
| <p><b>Impact AG-2.</b> Buildout of the GPR/ZOU could result in conflicts to existing zoning for agricultural uses and Williamson Act contracts. Therefore, impacts would be significant and unavoidable.</p>                                                                                                                             | <p>None feasible.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>Significant and Unavoidable</p> |

29.6  
cont.

Now whether the County lessens impacts to agriculture through the adoption of 35 mitigation measures, as it did in 2000, or through the adoption of two measures, as it may do in 2023, there is this underlying problem: the County has not and will not create a program to monitor the implementation of those mitigation measures.

While in attendance at the County’s community workshop on the General Plan Review and Zoning Ordinance Update held at the Woodward Park Library on June 19, 2023, I asked a County planner and a consultant from the firm preparing the EIR (Rincon Consultants, Inc.) whether the General Plan, as planned for revision in 2023, would continue to be “self-mitigating,” as there was no mention in the 2023 Draft EIR that it would be. Both individuals assured me that the plan would continue to be self-mitigating.

A definition of self-mitigation appears in the EIR prepared for the 2000 General Plan. Text on page 1-4 of the 2000 EIR describes how self-mitigation is supposed to work.

“The [2000] General Plan Update is intended to be self-mitigating; it is assumed impacts identified in this EIR would generally be mitigated through adopted federal, State, and local laws and regulations, through the implementation of identified General Plan policies for unincorporated areas of the County, or some combination thereof, rather than through measures independent of the General Plan.”

Unfortunately, the assumption in 2000 proved wrong. Self-mitigation has not worked. A sizable number of the 304 policies adopted as mitigation measures in 2000 were never implemented — some not at all and others not as written — and the County never once kept watch on the situation.

And so, when the County published a Notice of Preparation (NOP) of an EIR for the revision of General Plan in 2018 and then again in 2021, the League of Women Voters of Fresno and I wrote comment letters asking those preparing the EIR to evaluate the County’s failure to monitor the implementation of adopted environmental mitigation measures.

In commenting on the 2018 NOP, the League of Women Voters of Fresno wrote:

“It’s important to note that the County has not established a program to monitor implementation, and although General Plan Program LU-H.D contains a mechanism for a mitigation measure monitoring program, the County has chosen not to utilize it. And it’s also important to note that when the General Plan was adopted in 2000, the belief among County staff, elected officials and EIR consultants was that the General Plan would be “*self-mitigating*,” but that assumption has proven incorrect....

Therefore, the League urges the County to (1) evaluate the cause for and the extent of the County’s inability to implement mitigation measures in the 2000 General Plan, since many of these same policies will be carried over into the new Plan, (2) describe in measurable terms the physical effects of any adverse impacts that remain significant after mitigation, (3) determine the amount of funding needed to fully implement mitigation measures so that implementation is assured, [and] (4) determine the conditions under which General Plan “*self-mitigation*” can work....” (May 4, 2018 letter from the League of Women Voters of Fresno to the County of Fresno, page 2.)

In response to this comment by the League of Women Voters of Fresno, the County replied, “*This comment pertains to the General Plan. This comment does not pertain to the scope and contents of the EIR.*” (2023 Draft EIR, page 1-13.)

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cont.

The County's response was in error. It goes without saying the County's long history of not conducting environmental monitoring must be addressed in the 2023 EIR.

29.6  
cont.

Three years later, in response to the 2021 NOP, I raised the same issue, writing:

"The Failure of Self-Mitigation

There is an erroneous assumption in the design of the 2000-2020 General Plan, namely, that the plan, environmentally speaking, is self-mitigating.

Self-mitigation requires that the 304 policies that were adopted as mitigation measures are fully implemented....How many mitigation measures are not being implemented is unknown because from the time of plan adoption in 2000 to the present day, the County has not systematically monitored the implementation of these policies.

The failure to implement Policy OS-D.4 serves to illustrate the problem. At the time of General Plan adoption in 2000, the Board of Supervisors adopted mitigation measures for every adverse impact identified in the 2000 EIR....One such impact was the potential loss of riparian habitat.

Impact 4.9-1:

*'Development under the Draft General Plan could result in the loss of wetland habitat.'*

Mitigation Measure 4.9-1:

*'None available beyond Draft General Plan Policies OS-D.1 through OS-D.8.'*

Policy OS-D.4:

*'The County shall require riparian protection zones around natural watercourses....'*

Program OS-D.B:

*'The County shall adopt an ordinance for riparian protection zones identifying allowable activities in riparian protection zones and allowable mitigation techniques.'*

With respect to the adoption of an ordinance to protect riparian areas, self-mitigation would have been successful had the County actually implemented Program OS-D.B, but the County didn't implement it. The County's Annual Progress Report on the implementation of the General Plan for calendar year 2019 stated that the County had not adopted the riparian ordinance required by Program OS-D.B. Notwithstanding the County's claim that riparian areas are nonetheless protected, the fact remains that the County has no riparian ordinance and no riparian protection zones. And because mitigation measure 4.9-1, which includes

29.7

Policy OS-D.4, was not fully implemented, there is no guarantee that riparian habitat is being protected to the extent anticipated by the 2000 EIR and envisioned in the General Plan.

As part of the environmental review of the revision of the General Plan, the County needs to...

1. Evaluate the cause for and the extent of the County's inability to implement the mitigation measures adopted for the 2000-2020 General Plan, since many of these same policies will be carried over into the 2020-2040 General Plan.
2. To ensure that mitigation measures are implemented, determine the amount of funding needed to guarantee full implementation.
3. Determine the conditions under which General Plan self-mitigation can work."  
(March 1, 2021 letter from Radley Reep to the County of Fresno, pages, 1-3.)

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In response to my comments, the County once again asserted that the assessment of mitigation monitoring was outside the scope of the EIR, saying, "*This comment pertains to the General Plan. This comment does not pertain to the scope and contents of the EIR.*" Not good!

It's significant to realize that the 2023 Draft EIR does not include a mitigation monitoring program not even for the twelve mitigation measures listed in the document. Oddly enough, the draft EIR does cite on pages 1-22 and 1-23 the requirement to adopt such a program. The text reads...

"According to Section 15091 of the State CEQA Guidelines:

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures." (2023 Draft EIR, page 1-22.)

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"Mitigation Monitoring/Reporting Program. When an agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects." (2023 Draft EIR, page 1-23.)

At the time the General Plan was last updated in 2000, the associated EIR specifically identified policies that supported ag land conservation. The text on page 4.3-3 read, "*The Draft [2000] General Plan contains the following policies to support the goal of long-term preservation and protection of agricultural resources.*" What followed was a list of the 27 policies that were said to specifically support ag land conservation. All were adopted as mitigation measures. Knowing that the County failed to subsequently monitor the implementation of those 27 policies, there's every reason to question whether the County will take seriously the implementation new ag land Policies LU-A.23 and LU-A.24. I believe the County is unlikely to change long-held practices.

To review, I've identified interrelated concerns about the 2000 General Plan and its pending revision in 2023: oddly dissimilar findings with dissimilar mitigation in the 2000 and 2023 EIRs, the futility of self-mitigation and the wholesale absence of mitigation monitoring.

With respect to this last item — the lack of mitigation monitoring, there are three factors to consider:

- Twenty-three years ago, the EIR prepared for the 2000 General Plan Update asserted that a mitigation monitoring program would be prepared. Printed below is text from the 2000 EIR pledging that every mitigation measure identified in that EIR would be monitored.

“The Mitigation Monitoring Program for the General Plan will be prepared for all mitigation measures identified in the EIR. The Mitigation Monitoring Program will be considered by the Board of Supervisors in conjunction with approval of the General Plan and certification of the EIR.” (2000 Final EIR, page 1-7.)

“The mitigation measures presented in the EIR will form the basis of the Mitigation Monitoring and Reporting Program (MMP).” (2000 Draft, page 3-3.)

“Section 15126.4 of the CEQA Guidelines specifies the requirements pertaining to mitigation measures. Specifically, 15126.4(D)(2) states ‘mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments’ ....Mitigation measures, which reflect specific policies such as LU-A.15 (see Mitigation Measure 4.3-1), have not been deferred to a later date, as suggested by the commentor. The mitigation measures would be implemented and enforced through a mitigation monitoring program (MMP).” (2000 Final EIR, page 3-75.)

- The 2023 Draft EIR does not contain, nor does it propose the preparation of, a mitigation monitoring program for the 2023 revision of the General Plan.
- If the 2023 Draft Policy Document were to be adopted as currently written, reference to Public Resources Code Section 21081.6 (the state’s monitoring requirement) would be deleted from the plan. Printed below is the proposed revision of Program LU-H.A:

“The Planning Commission shall review the General Plan annually, focusing principally on actions undertaken in the previous year to carry out the implementation programs of the plan. The Planning Commission’s report to the Board of Supervisors shall include, as the Commission deems appropriate, recommendations for amendments to the General Plan. ~~This review shall also be used to satisfy the requirements of Public Resources Code 21081.6 for a mitigation monitoring program.~~” (2023 Draft Policy Document, page 3-12.)

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cont.

I feel the county must incorporate into the EIR (1) an assessment of the County’s long-standing practice not to engage in mitigation monitoring and (2) a discussion of and a plan for future mitigation monitoring.

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The County must also evaluate each of the 304 policies that were adopted as mitigation measures in 2000 to determine whether, individually or collectively, they have the capacity to lessen impacts and should, therefore, be recognized as mitigation in the 2023 Draft EIR.

As an aside, with regard to the analysis of cumulative impacts, I believe the 2023 Draft EIR contains an error. It fails to report in the Summary of Environmental Impacts and Mitigation Measures (Table ES-1) a cumulative impact which is significant and unavoidable. Evidence of the mistake is found on page 4.2-14. That paragraph is printed below.

“The cumulative impacts of projects facilitated by the GPR/ZOU could result in the conversion of agricultural land. Full buildout of the GPR/ZOU could cause the conversion of agricultural lands in the Planning Area.... While General Plan policies attempt to reduce impacts to agricultural resources, they would not ensure the preservation of all agricultural land in the Planning Area, therefore impacts [sic] cumulative impacts to agricultural lands would be significant and unavoidable.”

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#### 4. Project Alternatives

In its May 4, 2018 comment letter on the Notice of Preparation of an EIR, the League of Women Voters of Fresno recommended a “No-Harm” alternative. The letter read in part as follows:

“Include in the range of reasonable alternatives a no-harm alternative (i.e., one without impacts harmful to the environment) so that the Board has an opportunity to understand the full environmental cost (physically and financially) of adopting a General Plan with significant and unavoidable adverse impacts.” (May 4, 2018 letter from the League of Women Voters of Fresno to the County of Fresno, page 2; 2023 Draft EIR, page 738/817.)

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The County’s response, as recorded on page 1-13 of the 2023 Draft EIR, was this: “*Alternatives for the GPR/ZOU are evaluated on Section 6, Alternatives.*”

The Alternatives section of the 2023 Draft EIR does not comment on the request for a No-Harm Alternative. It may be that consultants preparing the Draft EIR felt that such an alternative had little chance of succeeding — and that may prove to be true — but with regard to an impact that seems unavoidable, such as the loss of agricultural land, a no-harm approach to environmental review may create a path toward finding new mitigations that are feasible and surprisingly effective.

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Case in point: A no-harm analysis supporting ag land conservation would start with the premise that it's possible to develop policies and mitigation measures that ensure there is no net loss of agricultural land over the life of the plan, or more precisely, no loss greater than what can already occur as a result of buildout under existing entitlements. A no-net-loss policy could be developed along the lines of Policy OS-A.9 for water banking or Policies OS-D.1 and OS-D.2 for wetlands protection. It could be as simple as saying that if there is a request to convert agricultural land to nonagricultural uses that the project applicant (individual, company or agency) would need to fund the restoration of an equal amount of land where the ability to farm has been compromised by nonagricultural uses.

Such an approach would have a myriad of benefits. For example, it would lessen urban sprawl, compel cities to evaluate their respective land use plans with regard to density and the efficient use of land, fund projects within cities to return land to agricultural uses and make apparent the true need to convert ag land to nonagricultural uses.

But if County staff or if environmental consultants begin the process of preparing an environmental impact report with an assumption that it's not possible to develop land use policy that causes no harm, then, as I see it, there's really no point to conducting environmental assessments.

In addition to a "No-Harm" alternative, I recommend that the County consider an alternative that's a highbred of the current 2000 General Plan and the proposed 2023 revision. Given my earlier reasoning that the 2023 Draft General Plan will cause greater loss of ag land than will the existing 2000 General Plan, I suggest an alternative that includes all of the program and policy changes required by law but none of the discretionary changes that will lead to further loss of agricultural land, such as the thirty policy and program changes I discussed earlier in this comment letter. With respect to the conservation of agricultural land, such an alternative would be superior to all three alternatives in the Alternatives section of the Draft EIR and superior, as well, to the 2023 Draft General Plan.

I ask that the 2023 EIR include an explanation as to why a No-Harm Alternative is not suitable for this project as a whole or with respect to individual components of the project. I believe such an approach has the potential to reduce to a level of less-than-significant impacts that are now thought to be significant and unavoidable.

## **5. Addition of an Indicators Program**

Several months prior to the adoption of the current 2000 General Plan, in a letter to the Fresno County Planning Commission, the League of Women Voters of Fresno recommended that the County develop an "indicators program" to serve as a tool to evaluate progress toward the

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attainment of General Plan goals. Indicators are data of various types which, when collected over a period of time, indicate whether particular goals are being met. For example, to measure the success in achieving the County’s goal to conserve agricultural lands, the County could annually track the amount of acreage lost to urban uses.

The Planning Commission endorsed the concept, and the Commission’s first Annual Progress Report on the implementation of the 2000 General Plan devoted twelve pages to the concept. On August 26, 2003, the Board of Supervisors directed its planning staff to return with a plan to implement an Indicators Program “*on a regular basis.*” (Board minutes, August 26, 2003.)

The County’s first draft revision of the 2000 General Plan (August 2010) contained a new program directing the County to develop an indicators program. The proposed program read as follows:

**New Program LU-H.C**

*“The County shall develop an Indicators Program that monitors the success of the County in achieving the goals of the General Plan. The County shall conduct an annual review of the Indicators Program and report the findings to the Planning Commission and Board of Supervisors.”*

This same language was retained in the next four drafts of the General Plan; however, with the release of the sixth draft revision (December 2017), the County removed the new program from consideration.

Because an Indicators Program would help the County track progress toward achieving General Plan goals, I heartedly recommend that the program be reinstated. Absent an indicators program, there is no way for elected officials and county residents to know if General Plan goals are being met — whether the General Plan is working as envisioned or whether it needs restructuring.

**6. An Elephant in the Room**

In 2019, the League of Women Voters of Fresno published a study which found that the County was able to demonstrate successful implementation of only a third of the implementation programs in the 2000 General Plan. This is, by most standards, a failing grade, and the lack of progress has huge ramifications. The study, titled “*Annual Progress Report for the County of Fresno Prepared by the League of Women Voters of Fresno, March 2019,*” is attached to this comment letter.

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The 121 programs in the first six elements of the 2000 General Plan (excluding the Housing Element and new Environmental Justice Element) are designed to ensure that important land use policies are successfully executed and that, as a result, General Plan goals are achieved. But because of the failure to execute implementation programs as written, and because of lack of interest on the part of elected officials and County planning staff to discuss the problem openly, there is really no way for county residents to know the extent to which General Plan goals are not being met.

This lack of implementation is the elephant in the room — not only because it's a serious problem that people in government are disinclined to talk about, but because it can lead to unexpected and unwanted consequences.

The consequence for those preparing the 2023 Draft EIR is this: They may be reviewing the wrong plan.

It's important to understand that the General Plan of today is very different from the plan envisioned in 2000. And why is that? Well, it's not because the plan underwent significant amendment over the past twenty-three years; it's because plan implementation was abandoned. More specifically, the County abandoned its responsibility to implement dozens of programs — the drivers that ensure the achievement of General Plan goals.

And why was that? The County claims the problem is related to a lack of funding. But in all fairness, one can't know that for sure because County planning staff and elected officials are loathe to talk about the problem publicly.

The truth of the matters is that one can make a reasonable argument that the County really has two plans — the one that was approved in 2000 and the one that functions today. And what about the EIR prepared in 2000? Which of the two plans does it cover — the one on paper or the one that's in effect?

Given the County's predilection for finding creative ways to avoid or sidestep implementing the General Plan as written, there is a very strong possibility that those preparing the 2023 Draft EIR are assessing the wrong plan. They're engaged in reviewing a plan that, practically speaking, is not the plan that will govern future decision-making. It's a bit like having two sets of company books — one for government review and one for the office.

If the Draft EIR is to have some legitimacy, then the plan under review must be the plan that's going to be implemented. And if plan implementation is dependent on adequate funding, then the Draft EIR must, of necessity, include an analysis of the County's ability to fund plan implementation.

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If a financial analysis should show that the County is unable to implement, as written, the General Plan as revised for 2023 and will, of necessity, operate in ways that are contrary to or inconsistent with adopted policies and programs, then the County will either need to create a plan it can afford to implement or abandon the current revision altogether.

I ask the County to include in the Draft EIR or to prepare as a separate companion study, an analysis of the funding needed to implement the pending revision.

I appreciate the opportunity to comment on the Draft EIR for the revision of the 2000 General Plan.

Sincerely,

Radley Reep  
[radleyreep@netzero.com](mailto:radleyreep@netzero.com)  
(559) 326-6227

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# 2017 GENERAL PLAN ANNUAL PROGRESS REPORT

For  
The County of Fresno

Prepared by  
The League of Women Voters  
of Fresno

Presented to the  
Fresno County Planning Commission  
March 2019

## COMMENTARY by the LEAGUE OF WOMEN VOTERS OF FRESNO

March 30, 2019

State law requires that the Fresno County Planning Commission prepare an annual progress report (APR) on the implementation of the General Plan. In preparing that report, the Commission must adhere to guidelines adopted by the Office of Planning and Research (OPR), which support effective public participation and informed decision-making based on an accurate assessment of the degree to which the General Plan is being implemented in accordance with adopted goals, policies, programs and mitigation measures. Because the County's 2017 APR did not adhere to these guidelines or to directives in the General Plan itself, the League of Women Voters of Fresno (**League**) has drafted this 2017 APR as a way to demonstrate the critical need for complete and accurate reporting.

The County's General Plan was adopted October 3, 2000 with a new flagship Economic Development Element designed to end the county's chronic poverty and generate funding sufficient to protect the environment and provide adequate facilities and services for all county residents. But plan implementation did not go well. Fresno County remains one of the most impoverished areas in the nation, and a lack of available funding prevents the County from fully implementing the plan.

The County's first APR (2002), underscored the County's determination to implement the General Plan as written, even though a lack of funding had already caused some delays in plan implementation. According to a League study published September 1, 2016, although the 2002 APR reported good progress toward implementing 86 of 121 programs for the first six elements of the plan, by 2015, the County could only demonstrate successful implementation of 47 of those same programs.

For reasons unknown to the League, following preparation of that first APR, the County's enthusiasm for plan implementation waned. The County stopped preparing annual progress reports. But with the urging of the League and other community organizations, a decade later, in 2013, the County resumed the preparation of APRs. That said, unlike the County's 2002 APR, subsequent APRs were much less forthright in their appraisal of the County's ability to implement the plan. As a result, APRs from 2013 onward have not been of much value either to planners or the reviewing public.

In the summer of 2018, based on information provided by the County in its 2017 APR, the League recalculated the success rate for plan implementation. (For a list of program deliverables and the calculation of the success of implementation, please see Appendix E, pp. 187-197.) The League's assessment, which also evaluated implementation of the plan's Housing Element, found that the County was able to report successful implementation of only 33% of its General Plan programs. The League's finding contrasted sharply with the conclusion in the County's 2017 APR that 130 of 140 programs had been satisfactorily implemented —affording the County a 90% success rate.

What accounts for the discrepancy in the two calculations: 33% vs. 90%?

The League focused on the deliverable(s) for each program, thoroughly searching the County record for evidence to substantiate the degree to which each deliverable had been realized. As a result, the League's 2017 APR is a precise, accurate record of the County's ability to demonstrate successful implementation of the program portion of the General Plan.

In contrast, the County's 2017 APR generally sidestepped the assessment of program deliverables. In lieu of demonstrating successful plan implementation, the County's 2017 APR frequently included superfluous information that had little bearing on actual program objectives. As a result, the County's 2017 APR shrank from its principal objective, which was to accurately assess the degree to which the County had been able to implement its General Plan as written, and not as County staff might have wished it had been written.

The League took great care to make its version of the 2017 APR as complete and useful as possible. Even so, due to an inability to obtain all desired information, the League acknowledges that some areas are not as complete as wished. The League respectfully asks readers to report any errors in content.

The format of the League's 2017 APR mirrors that of the County's 2017 APR, the most significant differences being a more detailed explanation of program implementation and the inclusion of recommended amendments to the plan. Just as with the APR prepared by the County, the League has forwarded its 2017 APR to the Board of Supervisors, the Governor's Office of Planning and Research and the Department of Housing and Community Development.

Importantly, the County's General Plan is both a constitution for future development and a plan for addressing the economic and environmental hardships that have challenged Fresno County for some time. The plan embodies a set of goals that represent not the way Fresno County is but the way residents want it to be — a county with better paying jobs, equitable distribution of limited resources, sustainable agriculture, cleaner air and water, and much more. The Plan is comprehensive and specific — and county residents have entrusted its implementation to County personnel.

The League sincerely hopes its 2017 APR will motivate the County to improve future reporting.

Sincerely,



Marianne Kast, President  
League of Women Voters of Fresno

## COMPLETENESS OF THE COUNTY'S 2017 APR

The 2017 APR approved by the Board of Supervisors on May 8, 2018 was not prepared in complete accordance with Government Code Section 65400, nor was it prepared in complete accordance with requirements specified in the County's own General Plan Policy Document. (The County's 2017 APR contained quantities of information that were not directly applicable to or dispositive of the General Plan matters under review.)

Missing was information required by Government Code Section 65400, including...

- The "*progress*" made in implementing the General Plan.
- The degree to which the General Plan complied with the General Plan Guidelines published by the Governor's Office of Planning and Research (OPR).

Missing was information required by the General Plan itself, including...

- Information that satisfied the statutory requirements for a mitigation monitoring program.
- Results of the County's Groundwater Monitoring Program.

Also missing from the report was acknowledgement of a major breakdown in plan implementation, the fact that the County had been unable to implement (as prescribed) the majority of the plan's 140 programs.

In addition, the County's 2017 APR did not report on whether the County was achieving General Plan goals. Significantly, at a February 22, 2018 meeting with County planning staff, League members were informed that while the County's APRs would continue to report the "*status*" of the plan's many implementation programs, it would not assess the degree to which General Plan goals were being met. (For a list of the 52 goals of the General Plan, please see Appendix C, pp. 182-184.)

In point of fact, the County's 2017 APR did not contain a single comment on progress toward reaching any of the goals of the plan, nor did it discuss whether adopted General Plan mitigation measures were successfully protecting the environment.

Furthermore, the County's 2017 APR did not provide information sufficient to identify necessary course corrections for the General Plan or identify ways to improve its implementation. In short, the County's 2017 APR was far from complete, offering very little in the way of useful information for review by the Board of Supervisors and the public.

## ACCURACY OF THE FRESNO COUNTY 2017 ANNUAL PROGRESS REPORT

In adopting its 2017 Annual Progress Report, the Board of Supervisors did not heed the well-known admonition to report “*the truth, the whole truth and nothing but the truth.*” For example,

- (A) The report regarding the planning horizon for the General Plan was not the truth;
- (B) The report of the ongoing review of the General Plan was not the whole truth; and
- (C) The report of the status of General Plan programs was anything but the truth.

### (A) Planning Horizon for the 2000 General Plan

The County’s 2017 APR misreported the planning horizon for the General Plan, incorrectly stating that the plan horizon extended to the year 2025. In truth, the planning horizon is to the year 2020. This is known from statements in the General Plan itself and from statements in the accompanying 2000 EIR.

“The timeframe for the updated General Plan will be the year 2020.” (EIR, p. 2-22)

“...the Policy Document has a planning horizon of 20 years...” (2003 Housing Elem, p. 7-10)

“During the life of the General Plan, which extends to 2020,...” (EIR, p. 4.15-9)

Although 2020 is the horizon year, four years ago, in a December 9, 2014 report to the Board of Supervisors, County planning staff stated that “the current General Plan was updated in 2000 with an estimated 25-year planning horizon. As a result, the next anticipated update should commence sometime within the next 10 years (the last General Plan Update took approximately four to five years to complete).” In other words, County staff misreported to the Board of Supervisors that the planning horizon for the General Plan was five years beyond the actual date, which may have caused the Board to think that an update of the plan was five to ten years into the future and not of immediate concern.<sup>1</sup>

Alarmed that the County was attempting to defer by five years its responsibility to timely update the General Plan, League members carefully read through the 2000 General Plan Policy Document and accompanying EIR. The year “2020” appeared in those documents nearly 300 times. The year “2025” did not appear once.

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<sup>1</sup> Had the County acknowledged at its December 9, 2014 Board meeting that the planning horizon for the General Plan was the year 2020, then given the fact that “the last General Plan Update took approximately four to five years to complete,” the County would have been expected to initiate a General Plan update in either 2015 or 2016.

On October 17, 2017, the League — along with other organizations — appeared before the Board of Supervisors and requested a public hearing to, among other things, set the record straight regarding the plan’s horizon date, but rather than hold a public hearing, the County sent the League a letter dated November 14, 2017 stating that the planning horizon did, indeed, extend beyond the year 2020.

“Pursuant to the Fresno County General Plan Vision Statement, the planning horizon for the General Plan is for the period 2000 to 2020 and beyond.” (Underlining is added.)

The County’s response was disappointing, for while the vision of the General Plan does extend far into the future, its planning horizon does not. It extends to a specific year – the year 2020.

On February 22, 2018, League members met with County Planning staff to discuss what the League saw as inaccuracies in a first draft of the County’s 2017 APR, including a misstatement regarding the planning horizon for the General Plan. At that time, the County’s draft 2017 APR read as follows:

“Fresno County’s General Plan has a planning horizon of 15 to 25 years.”

The League asked the County Planning Department to acknowledge in its 2017 APR that the planning horizon for the General plan was, in fact, the year 2020. Staff agreed to make the necessary correction to the draft APR; however, when a revised draft APR was presented to the Board of Supervisors, the League discovered two erroneous sentences where there had been one before. The County left the original sentence in place and added a second erroneous statement.

“Fresno County’s General Plan has a planning horizon of 15 to 25 years. The planning horizon for the 2000 General Plan is through the year 2020 and beyond.” (Underlining is added.)

On the day the Board of Supervisors approved the County’s 2017 APR, League members asked the Board to correct the inaccuracy, but the League’s request went unanswered. Hopefully, the County’s next APR — for 2018 — will correctly identify the General Plan horizon as the year 2020.

### **(B) Ongoing Review of the General Plan**

The County’s 2017 APR contained a very brief history of the County’s lengthy process for reviewing the General Plan. That account is reprinted below.

“In June 2006, the Board of Supervisors directed staff to initiate a Review of the General Plan Policy document along with the comprehensive update of the Zoning Ordinance. The purpose of the General Plan Review was to evaluate goals, policies and implementation programs of all the General Plan elements to reflect the current conditions, reflect Board priorities, delete policies and programs that have served their purpose or are obsolete, and add policies and programs to address new laws that affect the General Plan since its adoption in 2000.”

While the information was accurate, it was not the whole truth. Below is what the County's 2017 APR did not report.

General Plan Program LU-H.E and General Plan Policy LU-H.14 require the County to “conduct a major review of the General Plan, including General Plan Policy Document and Background Report, every five years<sup>2</sup> and revise it as deemed necessary.”

In compliance with the requirements of Program LU-H.E, on November 8, 2005, the Board of Supervisors authorized \$600,000 for the review of the General Plan Background Report and Policy Document. The project was made a bit more complex with the decision to simultaneously update the Fresno County Zoning Ordinance. (These two tasks were packaged together and given the project title: *Five-Year Review and Revision of the General Plan and Comprehensive Review, Revision and Amendment of the Zoning Ordinance*.) But what began as a five-year review in 2005, over the length of a decade, morphed into a comprehensive *update* of the plan. That transformation occurred in two stages.

### 1. Downscale of the Five-Year Review begun in 2005

In July 2007, the Board of Supervisors expended \$100,000 of the \$600,000 allocated for the General Plan Review and Zoning Ordinance Update to complete an update of the Laton Community Plan. That same month, on July 22, the Board reduced the remaining \$500,000 to \$380,000, directing staff to concentrate on the update of the Zoning Ordinance and to “reduce funding and emphasis primarily for the General Plan Review, especially in areas of Policy Update and public review.” As part of the economizing, the County eliminated the five-year review of the General Plan Background Report.

Seven years later, on September 30, 2014, County staff recommended that the Board of Supervisors approve the scaled-down project: the revision of the General Plan Policy Document only. (The update of the Zoning Ordinance and Background Report would wait.) County staff also recommended that the Board adopt a Negative Declaration<sup>3</sup> for the abridged project. But the Board decided otherwise, directing staff to prepare an environmental impact report (EIR). (For reference, the unavoidable adverse impacts stemming from the adoption of the current 2000 General Plan are listed in Appendix D, pp. 185-186.)

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<sup>2</sup> The first five-year review should have been completed in 2005 or 2006, and the County should have completed similar reviews every five years thereafter – in 2010 and 2015, but none of these reviews were realized. Instead, the review begun in 2005 is ongoing and in its 14<sup>th</sup> year.

<sup>3</sup> The adoption of a Negative Declaration would have constituted a legal finding on the part of the County that an EIR was not needed and that the approval of a revised General Plan Policy Document would not have resulted in adverse impacts to the environment.

## 2. Reincorporation of the Zoning Ordinance and General Plan Background Report into the Project and Transformation of the Five-Year Review into a Comprehensive Plan Update

On December 9, 2014, minus an initial study demonstrating the need for an EIR, the Board of Supervisors allocated \$850,000 for the preparation of an EIR to analyze the environmental impact of approving both the five-year review of the General Plan and the update of the Zoning Ordinance. And although the Board did not reauthorize the review of the General Plan Background Report at that time, a year later, on October 13, 2015, the Board approved a scope of work that included, as well, the update of that report.

It is important to note that 18 months earlier, on July 26, 2012, County staff made it clear to the Planning Commission that the review of the General Plan was not a plan update but was, instead, a limited scope review of the 2000 General Plan.

“Staff would like to emphasize that the Five-Year Review that was undertaken in 2006 is not a comprehensive update of the County General Plan, similar to the year 2000 update. This is a limited scope project....” (Underlining is added.)

However, three years later, on October 13, 2015, the County included in the consultant agreement for the preparation of the EIR a direction to extend the planning horizon to the year 2040.<sup>4</sup> With that direction to extend the planning horizon to 2040, the County effectively initiated the transformation of the five-year review into a General Plan update.

Not only did the County’s 2017 APR fail to report the direction to extend the planning horizon to 2040, it also did not report that beginning in the summer of 2016 and continuing into January 2018, the County removed from its website all mention that the County was in the process of revising the General Plan, which meant that for 18 months, including all of 2017, there was no information available to the public regarding the County process for updating the plan. Concerned that the County was quietly turning a 5-year review of the General Plan into a comprehensive 20-year update, county residents raised the issue at a May 16, 2017 Board hearing for Item #15 — *General Plan Review and Zoning Ordinance Update Status Report*. At that hearing, County Counsel suggested that the Board of Supervisors clarify whether the County was conducting a five-year review or a plan update.

**Counsel:** “...as to whether it is a review or an update. I think that this Board needs to define with staff at this stage...That was asked but I don’t think we got the answer just yet as to exactly where the Board wants to go with that review versus update because that can change legal opinions...that our office gives in terms of some of the things that might, you know, need to be included....”

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<sup>4</sup> The agreement read in part: “The Consultants will revise the...General Plan Policy Document... to reflect a revised planning horizon (e.g., 2040).” That direction is found on page 25 of the agreement. It is important to note that the October 13, 2015 staff report to the Board made no mention that the planning horizon was being revised.

The Board of Supervisors did not heed County Counsel’s advice, and to this day, the Board has never declared whether the County is conducting a 5-year review or a 20-year update of the General Plan.

That said, there were indications from other sources that enabled a few members of the public to piece together the fact that the County was, indeed, updating the General Plan. Below are four such clues.

1. In response to a 2016 planning survey conducted by the Governor’s Office of Planning and Research, the County reported it planned to complete an update of its General Plan in 2018.
2. The County’s draft December 2017 Background Report contained this statement: “The horizon year for Fresno County’s General Plan Update is 2040...”
3. In the County’s 2016-17 and 2017-18 annual budgets, on pages 189 and 203, respectively, there were statements that the County’s Department of Public Works and Planning would “continue to be involved in the...comprehensive review and update of the County’s General Plan....”
4. And the County’s 2016 Comprehensive Economic Development Strategy reported on page 63 as follows: “The 2000 General Plan Economic Development Element describes the County’s goals and policies, which are in the process of being updated but not yet available for public review...The General Plan is being updated with a new Economic Development Element that is not yet ready to be incorporated into the CEDS report.” (Underlining is added.)

It is disappointing that the County chose not to include in its 2017 APR information that during 2017 (at the time information about the review of the General Plan was removed from the County website) the County worked to transform a decade-long five-year review of the General Plan into a plan update to the year 2040 without informing residents it was doing so and without giving residents an opportunity to provide input regarding planning challenges and community needs for the next twenty years — from 2020 to 2040.

### **(C) Implementation of General Plan Programs**

The County’s 2017 APR is awash with information that does not address the degree to which the County was able to successfully implement General Plan programs during 2017. In this respect, the APR is misleading. A good illustration of this is the County’s report on the very first program in the General Plan. Program ED-A.A required the County to create a staff position to facilitate implementation of the County’s Economic Development Strategy. Program ED-A.A reads as follows:

“The County shall create an economic development staff position(s) in the County Administrative Office and the Planning & Resource Management Department to serve as liaison/facilitator and support for the economic development implementation program and the Action Team.”

In 2017, that staff position did not exist, and the County’s 2017 APR should have reported that fact. Instead, the APR reported in full as follows:

“As part of the General Plan Review process, policies and programs of the Economic Development Element are being reviewed to determine which policies still serve a purpose and should be kept and which ones have served their purpose or are no longer relevant and should be deleted or revised. With respect to this Program, a new policy and program are proposed for development of an Economic Development Action Team consisting of members of the Board of Supervisors, County staff and city representatives.”

The County’s 2017 APR did not address the purpose of Program ED-A.A — the creation of an economic development staff position. Instead, the APR focused on the creation of an Economic Development Action Team (EDAT) — and even that information was inaccurate. The obligation to create an EDAT already existed in the General Plan as a separate requirement under a different program — Program ED-A.B. Importantly, the County’s APR did not report that on September 12, 2017, the Board of Supervisors created an action team, albeit in violation of specifications outlined in General Plan Policy ED-A.3, which required the County to include as members of that team the County’s Agricultural Commissioner and regional organizations engaged in various facets of economic development in the county.

Because this type of misreporting was widespread in the County’s 2017 APR, the League decided to draft its own APR for 2017 — one that would be more informative.<sup>5</sup> For comparative purposes, shown below in blue is the League’s 2017 assessment of the implementation of Program ED-A.A. (See pages 26 and 27 of the League’s APR for a complete report on the implementation of this program.)

Reprint from the League’s 2017 APR — Implementation of Program ED-A.A

“The County does not currently have a liaison/facilitator staff position, but it did some years ago. According to the County’s first APR (dated May 2003), on April 23, 2002, the Board of Supervisors ‘*created the position of Assistant County Administrative Officer for Economic Development.*’ A few years later, the Board of Supervisors reversed itself and eliminated the position.

The County’s 2015 and 2016 APRs stated that in 2011 the County entered into a contractual arrangement with the Economic Development Corporation (EDC) ‘*for implementation of the Economic Development Element programs.*’ (That contract is renewed annually.)

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<sup>5</sup> For the sake of clarity, the League incorporated into its 2017 APR information from each of the County’s five APRs (for 2002, 2013/2014, 2015, 2016 and 2017). The League’s 2017 APR is contained in Appendices A and B of this document. Its full report on the implementation of Program ED-A.A is found on pages 26 and 27.

The County's 2017 APR stated that a '*new policy and program*' were being proposed for an Economic Development Action Team. (That proposal was not directly applicable to the program under review. It was, however, applicable to Program ED-A.B.)

On March 28, 2017, the Board of Supervisors directed County staff to evaluate the possibility of reestablishing the position of economic development liaison/facilitator. (The County's 2017 APR provided no evidence that staff followed through on that directive.)

The County has proposed (through its December 2017 draft of the Policy Document) to amend Program ED-A.A to read that the County will allocate resources toward economic development rather than establish a staff position to serve as liaison/facilitator and support for the County's economic development programs and Economic Development Action Team.

**Conclusion:** Currently, as required by Program ED-A.A, the County does not have a staff position to serve as liaison/facilitator and support for the County's economic development programs and Economic Development Action Team.

**Evidence of the successful implementation of Program ED-A.A during 2017: None."**

Hopefully, the County's next APR — for calendar year 2018 — will focus directly on program implementation. The County should include all relevant information in its APR — even if that information shows implementation of the plan in less than favorable light. Otherwise, the purpose of the APR will not be realized. According to the Governor's Office of Planning and Research, the APR should "provide enough information to allow local legislative bodies to assess how the general plan is being implemented" and "to identify necessary course adjustments or modifications to the general plan as means to improve local implementation." (General Plan Guidelines, 2017, p. 259).

#### THE NEED TO ASSESS PROGRESS TOWARD ACHIEVING GENERAL PLAN GOALS

The County does not use annual progress reports (APRs) to assess the achievement of General Plan goals. It is the County's position that such analysis is not required because it is not mandated by statute or by the General Plan itself. It's important to note, however, that this limitation is self-imposed. State law does not preclude the County from including an analysis of the achievement of General Plan goals — and neither does General Plan Program LU-H.D (the General Plan program that codifies the statutory mandate to prepare annual progress reports).

For the reasons presented below, the League has come to the conclusion that the County's APRs must assess progress toward achieving General Plan goals. This conclusion is based on a review of state law, the structure and content of the General Plan, as well as the positions taken by the Planning Commission and Board of Supervisors following adoption of the plan in 2000.

California Government Code 65400 stipulates that once an agency has adopted a general plan, it must provide to the state an annual report on progress made toward implementing that plan. Admittedly, the statute does not specifically state that an APR must assess progress toward achieving general plan goals. Below is the relevant portion of that code.

#### California Government Code 65400

(a) After the legislative body has adopted all or part of a general plan, the planning agency shall do...the following:

(2) Provide by April 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development that includes all of the following:

(A) The status of the plan and progress in its implementation. (Underlining is added.)

Closer to home, General Plan Program LU-H.D states that in preparing APRs the County will focus principally on actions taken to implement General Plan programs. The inclusion of the word “*principally*” leaves room for the County to consider other aspects of the implementation of the General Plan, including the degree to which policies are being executed and the extent to which goals are being met. The opening sentence of Program LU-H.D reads as follows.

#### Program LU-H.D

“The Planning Commission shall review the General Plan annually, focusing principally on actions undertaken in the previous year to carry out the implementation programs of the plan.” (Underlining is added.)

Although the County’s first APR (2002) focused primarily on the County’s efforts to implement General Plan programs, the APR also stated that through the use of an “indicators” program subsequent APRs would assess the achievement of General Plan goals.<sup>6</sup> On the following page are citations from pages III-1 and V-1 of the 2002 APR, which state clearly the county’s strategy for monitoring the achievement of General Plan goals.

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<sup>6</sup> In 2010, as part of the first proposed draft of the five-year revision of the General Plan Policy Document, the County recommended adding new Program LU-H.C for an indicators program; however, with the release of the sixth draft in December 2017, that program was lined out. Below is a copy of what the County had proposed.

Proposed Program LU-H.C from the August 2010 Draft Revision of the General Plan — now lined out.

*The County shall develop an Indicators Program that monitors the success of the County in achieving the goals of the General Plan. The County shall conduct an annual review of the Indicators Program and report the findings to the Planning Commission and Board of Supervisors. (Underlining is added.)*

“Progress toward attainment of the General Plan goals can be measured in various ways including formal actions on applications, completion of implementation programs, and through ‘indicators.’ Indicators can serve as a tool with which to evaluate or assess progress toward attainment of the goals of the General Plan. Indicators can suggest that the desired progress is occurring or being made, or they may indicate that additional or more definitive action is needed to bolster, accelerate or redirect an activity to show the desired results...It is intended that the set of indicators will be keyed to the vision statement and the major themes for purposes of assessing overall progress toward attainment of the individual goals of the various elements of the general plan....

The County is making progress in the implementation of the General Plan as adopted in October 2000....Although it is too early to draw conclusions from the indicators provided in Section III, it is expected that over a period of time the indicators can be used to determine the effectiveness of implementation and/or identify the need to amend the General Plan or bolster programs to achieve the goals of the plan. It is also anticipated that additional indicators for other themes of the General Plan will be developed for future annual reports.”

(Underlining is added.)

As demonstrated above, although state law and General Plan Program LU-H.D do not specifically mention the need to assess progress toward achieving General Plan goals, the County’s 2002 APR clearly stated that subsequent APRs would assess progress toward achieving plan goals through the use of an indicators program. On August 26, 2003, the Board of Supervisors affirmed the need to assess General Plan goals by directing staff to develop an indicators program “for use on a regular basis.”

But that is where the focus on General Plan goals ended. The County did not prepare an APR for 2003, nor did it prepare any APRs for the next ten years. When the preparation of APRs was resumed in 2013, the APRs made no mention of an indicators program, nor did they assess whether the County was achieving General Plan goals.

Of note, despite the County’s choice not to evaluate the achievement of General Plan goals, two General Plan programs (printed below) require the County to do just that — the first being the five-year evaluation of economic goals and the second an annual assessment of agricultural goals. The County’s APRs have not provided evidence sufficient to show that these two programs are being implemented.

Program ED-A.C

“The County shall retain an independent and qualified institution to conduct an evaluation at least every five (5) years of success in achieving the goals and targets of the Economic Development Strategy.” (Underlining is added.)

Program LU-A.D

“The County shall periodically review agricultural land preservation programs and assess their effectiveness in furthering the County's agricultural goals and policies.” (Underlining is added.)

In a related matter, it's important to note that certain sections of the General Plan Policy Document are not supported by implementation programs. It stands to reason, therefore, that because the County limits its plan review to program implementation, some portions of the General Plan escape evaluation.

Listed below are the six sections of the 2000 Policy Document — each with its own General Plan goal — that are not supported by specific implementation programs.

- |                                         |                        |
|-----------------------------------------|------------------------|
| ED-E Non-Agricultural Rural Development | PF-J Utilities         |
| TR-C Transportation Systems Management  | OS-C Mineral Resources |
| TR-F Air Transportation                 | OS-K Scenic Resources  |

According to the December 2017 draft revision of the General Plan, the County proposes to eliminate existing implementation programs for seven additional sections.

- |                                                  |                                |
|--------------------------------------------------|--------------------------------|
| LU-D Westside Freeway Corridor                   | OS-E Fish and Wildlife Habitat |
| PF-A General Public Facilities and Services      | OS-I Recreational Trails       |
| PF-B Funding (of public facilities and services) | PF-G Law Enforcement           |
|                                                  | HS-B Fire Hazards              |

Should the Board of Supervisors adopt the draft December 2017 revision of the Policy Document as drafted, future APRs may fail to assess 25% of the General Plan Policy Document in that 13 of the 52 sections of the plan would not be supported by implementation programs.

The County's 2018 APR must assess progress toward implementing every section of the General Plan Policy Document. It must evaluate, as well, the County's ability to achieve the goals of the plan.

## CONCLUSION

Developed in the late 1990s with input from a broad range of community interests, the Fresno County 2000 General Plan was cutting edge for its time — a blueprint for future development that promised to end the county's chronic poverty, protect the environment and provide adequate facilities and services for all county residents. But the plan was only as good as the County's ability to implement it. Today we realize that the County has had considerable difficulty implementing the plan as written and that the County's annual progress reports misrepresent that fact.

It is with a sincere interest in the future well-being of the county and its residents that the League of Women Voters of Fresno presents this 2017 APR to the Fresno County Planning Commission. Hopefully, this APR will serve as a catalyst for improving the County's annual reporting. Enhanced reporting will provide the information needed to improve plan implementation, and it will help ensure that General Plan goals are achieved.

# 2017 GENERAL PLAN ANNUAL PROGRESS REPORT

(For Fresno County)

Prepared by  
The League of Women Voters of Fresno



March 2019

Presented to  
The Fresno County Planning Commission

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## PURPOSE OF THE ANNUAL PROGRESS REPORT

Government Code Section 65400 mandates that every county prepare an annual report on the implementation of its general plan and submit it to its legislative body, to the Governor's Office of Planning and Research (**OPR**) and to the Department of Housing and Community Development (**HCD**) by April 1 of each year.

The purpose of the APR is to provide enough information for decision makers to assess how well the general plan was implemented during the previous 12 months. More specifically, the APR explains how land use decisions relate to adopted goals, policies, and implementation programs. The APR should provide enough information to enable the legislative body (Board of Supervisors) to identify necessary course adjustments or modifications to the plan to improve its implementation.

## FORM AND CONTENT – STATE GUIDELINES AND REQUIREMENTS

OPR has prepared General Plan Guidelines to assist in the preparation of an annual progress report. These guidelines allow maximum flexibility in the form and content of the report. The report need not incorporate all of the components recommended by OPR, and it need not be an elaborate and time-consuming task. The APR may make use of existing documents that contain information pertinent to general plan reporting, such as performance reports and budget reports, as long as they specifically address plan implementation. This approach to reporting enables general plan implementation to be discussed in the broader context of a jurisdiction's overall programs and activities, including economic development and other matters of local concern.

While each county must determine for itself the information that is most important to include in its APR, OPR nonetheless recommends that an APR contain the following components:

1. An introduction.
2. A table of contents.
3. The date the APR was accepted by the local legislative body.
4. Specific implementation measures associated with individual elements of the general plan.
5. Housing element reporting as required by Government Code Sections 65583 - 65584 and HCD's housing element guidelines. \*
6. The degree to which the general plan complies with OPR's General Plan Guidelines. \*
7. The date of the last update to the general plan. \*
8. Priorities for land use decision-making as established by the local legislative body.
9. Goals, policies, objectives or standards that were added, deleted or amended.
10. Lists of the following activities with brief comments on how each advanced the implementation of the general plan:
  - a) Planning initiated (e.g., master plans, specific plans, master environmental assessments).
  - b) General plan amendments.
  - c) Major development applications.

\* These components are mandated by Government Code Section 65400 (2).

Most importantly, as directed by the State Legislature, the APR must address the status of the General Plan and progress toward its implementation.

Although the word “*status*” is not defined in the statute, the term most certainly refers to the degree to which a general plan remains an effective planning tool, given that laws, environmental conditions and social mores change over time. And although the term “*progress*” is also undefined in the Government Code, the word unquestionably refers to the degree to which a jurisdiction has been able to successfully implement general plan programs and policies and to make progress toward achieving the goals of the plan.

The OPR guidelines note that if a jurisdiction has the resources, it may want to make its APR a more comprehensive tool for undertaking planning and development activities. As recommended by OPR, a jurisdiction can do this by incorporating the following components into its APR:

1. Reviewing and reporting on...
  - a) Interagency or intergovernmental coordination efforts and partnerships.
  - b) The implementation of mitigation measures from the general plan final EIR.
  - c) Equity planning and impacts on particular ethnic or socioeconomic population groups.
2. Summarizing efforts to...
  - a) Promote infill development and redevelopment in underserved locales.
  - b) Protect environmental and agricultural resources, as well as other natural resources.
  - c) Encourage efficient development patterns.
3. Describing strategies for...
  - a) Economic development (e.g., approaches to job creation and tax revenue enhancement).
  - b) Monitoring growth (e.g., data on land use development, services and infrastructure).
4. Other actions:
  - a) Outline department goals, activities and responsibilities related to land use planning.
  - b) Perform a regional assessment of population changes, housing needs, job generation, etc.
  - c) Summarize comments on general plan implementation.
  - d) Identify and monitor methods to encourage public involvement in planning activities.
  - e) Review and summarize the administration of grant funding for land use planning activities.
  - f) Provide technological reviews, such as those for websites and geographic information systems).

## **FORM AND CONTENT – FRESNO COUNTY REQUIREMENTS**

The Fresno County General Plan Policy Document also prescribes the contents of an APR. According to the General Plan, at a minimum, every Fresno County APR must include...

- A review of the actions undertaken to implement General Plan programs.
- Information that satisfies the statutory requirements for a mitigation monitoring program.
- Information from the County’s Groundwater Monitoring Program.
- An inventory of lot size exceptions granted for agricultural lands and rangelands.
- Information on the County’s Road Improvement Program.

## OVERVIEW OF THE 2000 GENERAL PLAN

The 2000 General Plan was adopted October 3, 2000. It has a planning horizon of 20 years.

There are three components to the General Plan. The most familiar of these components is the Policy Document, which, for Fresno County, consists of the following seven elements:

- Economic Development Element
- Agriculture and Land Use Element
- Transportation and Circulation Element
- Public Facilities and Services Element
- Open Space and Conservation Element
- Health and Safety Element
- Housing Element

These seven elements contain a total of 52 goals. Examples of such goals include enhanced farmland preservation, job creation, wetlands protection and affordable housing. (The goals of the General Plan are listed in Appendix C, pp. 182-184.)

To achieve these goals, the plan includes a large number of policies. To help execute these policies, the plan contains a set of implementation programs. At present, the General Plan Policy Document contains 639 policies and 140 implementation programs. Almost half of the policies are environmental mitigation measures. (Appendix D, pp. 185 – 186, lists the General Plan policies that serve as environmental mitigation measures.) The entire set of programs and the vast majority of the policies constitute an obligatory work plan. Nearly every policy and program contains the word *shall*, which is defined in the General Plan as an “*unequivocal directive*.”

The second component of the General Plan is a 778-page Background Report, which describes the physical features, economic characteristics and social conditions that were in existence just prior to the adoption of the plan in 2000.

And the third component is a collection of over 40 land use plans that are applicable to certain areas of the county, three examples being the Kings River Regional Plan, the Easton Unincorporated Community Plan and the Quail Lake Estates Specific Plan.

What sets the 2000 General Plan apart from its predecessor (the County’s 1976 General Plan) is the inclusion of a new Economic Development Element. This new element, which grew out of an Economic Development Strategy developed in 1999, is the mainspring of the plan.

While the General Plan Policy Document itself does not contain a vision statement, the accompanying Economic Development Strategy most certainly does. That vision, paraphrased below, expresses the principal mission of the 2000 General Plan.

*By 2020, Fresno County shall become a center for a wide variety of high value-added agricultural farming operations. This, along with job growth in emerging industrial clusters, will provide Fresno County residents with greater employment opportunities. A higher rate of employment in better paying jobs will increase consumer spending and decrease the cost of services for the unemployed. The resultant increase in revenues for the public sector and the mitigation of negative impacts associated with economic growth will result in an impressive quality of life for all county residents.*

The General Plan embraces these eleven themes:

- Agricultural Land Protection
- Economic Development
- Enhanced Quality of Life
- Resource Protection
- Service Efficiency
- Efficient and Functional Land Use Patterns
- Growth Accommodation
- Affordable Housing
- Health and Safety Protection
- Urban-Centered Growth
- Recreational Development

## A LOOK AT THE 2000 ECONOMIC DEVELOPMENT ELEMENT

The Economic Development Element, which was added to the General Plan in 2000, took four years to create.

In late 1996, the Board of Supervisors initiated a comprehensive update of the General Plan. The first step in that process was the May 1997 Board acceptance of a draft *General Plan Background Report*, which described physical characteristics and social and economic conditions in the county. Two months later, the Board released the results of a survey conducted by U.C. Davis entitled *Fresno County and the Future: Residents' Views of Growth, Resources and Jobs*. The survey reported that the top issues for Fresno County residents were job creation and economic development. That 1997 survey was followed in 1998 by a County report entitled *Economic & Growth Scenarios: Perspectives on the Year 2020*. Based on that report, the Board directed that the update of the General Plan should promote (1) a shift in agricultural production to higher value crops, (2) an increase in value-added agricultural industries and (3) the diversification of the economy to create more non-agricultural jobs.

In 1998, the County published a technical report entitled *Fiscal and Financial Analysis*, which examined the costs and benefits associated with development under the existing 1976 General Plan and under the proposed update of the plan.

Fresno County stipulated in its RFP (request for proposals) for the update of the General Plan that the consultant team begin the update process by preparing a *General Plan Economic Development Strategy* to guide the revision of the General Plan. The adopted Strategy envisioned that by the year 2020 Fresno County would be a center for a wide variety of high value-added agricultural firms in a dynamic and globally-oriented economy with average incomes in line with other regions of the state.

This Economic Development Strategy was the prototype for the County's new 2000 *Economic Development Element*. In fact, nearly every policy in the Economic Development Element was taken directly from the County's Economic Development Strategy. In like manner, the three goals of the Economic Development Element mirrored those in the Strategy document: (1) increased job creation, (2) diversification of the county's economic base, and (3) improved labor force preparedness. Not surprisingly, the accompanying 2000 EIR focused on changes to the environment that were likely to result from the implementation of the County's new Economic Development Strategy.

The coordination of countywide economic development was to be the responsibility of an Economic Development Action Team composed of County departments and regional organizations engaged in various facets of economic development within the county. However, on April 23, 2002, and in conflict with directives in General Plan Policy ED-A.3, the Board appointed itself as the action team to oversee economic development. That decision was flawed, especially since subsequent Boards did not function as an economic development action team.

Over time the Board's enthusiasm for supervising economic development began to wane. According to the County's APRs for calendar years 2013 through 2016, beginning in 2011, the County contracted annually with the Economic Development Corporation (EDC) — a 501(c)(6) private nonprofit membership corporation — to implement the policies and programs of the County's Economic Development Element. That said, in a March 2014 letter to the League of Women Voters of Fresno, the EDC stated that it was "*not directly involved in the economic development element of the County's General Plan.*" Even so, the County's 2017 contract with the EDC stated that the EDC, in coordination with the County, was "*also responsible for implementing policies and programs of the Economic Development Element.*" These seemingly contradictory statements suggest the possibility of a misunderstanding with regard to these shared responsibilities, and it may be that neither party is taking the steps needed to fully implement the County's Economic Development Element.

## A LOOK AT THE 2015-2023 HOUSING ELEMENT

Although state law allows local governments to decide when to update their respective general plans, Government Code Section 65580 – 65589 requires that housing elements be updated every eight years. Fresno County’s current Housing Element, adopted March 15, 2016, covers the planning period of December 31, 2015 through December 31, 2023. Although the County’s Housing Element need not be updated until 2023, because state law requires that general plan elements be consistent with one another, the Housing Element must be reviewed for conformity with the rest of the General Plan whenever other elements of the plan are updated. (It should be noted that the County did not prepare an environmental impact report for the 2015-2023 Housing Element.)

Cities and counties typically work independently to develop their own housing elements; however, the development of the County’s 2015-2023 Housing Element was an interagency project spearheaded by the Fresno Council of Governments (**FCOG**). The participating agencies were the County of Fresno and these twelve cities: Clovis, Coalinga, Fowler, Huron, Kerman, Kingsburg, Mendota, Parlier, Reedley, San Joaquin, Sanger, and Selma. Development of the 2015-2023 Housing Element was coordinated to save costs and to provide an opportunity for local governments to cooperatively address countywide housing needs. As a result, the County’s 2015-2023 Housing Element is labeled “*multi-jurisdictional*.”

Each county must accommodate its fair share of regional housing needs, as determined through a process called a Regional Housing Needs Allocation. The California Department of Housing and Community Development (**HCD**) has identified the total housing needs for the Fresno region, and FCOG has determined that the housing allocation for unincorporated Fresno County for 2015 through 2023 is an additional 2,722 units, 987 of which (36%) must accommodate families with extremely low, very low and low incomes.

The 2015-2023 Housing Element contains 6 goals and 35 policies that are shared by the County and the 12 cities. The goals address these needs:

- New housing.
- Affordable housing.
- Neighborhood conservation.
- Special-needs housing.
- Fair and equal housing opportunities.
- Energy conservation and sustainable development.

Appendix 2 of the County’s 2015-2023 Housing Element contains 19 programs and 63 objectives that are specific to the unincorporated areas of Fresno County. (It should be noted that despite subject headings in Appendix 2 indicating that each of the 63 objectives includes a time frame for implementation, not all do. And, unlike the situation with the other six elements in the County’s General Plan, the Housing Element does not use the word “*shall*” to indicate that program implementation is obligatory.)

Government Code Section 65400 mandates that counties include in their annual general plan progress reports a special report on the implementation of their housing elements. (The housing report for Fresno County is included as Appendix B beginning on page 137.) Each year the County must complete several forms provided by the HCD, which summarize...

- Construction of very-low-, low- and mixed-income multifamily projects.
- Construction of above-moderate income units.
- Rehabilitation and preservation of existing housing units.
- Progress made in meeting regional housing needs.
- Implementation of the County’s housing programs.

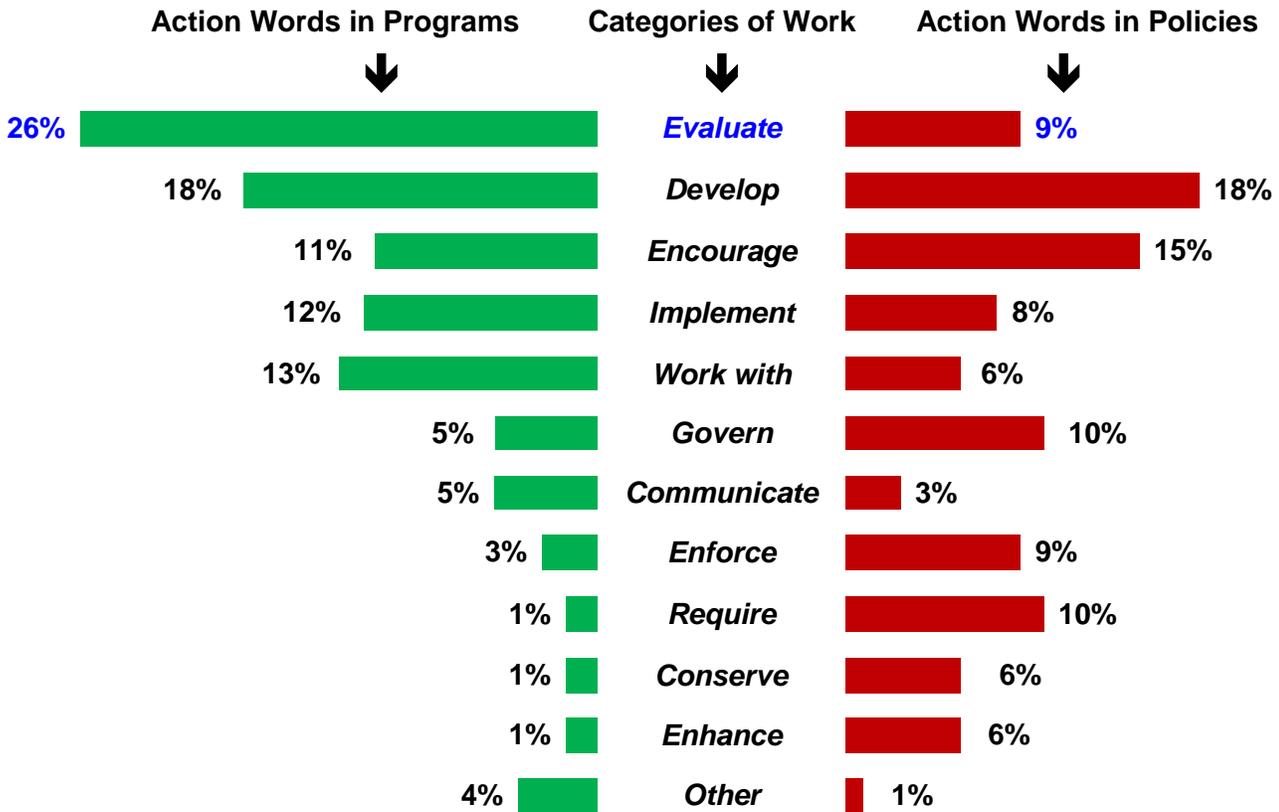
## WORK REQUIRED BY THE GENERAL PLAN

The 2000 General Plan Policy Document is a massive work plan describing hundreds of tasks to be undertaken primarily by the Department of Public Works and Planning, the Board of Supervisors and the County Administrative Office.

Approximately 170 different verbs (e.g., *access*, *acquire*, *adopt*) describe the actions needed to implement the 140 programs and 639 policies in the General Plan Policy Document. These action words can be grouped into 12 work categories.

As illustrated below, **26%** of the 140 General Plan programs and **9%** of the 639 General Plan policies all require the County to perform tasks encompassing some level of **evaluation**. The action verbs in this category include words such as these:

|                    |                 |                |                   |                 |                  |
|--------------------|-----------------|----------------|-------------------|-----------------|------------------|
| <i>amend</i>       | <i>analyze</i>  | <i>assess</i>  | <i>compare</i>    | <i>compile</i>  | <i>determine</i> |
| <i>discuss</i>     | <i>evaluate</i> | <i>examine</i> | <i>explore</i>    | <i>identify</i> | <i>inventory</i> |
| <i>investigate</i> | <i>monitor</i>  | <i>plan</i>    | <i>prioritize</i> | <i>review</i>   | <i>revise</i>    |



The modal verbs *shall*, *should* and *may* play an important role in the implementation of the General Plan. The word *shall* is defined in the Policy Document as an “*unequivocal directive*,” and the word *should* is defined as a less rigid directive that must be honored in the absence of countervailing considerations. The word *may* is not defined.

The word *shall* is written into every General Plan program (excepting those in the Housing Element), making implementation of these programs mandatory. Over 90% of General Plan policies also contain the word *shall*, making them mandatory as well. (Of note is the fact that while the County’s APRs routinely assess the implementation of General Plan programs, they have never analyzed the implementation of the policy side of the work plan – shown in red above.)

# IMPLEMENTATION OF THE GENERAL PLAN IN 2017

## ACTIVITY OF THE BOARD OF SUPERVISORS

The information below was taken from the minutes of the 28 Board meetings held in 2017.

Importantly, at no time in 2017 did the Board discuss any specific General Plan goals, nor did it hold hearings on the implementation of any specific General Plan policies or programs. That said, the Board did discuss a couple of matters related to General Plan policies, concluding that there was a need to review policies pertaining to the siting of solar facilities and flood control basins.

### General Plan Amendments

The Board amended the General Plan once during 2017. General Plan Amendment 548 changed the designation of a half-acre parcel from Agriculture to Industrial.

### Modifications to Zoning

The Board approved four Amendment Applications that modified zoning.

| Application Number         | Modification of Zone Districts | Acreage Affected |
|----------------------------|--------------------------------|------------------|
| Amendment Application 3819 | Uses Allowed in M-3(c)         | 19 acres         |
| Amendment Application 3813 | AL-20 to M-1(c)                | 5 acres          |
| Amendment Application 3808 | AL-20 to M-3(c)                | 22 acres         |
| Amendment Application 3822 | AL-20 to M-1(c)                | <u>7 acres</u>   |
|                            | Total:                         | 53 acres         |

(Acreage figures are rounded to the nearest whole unit.)

### Parcel Splits

The Board heard four appeals of Planning Commission decisions denying parcel splits on acreage zoned Exclusive Agriculture (AE-20). In each case, the Board overturned the Planning Commission decision and granted the variance. The approvals created 4 new parcels.

| Application Number | New Parcels |             | Original Parcel |
|--------------------|-------------|-------------|-----------------|
| Variance 4013      | 2.00 acres  | 11.82 acres | 13.82 acres     |
| Variance 4016      | 2.35 acres  | 2.42 acres  | 4.77 acres      |
| Variance 4025      | 2.30 acres  | 2.55 acres  | 4.85 acres      |
| Variance 3998      | 1.50 acres  | 17.36 acres | 18.86 acres     |

### Discussion of the Ongoing Review / Revision of the General Plan

On May 16, 2017, County staff presented a status report to the Board regarding the ongoing review of the General Plan. As a result of that hearing, the Board gave direction to staff as follows: keep current policies regarding the Rural and Foothill Rural Residential designations, eliminate the Planned Urban Village designation, keep current policies regarding homesite parcels and modify Goal ED-A, Goal LU-D and the theme for economic development.

## Actions in Conflict with the General Plan

Four Board decisions in 2017 conflicted with policies and programs in the General Plan. The Board had the option to avoid the conflict by amending the General Plan but did not do so. Below is a brief description of those four decisions along with the policies with which the Board decisions conflicted.

| Date                  | Board Decision                                           | Conflicted with... |
|-----------------------|----------------------------------------------------------|--------------------|
| 06-06-17 <sup>1</sup> | Approval of the 2016 Annual Progress Report              | Policy OS-A.9      |
| 09-12-17 <sup>2</sup> | Structure of the Economic Development Action Team (EDAT) | Policy ED-A.3      |
| 10-31-17 <sup>3</sup> | Dissolution of the Water Advisory Committee              | Policy OS-A.5      |
| 10-31-17 <sup>4</sup> | Continued suspension of public facilities impact fees    | Policy PF-B.1      |

<sup>1</sup> The approved APR failed to include information on the implementation of General Plan environmental mitigation measures, as well as information from the County's groundwater monitoring program.

<sup>2</sup> The structure of the new EDAT did not meet the requirements of Policy ED-A.3.

<sup>3</sup> Policy OS-A.5 required that the Water Advisory Committee to remain in effect.

<sup>4</sup> Policy PF-B.1 required the County to continue to collect public facilities impact fees.

## Update of Documents

In 2017, the Board revised/updated these documents, all of which were either directly or indirectly related to the implementation of the General Plan:

| Date     | Document                                                                               |
|----------|----------------------------------------------------------------------------------------|
| 05-02-17 | 2016 Comprehensive Economic Development Strategy                                       |
| 08-08-17 | 2017-2022 Road Improvement Program                                                     |
| 09-18-17 | MOU with the City of Reedley that expanded the city's sphere of influence by 120 acres |
| 12-12-17 | Annual Report of Transportation Mitigation Fee Activity                                |

## Board Retreat

In October 2017, the Board held a two-day retreat at Harris Ranch (northeast of the city of Coalinga) to discuss the vision, mission, guiding principles and goals of the County. (These matters were not directly related to the implementation of the General Plan. They were related instead to the administration of county government.) As a result of the retreat, the Board adopted the following maxims:

Administrative Vision: *Working together for a quality of life for all*

Administrative Mission: *To provide excellent public services to our diverse community*

## Joint Meeting of the Board of Supervisors and Fresno City Council

On March 7, 2017, the Board approved a *Working Group* consisting of members of the Board of Supervisors, members of the Fresno City Council plus staff members from both agencies. The deliberations of the Working Group led to a joint meeting of the Board of Supervisors and the Fresno City Council on May 30, 2017, at which time the two bodies discussed emergency coordination, animal control and the cultivation and sale of marijuana.

## Issues Raised by the Public

In 2017, the Board heard from 21 people who addressed the Board under a standing agenda item entitled *Public Presentations*. That portion of each Board meeting was reserved for individuals who wished to bring to the attention of the Board matters not calendared on agendas. Because the minutes of Board meetings did not record the issues raised by these individuals, their concerns are recorded here. The public addressed the implementation of the General Plan on February 28 and October 17.

| Date                        | Item of Interest Raised by the Public                                      |
|-----------------------------|----------------------------------------------------------------------------|
| 01-10-17                    | County employee contract; housing for the homeless                         |
| 01-31-17                    | Tax on housing (for the homeless) constructed by nonprofit organizations   |
| <b>02-28-17<sup>1</sup></b> | <b>February 24 workshop on new General Plan Guidelines Prepared by OPR</b> |
| 08-22-17                    | Graffiti in County islands; creation of a surveillance ordinance           |
| 09-12-17                    | County employee health benefits and salaries; County charter               |
| <b>10-17-17<sup>2</sup></b> | <b>Continuing review and revision of the General Plan</b>                  |
| 10-19-17                    | Guiding principles for County administration                               |
| 10-19-17                    | Code enforcement                                                           |

<sup>1</sup> On February 28, 2017, a member of the League of Women Voters of Fresno addressed the Board of Supervisors, thanking the County for helping to host a workshop on the draft update of the General Plan Guidelines prepared by the Governor's Office of Planning and Research.

<sup>2</sup> The League of Women Voters of Fresno, the Leadership Counsel for Justice and Accountability, and California Rural Legal Assistance requested that the Board schedule a public hearing to provide answers to a number of questions pertaining to the ongoing review and revision of the General Plan. The County chose not to hold the requested hearing, opting instead to provide answers by letter (sent November 14, 2017). Below is a list of some of the questions raised by the public on October 17, 2017 together with a brief summary of the County's written responses (brown type).

1. Is the year 2020 or the year 2025 the planning horizon for the current General Plan?  
*The planning horizon extends beyond 2020.*
2. Will 2040 be the planning horizon for the revised General Plan?  
*Per consultant contract #15-1280, the planning horizon is potentially 2040.*
3. Is the County in the process of updating the General Plan?  
*The term "update" has no legally defined meaning.*
4. Is there a record showing that environmental self-mitigation is functioning properly?  
*There is no single document, but all County environmental assessments can be reviewed.*
5. Will the scope of work for the revision of the plan be revised to meet new OPR Guidelines?  
*The scope of work is unchanged, except for an adjustment to address Senate Bill 1000.*

The public also inquired as to the County's plan for public participation in the review of the draft General Plan documents. The County did not respond either orally or in written form to this inquiry.

## ACTIVITY OF THE PLANNING COMMISSION

The information below was taken from the minutes of the 18 Planning Commission meetings held in 2017. Like the Board of Supervisors, during 2017, the Planning Commission did not discuss any specific General Plan goals, nor did it hold hearings on the implementation of any specific General Plan policies or programs.

### General Plan Amendments

The Planning Commission recommended approval of General Plan Amendment 548, which changed the designation of a half-acre parcel from Agriculture to Industrial. The amendment was subsequently approved by the Board of Supervisors.

### Modifications to Zoning

The Planning Commission recommended Board approval of five Amendment Applications that modified zoning. Four of the five applications are listed on page 8 under “*Activity of the Board of Supervisors.*” The fifth application, below, was approved by the Board on February 6, 2018.

| Application Number         | Modification of Zone Districts | Acreage Affected |
|----------------------------|--------------------------------|------------------|
| Amendment Application 3816 | AL-20 to M-1(c)                | 30.05 acres      |

### Parcel Splits

In addition to the four parcel splits approved by the Board on appeal of the Planning Commission’s denial of the same, the Planning Commission approved these seven parcel splits on acreage zoned Exclusive Agriculture (AE-20). The approvals created eight new parcels.

| Application Number | New Parcels                         | Original Parcel |
|--------------------|-------------------------------------|-----------------|
| Variance 3987      | 2.00 acres, 2.50 acres, 14.26 acres | 18.76 acres     |
| Variance 4001      | 2.39 acres      2.39 acres          | 4.78 acres      |
| Variance 4004      | 2.85 acres      54.31 acres         | 57.16 acres     |
| Variance 4014      | 5.00 acres      14.68 acres         | 19.68 acres     |
| Variance 4015      | 8.66 acres      8.67 acres          | 17.24 acres *   |
| Variance 4027      | 2.50 acres      34.67 acres         | 37.17 acres     |
| Variance 4033      | 1.72 acres      2.50 acres          | 4.22 acres      |

\* It is acknowledged that 8.66 acres plus 8.67 acres does not total 17.24 acres.

### Issues Raised by the Public

Only once during 2017 did members of the public address the Planning Commission on matters not on Commission agendas. On November 9, 2017, under *Public Presentations*, the President of the League of Women Voters of Fresno reminded the Commission that the County’s previous Annual Progress Report on the implementation of the General Plan did not meet state and local standards. She informed the Planning Commission that the League hoped the County’s 2017 APR, due April 1, 2018, would meet the state and local requirements delineated on pages 2 and 3 of this report.

## Approval of the Annual Progress Report (APR) for Calendar Year 2016

On March 30, 2017, the Planning Commission held a hearing to review and recommend approval of the County's APR for calendar year 2016.

The day prior to the hearing, the League of Women Voters of Fresno submitted to the Planning Commission a letter, along with a lengthy study from September 2016, asserting that the draft 2016 APR was incomplete. The letter stated, for example, that the County's 2016 APR did not include information from the County's Groundwater Management Program as required by Program OS-A.C and Policy OS.A.9.

At that hearing, some Planning Commissioners expressed displeasure with the large volume of reading material that had been furnished to them just hours before the hearing. The meeting ended without a recommendation from the Planning Commission. On April 13, 2017, the Planning Commission resumed its discussion of the APR, and although the staff report for that second hearing acknowledged that the APR was not in compliance with directives in Program OS-A.C and Policy OS-C.9, the Planning Commission recommended approval of the APR.

On June 26, 2017, the Board of Supervisors approved the 2016 APR recommended by the Planning Commission. In a report to the Board of Supervisors that day, County staff acknowledged that although some General Plan programs were not being implemented as written, their implementation was nonetheless effective. The County did not identify the programs that were not being implemented as written.

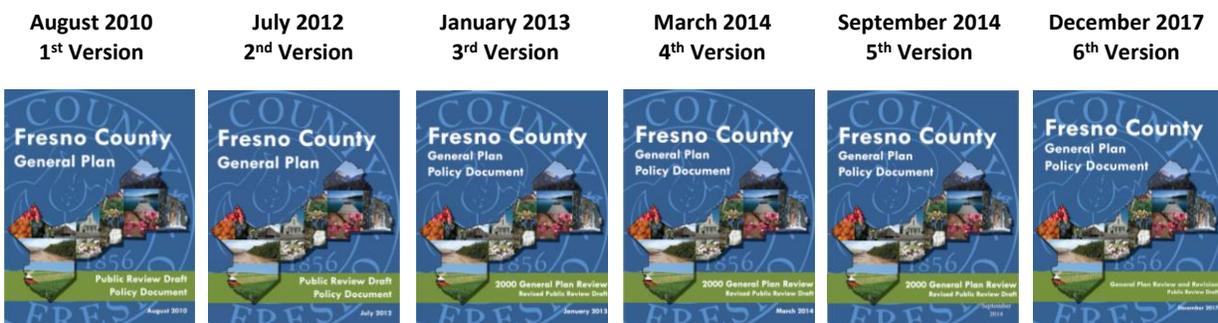
### ACTIVITY OF THE PLANNING DEPARTMENT

Other than the Annual Progress Report for 2016, County planning staff did not prepare any reports during 2017 regarding the implementation of the General Plan nor did it engage in any community outreach regarding the pending revision of the plan.

During all of 2017, the County's General Plan website did not display any information related to the ongoing review and revision of the General Plan. In the summer of 2016, the County removed such information from its website. Eighteen months later, in January 2018, the information was restored to the County website with the simultaneous release of the December 2017 draft revision of the General Plan Policy Document (6<sup>th</sup> proposed revision), December 2017 draft update of the General Plan Background Report and the December 2017 draft update of the Zoning Ordinance.

The public was then afforded a 69-day comment period. The 295-page draft Policy Document was redlined to show changes to text. The draft Background Report and draft Zoning Ordinance, which totaled 1,138 pages, were not redlined, as they were completely new documents.

Below are copies of the front pieces of the six versions of the draft revision of the General Plan Policy Document that appeared on the County's website beginning in 2010. The December 2017 version of the draft revision is available on the Fresno County website at this time.



## MONITORING SYSTEMS

It's imperative that the County routinely monitor implementation of the General Plan. To that end, the state and the County have defined three mechanisms for doing that: (1) annual progress reports, (2) five-year reviews, and (3) environmental mitigation monitoring.

**Please note: The bolded text within quotations and citations on pages 13 through 17 is used to highlight information and is not part of any original text.**

### ANNUAL PROGRESS REPORTS (APRs)

#### (A State and County Requirement)

Although state law and the County's General Plan both require annual monitoring of the implementation of the General Plan, there is some disparity between public expectation and County practice. And even though the 2000 General Plan does not contain a statement committing the County to routinely monitor the plan's implementation, the introduction to Part 3 of the County's 2017 draft revised General Plan Policy Document does. That paragraph is reprinted below in its entirety.

***"The County is committed to annually reviewing its progress in implementing the goals and policies of the General Plan. Since many of the factors and issues that the General Plan addresses change from year-to-year, an annual review and reporting of implementation will help ensure the County is moving forward to achieve the Plan's vision. This review will report on the status of each specific implementation program in the General Plan and take into account the availability of new implementation tools, changes in funding sources, and feedback from Plan monitoring activities."***

The paragraph above correctly states that the County annually reports the status of each General Plan program. The paragraph also embellishes somewhat, for the County's APRs do not report on *"its progress in implementing the goals and policies of the General Plan."*

The County's first APR for the 2000 General Plan reviewed the first 21 months of the implementation of the new plan (from the adoption of the plan on October 3, 2000 to the end of the first fiscal year, June 30, 2002). That first APR correctly reported that the County was seriously working to implement the General Plan as written. Importantly, the report recommended that the Board of Supervisors establish a comprehensive *"indicators program"* to track program implementation and the achievement of General Plan goals by monitoring essential data such as population change, agricultural land conversion and changes in housing trends. The 2002 APR also presented a way forward for the much-needed update of regional and community plans.

Despite this good beginning, in 2003, the County stopped preparing APRs, and for the next ten years, plan implementation was not monitored.

The preparation of APRs resumed in 2013 with the preparation of a two-year report for calendar years 2013 and 2014, and subsequent APRs were prepared for calendar years 2015, 2016 and 2017. These APRs focused primarily on program implementation and not on progress toward achieving General Plan goals. And unlike the 2002 APR, they did not contain recommendations for amending the plan or improving its implementation.

As a result, the APRs from 2013 to 2017 did not provide the Board of Supervisors with sufficient information to enable it to identify necessary course corrections or ways to improve plan implementation.

## FIVE-YEAR REVIEWS

### (A County Requirement)

The introduction to the 2000 General Plan explains the purpose of five-year reviews.

*“A general plan is a long-term document with a planning horizon of 15 to 25 years. To achieve its purposes, the plan must be flexible enough to respond to changing conditions and at the same time specific enough to provide predictability and consistency in guiding day-to-day land use and development decisions. Over the years, conditions and community needs change and new opportunities arise; the plan needs to keep up with these changes and new opportunities....Every five years, the County will thoroughly review the countywide plan and update it as necessary.”*

The requirement to conduct five-year reviews is codified in the Agriculture and Land Use Element. Program LU-H.E and Policy LU-H.14 both read as follows:

*“The County shall conduct a major review of the General Plan, including General Plan Policy Document and Background Report, every five years and revise it as deemed necessary.”*

The General Plan anticipated that such reviews would be prepared every five years — 2005, 2010 and 2015; however, none of those reviews were completed. The County initiated the 2005 review in late 2005, and fourteen years later, the County is still working on that first review. Clearly, five-year reviews have not been a good tool for monitoring plan implementation.

With the December 2017 draft revision of the General Plan, the County is proposing to alter its commitment to conducting five-year reviews. Below is the proposed change to Program LU-H.E. Note the change from “*shall*” to “*should*.”

*“The County ~~shall~~ should conduct a major review of the General Plan, ~~including General Plan Policy Document and Background Report,~~ every five years and revise it as deemed necessary.”*

## ENVIRONMENTAL MITIGATION MONITORING

### (A State and County Requirement)

California Government Code 21081.6 requires the County to monitor the implementation of adopted environmental mitigation measures.

California Government Code 21081.6

*“(b) A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures.”*

This statutory requirement is reflected in General Plan Program LU-H.D, which reads...

*“The Planning Commission shall review the General Plan annually, focusing principally on actions undertaken in the previous year to carry out the implementation programs of the plan. The Planning Commission’s report to the Board of Supervisors shall include, as the Commission deems appropriate, recommendations for amendments to the General Plan. **This review shall also be used to satisfy the requirements of Public Resources Code 21081.6 for a mitigation monitoring program.**”*

The Environmental Impact Report (**EIR**) prepared for the adoption of the 2000 General Plan concluded that implementation of the plan would cause significant and unavoidable impacts to the environment, including these impacts to groundwater resources:

- Demand for water exceeding available supply, resulting in overdraft conditions.
- Exacerbation of groundwater overdraft conditions, resulting in land subsidence.

To lessen impacts such as these, the County identified 304 General Plan policies to serve as environmental mitigation measures. (See Appendix D, pp. 185-186, for a list of the unavoidable adverse impacts associated with the 2000 General Plan and the policies to lessen their impact.)

Copied below is the portion of the "Summary of Impacts and Mitigation Measures" section of the 2000 EIR which described the significant and unavoidable impact to groundwater. This section of the EIR also listed a set of policies to lessen that impact.

**Adverse Impact 4.8-1:** *"Development under the Draft [2000] General Plan could result in the demand for water exceeding available supply, resulting in overdraft conditions and potential adverse effects on groundwater recharge potential."*

**Mitigation Measures:** *"No mitigation is available beyond Draft General Plan Policies PF-C.1 through PF-C.9, PF-C.11 through PF-C.13, PF-C.16 through PF-C.18, PF-C.21 through PF-C.24, PF-C.30, PF-E.14, PF-E.17, OS-A.1 through OS-A.9, OS-A.11 through OS-A.15, OS-A.17 through OS-A.19, OS-A.21, and OS-A.28 for Fresno County."*

**Level of Significance after Mitigation** *"Significant and Unavoidable"*

Policy OS-A.1 (underlined above) is one of several policies identified as mitigation to lessen the adverse impact from the overdraft of groundwater. It reads...

**Policy OS-A.1** *"The County shall develop, implement, and maintain a plan for achieving water resource sustainability, including a strategy to address overdraft and the needs of anticipated growth."*

Because mitigation measures are designed to protect the environment, their implementation must be enforced, and routine monitoring is the best way to guarantee that enforcement.

It appears the County has not routinely monitored the implementation of Policy OS-A.1 or any of the other General Plan policies serving as mitigation measures for the 2000 General Plan. As a result, there is little to no evidence that these 304 mitigation measures have been implemented.

Interestingly, the October 3, 2000 staff report to the Board of Supervisors for the adoption of the 2000 General Plan stated that it would not be necessary to monitor such mitigation measures. The staff report read in part: *"...the measures that would reduce environmental impacts take the form of policies and programs that are part of the 'project itself' [General Plan]."* And the 2000 EIR stated, *"The General Plan Update is intended to be self-mitigating; it is **assumed** impacts identified in this EIR would generally be mitigated through adopted federal, State, and local laws and regulations, **through the implementation of identified General Plan policies,...**or some combination thereof..."*

That assumption has proved wrong. Self-mitigation only works when policies are faithfully implemented, and routine monitoring is the only way to substantiate that success.

## RECOMMENDATIONS TO THE BOARD OF SUPERVISORS

Annual progress reports (APRs) should provide the information necessary for the Board of Supervisors to identify needed changes to the General Plan. Such information is especially important at this time because the County is now fully engaged in a comprehensive review and update of the plan — a revision that must serve county residents well for the next 20 years. County planning staff is recommending that the Board of Supervisors significantly modify over half of the programs and nearly a fifth of the policies in the General Plan Policy Document. In addition, staff is in the process of preparing a completely new General Plan Background Report.

General Plan Program LU-H.E directs the Planning Commission to include in its annual progress reports, as appropriate, recommendations to the Board of Supervisors for amendment of the plan.

### Program LU-H.D

*“The Planning Commission shall review the General Plan annually, focusing principally on actions undertaken in the previous year to carry out the implementation programs of the plan. **The Planning Commission’s report to the Board of Supervisors shall include, as the Commission deems appropriate, recommendations for amendments to the General Plan.** This review shall also be used to satisfy the requirements of Public Resources Code 21081.6 for a mitigation monitoring program.”*

The Planning Commission’s 2017 APR did not recommend any revisions to the General Plan. Neither did the Commission’s APRs for 2013/14, 2015 and 2016. However, the Commission’s first APR in 2002 did, and it is in line with that first APR that the following eight recommendations are made to the Board of Supervisors.

### Addition of an Indicators Program

Several months prior to the adoption of the October 2000 General Plan, in a letter to the County dated April 6, 2000, the League of Women Voters of Fresno (**League**) recommended that the County develop an indicators program. Indicators are data of various types which, when collected over a period of time, serve as a tool to evaluate progress toward the attainment of General Plan goals. The letter read in part...

*“A report on the annual status of the Plan is important, so that the County can judge the effectiveness of the Plan, whether it is meeting Plan goals, and whether specific amendments are appropriate. An annual assessment of indicators for the status of the General Plan would be helpful.”*

The County endorsed the concept, and the Planning Commission’s first APR in 2002 (approved by the Board of Supervisors on June 10, 2003) devoted 12 pages to the concept. A portion of the 2002 APR is printed below.

*“**Progress toward attainment of the General Plan goals can be measured** in various ways including formal actions on applications, completion of implementation programs, and **through ‘indicators.’** The concept of indicators was discussed during the General Plan update along with the importance of the Annual Report.... In an effort to promote the use of indicators in the annual report the Sustainability Committee (Committee) of the League of Women Voters has initiated a ‘pilot project’ to develop a set of indicators for two elements of the General Plan under the themes of economic development and agricultural land protection....It is anticipated that the results of this ‘pilot project’ will be provided to the County staff for its work on the next annual report. Initial indicator data has been compiled for the themes of urban centered growth and agricultural land protection along with the additional topic of affordable housing.”*

Two months later, on August 26, 2003, the League made a formal presentation to the Board of Supervisors regarding a pilot indicators project. The Board meeting agenda read as follows:

*“Consider presentation on Pilot Indicator Project ‘Using Indicators to Track Changes in Implementation of the Fresno County General Plan’ by League of Women Voters, and consensus Resolution adopted by Fresno County Planning Commission recommending use of indicators in future Annual Reports on General Plan.”*

The minutes of that hearing stated that the Board *“directed staff to return to the Board with [an] implementation plan on the indicators for use on a regular basis...”*

Despite that Board direction, the County did not institute an indicators program. In 2006, as comment on the initiation of the five-year review of the General Plan, the League again recommended that the County adopt an indicators program. As a consequence, the County’s first draft revision of the General Plan Policy Document (August 2010) contained a new program directing the County to develop an indicators program. The proposed program read as follows:

New Program LU-H.C

***“The County shall develop an Indicators Program that monitors the success of the County in achieving the goals of the General Plan. The County shall conduct an annual review of the Indicators Program and report the findings to the Planning Commission and Board of Supervisors.”***

This same language was retained in the next four versions of the draft revision of the Policy Document. However, the County deleted new Program LU-H.C from the most recent draft revision of the Policy Document (December 2017).

**Recommendation 1.** The County should adopt a General Plan program to develop and implement an indicators program. The data from the indicators program can be used to annually evaluate success toward achieving the goals of the plan.

## Update of Regional and Community Plans

The General Plan contains approximately 40 regional and community plans, most of which are seriously out of date. By way of illustration, the chart below, taken from the staff report for a March 12, 2013 Board of Supervisors workshop on the five-year review of the General Plan, lists the most recent updates of the County’s 10 unincorporated community plans.

| Unincorporated Community Plan | Date of Adoption | Last Update | Status      | Estimated Cost |
|-------------------------------|------------------|-------------|-------------|----------------|
| Biola Community Plan          | 12/15/81         | 05/22/90    | No progress | \$200,000      |
| Caruthers Community Plan      | 10/31/78         | 06/29/93    | No progress | \$200,000      |
| Del Rey Community Plan        | 10/31/78         | 11/27/90    | In progress | \$150,000      |
| Easton Community Plan         | 03/24/64         | 12/18/89    | No progress | \$200,000      |
| Friant Community Plan         | 02/18/76         | 02/01/11    | Complete    | N/A            |
| Lanare Community Plan         | 12/20/77         | 12/21/82    | No progress | \$150,000      |
| Laton Community Plan          | 07/17/73         | 07/10/12    | Complete    | N/A            |
| Riverdale Community Plan      | 07/17/73         | 09/29/92    | No progress | \$250,000      |
| Shaver Lake Community Plan    | 10/31/78         | 05/27/86    | No progress | \$550,000      |
| Tranquillity Community Plan   | 02/18/76         | 12/18/84    | No progress | \$200,000      |

The chart on the previous page shows that, with the exception of the Friant and Laton Community Plans, which were updated in 2011 and 2012, respectively, the average year of the last update of the remaining 8 plans is 1988, which means that the plans have an average age of 30 years — well beyond the commonly accepted general plan life of 15 to 25 years.

And with the exception of the Friant and Shaver Lake areas, these communities are known to have a greater percentages of low-income households — with median incomes that are at least 20% below the state average. Some of these areas also have chronic problems associated with inadequate water quality/supply and poor wastewater infrastructure. As long as these 8 community plans remain antiquated, residents will have difficulty upgrading their communities.

**Recommendation 2.** The County should add a program to the General Plan to ensure that community plans older than 20 years are updated within five years of the next update of the General Plan.

**Recommendation 3.** Since community plans have features in common, it is recommended, as a cost-saving measure, that the County consider the simultaneous update of such plans. There is precedent for this; for example, the chart on the previous page shows that the Caruthers, Del Rey and Shaver Lake Community Plans were adopted concurrently.

It may be possible, as well, to simultaneously update the County's regional plans, which average 24 years since their last update. For example, to save costs, it may be possible to concurrently update the Sierra-North and Sierra-South Regional Plans.

### **Identification of a Dedicated Revenue Stream for General Plan Implementation**

In 2016, based on information derived from the County's 2015 APR, the League conducted a study of the success of General Plan implementation. That League study, released September 1, 2016, determined that for 2015 the County could demonstrate successful implementation of only 39% of its General Plan programs. A recalculation in 2018 based on the County's 2017 APR showed that the County was able to implement, as designed, even fewer of those same programs.

The 2016 study also found that one department — the Department of Public Works and Planning — was completely or partially responsible for implementing 103 of 121 programs (85%) in the first six elements of the plan. (It is responsible for implementing 18 of 19 programs in the Housing Element.)

The County readily acknowledges that a lack of resources is largely responsible for its inability to fully implement the General Plan. The County's very first APR (2002) contained this sobering comment.

*“While progress has been made for most of the programs there are some programs where progress has not been made within the timeframe set out in the particular implementation program. The lack of progress is principally due to the allocation of resources associated with funding and/or staffing.”*

A decade later, a similar statement appeared in the County's 2013/2014 APR.

*“In order to fully implement the County's General Plan Implementation Programs, an on-going dedicated funding stream is required. The various programs have not been fully implemented for a number of reasons, including the lack of available funding. Staff will continue to implement all outstanding Programs for which the Department is responsible as funding and staffing resources are available.”*

The lack of a dedicated funding stream limits the County's ability to successfully implement General Plan programs and achieve General Plan goals.

**Recommendation 4.** With respect to Program LU-H.D, which calls for the preparation of annual progress reports (**APRs**), the County should amend the program to require identification of a dedicated revenue stream to cover the cost of implementing the plan for subsequent calendar years.

**Recommendation 5.** The County should augment the Planning and Land Use Section of the Development Services Division within the Department of Public Works and Planning with at least two staff positions dedicated solely to implementation of the General Plan — by way of example, one position dedicated to the development and update of planning documents, as well as to the funding thereof, and a second position dedicated to monitoring implementation of existing plans, programs and policies.

### **Establishment of an Effective Economic Development Action Team (EDAT)**

In 1997, the Board of Supervisors launched a 4-year public process to craft a new Economic Development Element for the General Plan, which was subsequently adopted October 3, 2000. The foundation for the new element was a document prepared a year earlier (November 15, 1999) called a *Comprehensive Economic Development Strategy (CEDS)*.

The new Economic Development Element and the new CEDS (both adopted by the Board of Supervisors on October 3, 2000) outlined a fresh and innovative role for the County — that of strong regional leadership in the development and coordination of economic planning.

To implement the County's new Economic Development Strategy, Program ED-A.B and Policy ED-A.3 required the County to establish and staff an Economic Development Action Team (**EDAT**) *"composed of County departments, including the Agricultural Commissioner, city representatives, and regional organizations engaged in the various facets of economic development in the county."*

Below are citations from the 2000 CEDS that describe the function and makeup of the EDAT.

*"The Action Team would be charged with the responsibility of creating the initiatives necessary to provide the economic foundations for job growth and to ensure that the benefits of growth are gained by local workers through workforce development activities."* (2000 CEDS, p. 2)

*"The Action Team will review all economic foundations identified in the economic strategy and develop specific initiatives to address the requirements of the targeted industries through redirection and/or increase in the resources currently available to participating institutions....."* (2000 CEDS, p. 37)

*"Implementation of the economic development strategy...will require the participation of organizations in the county that have resources essential to achieving its goals and objectives. These organizations will serve on an Action Team appointed by the Board of Supervisors. Their responsibility will be to develop supporting initiatives in land use, infrastructure, quality of life, labor force preparedness, capital availability and access to technology."* (2000 CEDS, p. 39)

*“The following are examples of the type of business groups that should be included on the Action Team.”* (2000 CEDS, pp. 41, 42)

(Listed were the Fresno County Economic Development Corporation, the Fresno Business Council, the Fresno Metropolitan Chamber of Commerce, the Hispanic Chamber of Commerce, the Fresno County Farm Bureau, the Building Industry Association of the San Joaquin Valley, the I-5 Business Development Corridor, and the Five Cities Consortium.)

*“Both educational and training organizations must be a part of the Action Team so that appropriate initiatives can be developed to insure that the Fresno County labor force is job ready when employment opportunities become available. The following are some of the key educational and training organizations that should be a part of the Action Team.”* (2000 CEDS, pp 42, 43)

(Listed were the Business Center at CSU Fresno, the Training Institute at Fresno City College, West Hills College, Fresno County Superintendent of Education, Fresno County Workforce Development Board, and Fresno Works.)

The citations above describe an action team composed of a diverse group of highly qualified institutions and organizations with expertise in economic development.

But that wasn't the makeup of the County's first EDAT. On April 23, 2002, as reported in the County's first APR under the new plan, *“the Board of Supervisors was designated as the Economic Development Action Team to implement the Economic Development Element of the County General Plan.”*

That Board decision was in conflict with Policy ED-A.3 (written out on the previous page), and it ran contrary to the CEDS guidelines in that the 2002 EDAT did not include the Agricultural Commissioner, city representatives or regional organizations engaged in various facets of economic development in the county.

Within a few years the EDAT stopped functioning, and according to County documents, around the year 2011, the County began contracting annually with the Fresno County Economic Development Corporation to oversee the County's Comprehensive Economic Development Strategy and help with the implementation of policies and programs in the County's Economic Development Element.

On September 12, 2017, the Board of Supervisors reestablished the EDAT. But just as it did in 2002, the Board failed to include on the EDAT any organizations with expertise in economic development. The Board recreated the EDAT as a standing committee composed of County elected officials and administrators, and as occasions warranted, the mayors and city managers of the county's 15 cities. The new EDAT was to meet on an as-needed basis to accomplish these three tasks:

- *“Work with County staff to implement the...goals of the Economic Development Element:... (1) Job Creation, (2) Economic Base Diversification and (3) Labor Force Preparedness;*
- *Assist County staff in reviewing the Economic Development Element of County General Plan [i.e., engage in discussions on County policy]; and*
- *Provide direction to County staff regarding economic development projects in the unincorporated area of Fresno County” on an as-needed basis.*

The County is proposing, through its December 2017 draft revision of the General Plan, to incorporate into the General Plan the Board's September 12, 2017 change in the composition of the EDAT. The draft change appears in the 2017 draft Policy Document as redlined below.

~~"The County shall support and staff an Economic Development Action Team (EDAT) with the following composition:~~

~~a. Two members of the Board of Supervisors: The Chairman or another Supervisor designated by the Chairman and the Supervisor whose district includes the city(ies) that the EDAT is working with at a given time.~~

~~b. County departments (County Administrative Officer and Public Works and Planning Director).~~

~~a.c. City representatives (Mayor, Council President, and City Manager for the City of Fresno and mayor and city manager for the city(ies) involved in the project. The County shall support use support and staff an, as needed, an Economic Development Action Team Teams (EDAT) composed of two Board of Supervisors (Chairman or another Supervisor designated by the Chairman, and other position will rotate to the Supervisor whose district includes the City(ies) that the EDAT is working with at a given time), County departments (County Administrative Officer and Public Works and Planning Director), including the Agricultural Commissioner, city representatives, (Mayor, Council President and City Manager for the City of Fresno and Mayor and City Manager for the City(ies) involved in the project, and regional organizations, and others engaged in the various facets of economic development in the county."~~

[Note: The confusing redlining (with some sections both underlined and lined out) is the result of the County's January 26, 2018 release of its December 2017 Public Review Draft of the Policy Document in tracking mode.]

In conflict with the requirements of General Plan Policy ED-A.3, the Board of Supervisors has never appointed an Economic Development Action Team composed of regional organizations engaged in various facets of economic development. In 2002, the Board of Supervisors appointed itself the Action Team to oversee countywide economic development, and in 2017, the Board decided the EDAT should be made up of elected officials and county and city managers. To achieve the County's goals for economic development, the Board must appoint people and organizations with expertise in economic development.

#### **Recommendation 6.**

The County should retain Program ED-A.B and Policy ED-A.3 as originally written and appoint an Economic Development Action Team that includes the entities listed in Policy ED-A.3, including regional organizations engaged in various facets of economic development.

The County's 2016 Comprehensive Economic Development Strategy reported on page 63 that the General Plan was being "*updated with a new Economic Development Element.*" It is clear that the December 2017 draft revision of the General Plan completely reworks the County's Economic Development Element. The proposal is to...

- Delete 50% of the County's economic programs and significantly alter another 33%.
- Delete 20% of the County's economic policies and significantly alter another 42%.

The proposed changes are massive, and this raises questions as to whether the County is responding to an underlying fault in the original design of the element or whether the County is extricating itself from economic planning altogether. In either case, the situation calls for analysis by experts in economists and a reappraisal of County engagement in economic planning.

### **Recommendation 7.**

The County should initiate a complete reexamination of its strategy for engaging in economic development, especially in light of (1) County planning staff's proposal to wholly rework the Economic Development Element, (2) the need for assistance from the Economic Development Corporation to implement the Economic Development Element and (3) the continuing chronic poverty that exists in unincorporated areas of the county. These matters need review by experts in both economics and regional planning.

### **Year's Postponement in the Update of the General Plan**

In the fall of 2005, the County launched a five-year review of the 2000 General Plan. The purpose of the review was *"to evaluate the Goals, Policies and Implementation Programs of all General Plan Elements to ensure they reflect changed conditions, priorities, and new laws since the adoption of the General Plan in 2000."* (December 4, 2012 staff report to the Board)

County staff was unable to complete that review, and over time the project morphed into a comprehensive update of the General Plan with a new planning horizon to the year 2040. Because the County failed to inform the public that the 2000-2020 review had become a 2020-2040 update, county residents were not afforded an opportunity to comment on the planning needs and challenges for the new planning period (2020-2040). Had county residents been given an opportunity to comment, they would likely have underscored issues related to health and safety — e.g., the County's aging public facilities and infrastructure, the lack of affordable housing, the pending impacts of climate change and the lack of a sustainable water supply.

With respect to climate change, Government Code Section 65302(g)(4) mandates that Fresno County include a climate adaptation plan in its Health and Safety Element — either directly or by reference — upon the next update of its Multi-Hazard Mitigation Plan. The County began the process of updating its Multi-Hazard Mitigation Plan in 2017, and a public review draft of the plan was released in April 2018. That draft plan acknowledges that climate change has the potential to exacerbate known hazards such as flooding and fire. The County's mitigation strategy for coping with climate change is to rely on the iteration of General Plan policies as proposed for revision in the County's draft 2017 Policy Document. Below is wording from page 3.16 of the Draft Fresno County Multi-Hazard Mitigation Plan (April 2018).

*"The references to the General Plan policies in Section 4.4 of this [Multi-Hazard Mitigation] plan were reviewed by Mintier Harnish [the consulting firm that prepared the Draft 2017 Policy Document] and Department of Public Works staff to reflect recent changes that will be in the updated General Plan."*

Importantly, the County's draft 2018 Multi-Hazard Mitigation Plan does not contain an analysis demonstrating that the *"changes that will be in the updated General Plan"* will succeed in mitigating the effects of climate change. Furthermore, the General Plan policy changes listed in the draft 2018 Multi-Hazard Mitigation Plan have not undergone environmental review, nor have they been approved by the Board of Supervisors.

With respect to water supply, the Department of Water Resources has found that four of the five groundwater sub-basins underlying Fresno County are in "critical overdraft," and California Water Code Section 10720.7 requires newly formed groundwater sustainability agencies (**GSAs**) with jurisdiction over groundwater basins in Fresno County to have groundwater sustainability plans (**GSPs**) in place by January 31, 2020. It is commonly believed that these new GSPs will have profound, long-lasting impacts on land use development patterns in Fresno County.

The fact is that several significant planning efforts are occurring simultaneously. Sometime during 2019, the County will seek to update its Multi-Hazard Mitigation Plan. Also that year, the GSAs will release their draft groundwater sustainability plans for public review, and the County will likely submit for public review an EIR for the update of the General Plan and Zoning Ordinance.

**Recommendation 8.**

The County should delay the update of the General Plan for one year — to 2020.

By the end of 2019, the groundwater sustainability agencies (**GSAs**) will have completed their groundwater sustainability plans (**GSPs**). The information and policies from those plans can then be incorporated into the draft update of the General Plan Background Report and Policy Document.

The EIR for the update of the General Plan and Zoning Ordinance can then be completed. Presumably, the EIR will contain a comprehensive evaluation of the degree to which changes to the Policy Document will ensure better management of groundwater use and help county residents adapt to the effects of climate change.

Following completion of the EIR, the Board of Supervisors can approve an update of the General Plan and Zoning Ordinance. The County can also concurrently adopt an updated Multi-Hazard Mitigation Plan and incorporate it by reference into the General Plan.

Delaying the update of the General Plan for one year will also allow time for the County to hear from residents regarding what they see as the planning needs and challenges for the period from 2020 to 2040.



## APPENDIX A

### 2017 APR — IMPLEMENTATION OF THE FIRST SIX ELEMENTS OF THE GENERAL PLAN

California Government Code 65400 requires that once an agency has adopted a general plan, it must provide to the state an annual report (**APR**) on progress made in implementing the plan. Below is the relevant portion of that code.

*“California Government Code Section 65400(a): After the legislative body has adopted all or part of a general plan, the planning agency shall do...the following:*

*⋮*

*(2) Provide by April 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development that includes all of the following:*

*(A) The status of the plan and progress in its implementation.”*

*⋮*

In answer to this requirement, Fresno County’s 2000 General Plan includes Program LU-H.D, which requires the Planning Commission to *“review the General Plan annually, focusing principally on actions undertaken in the previous year to carry out the implementation of programs of the Plan.”*

#### Program Labels

Programs in the Fresno County General Plan are identified either by letter or by number.

- For the first six elements of the General Plan, programs are identified by a 4-letter label. For example, the first program in the Economic Development Element is labeled *ED-A.A.*
- Programs in the Housing Element are labeled differently. This is because development of the Housing Element was overseen by a different agency — the Fresno County Council of Governments. (The report on the Housing Element is found in Appendix B, pp. 137 - 181.)

Each of the 19 programs in the Housing Element is identified by number; for example, the first program is aptly labeled *Program 1*. But unlike programs in the first six elements of the General Plan, Housing Element programs are subdivided into components labeled *“objectives.”* Because these objectives are bulleted and not identified by number or letter, it has been necessary to assign each a number. For example, the first objective of the first program in the Housing Element *has been labeled H-1.1*, the second objective in the first program *H-1.2* and so on.

Employing a letter code for the first six elements of the General Plan and a number code for the Housing Element is workable but awkward, so to make reference quick and easy, each of the programs and objectives has been assigned a number from 1 to 184. Since there are 121 programs in the first six elements of the General Plan, those program are numbered 1 to 121, and since there are 63 program components (objectives) in the Housing Element, those 63 components are numbered 122 through 184.

With regard to General Plan programs, this APR assesses the implementation of 184 individual tasks, which are either programs in the first six elements of the General Plan or program objectives in the Housing Element.

## Assessment Methodology

To help focus attention on the essential features of each program or program objective, each is rewritten as a “*deliverable*.” Doing so enables the reader to hone in on the individual tasks that require implementation.

The example below shows Economic Development Program ED-A.G rewritten as a set of two deliverables. The original text from the General Plan is at the left; the set of deliverables at the right.

### Full Text of Program ED-A.G

*“The County shall determine, in cooperation with existing agencies, if capital deficiencies exist for farmers with the capital costs of shifting production modes to crops that create higher employment levels. If such deficiencies are identified, the County, in partnership with existing agencies, shall work to access additional funds or redirect existing funds.”*

### Program ED-A.G Expressed as Deliverables

1. Determination of the existence of capital deficiencies for farmers shifting to production modes that create greater employment.
2. In partnership with other agencies, an effort to access or redirect existing funds should such deficiencies be identified.

The assessment of program implementation was based primarily on information taken from the County’s annual progress reports for 2002, 2013/2014, 2015, 2016 and 2017. (Normally an APR focuses on a single calendar year, but for the League’s 2017 APR, the inquiry was widened to include all that the County had reported since plan adoption in 2000.) The 2002 APR covered the period from General Plan adoption in October 2000 to the end of the first fiscal year (June 2002). There was little information available for the years 2003 through 2012 because the County did not prepare APRs during that period. The APR approved in 2014 assessed program implementation for two calendar years: 2013 and 2014. The APRs for 2015, 2016 and 2017 reported on the calendar years for which they were named.

Secondary sources of information included various County publications, including staff reports prepared for the Planning Commission and Board of Supervisors.

## Report on Program Status

Once available information from each of the previous County APRs was compiled and reviewed, each program was color tagged as follows:

-  Good evidence of successful implementation.
-  Poor evidence of successful implementation.  
Only partial evidence of implementation.
-  No evidence by which to confirm successful implementation.  
Evidence that implementation was delayed or not implemented per directives in the plan.

The chart beginning on the next page contains these four columns.

- Column 1: Individual numbering of each program in the first six elements of the General Plan from 1 through 121 with a color tag to indicate the degree of implementation.
- Column 2: The County’s original 4-letter label for each program.
- Column 3: The success of implementation, as described in the County’s APRs.  
The program’s potential revision based on the December 2017 draft Policy Document.
- Column 4: The success of implementation as described by the League.

## APPENDIX A

# PROGRESS TOWARD THE IMPLEMENTATION OF PROGRAMS IN THE FIRST SIX ELEMENTS OF THE GENERAL PLAN

## 2000 ECONOMIC DEVELOPMENT ELEMENT

|   |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| 1 | ED-A.A | <p><b>Deliverable:</b> Creation of a staff position to serve as liaison/facilitator and support for the County's economic development programs and Economic Development Action Team.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|   |        | <p><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that on April 23, 2002, the Board of Supervisors created the position of Assistant County Administrative Officer for Economic Development.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015 APR</b></p> <p>The County's 2015 appraisal of program implementation is printed in full below:</p> <p><i>"On August 9, 2011, the Fresno County Board of Supervisors entered into a contract with the Economic Development Corporation which among other things is responsible for implementation of the Economic Development Element programs."</i></p> <p><b>2016 APR</b></p> <p>The County's 2016 appraisal of program implementation is printed in full below:</p> <p>(Note: Were it not for the addition of the underlined text below, the appraisal of program implementation in the County's 2015 and 2016 APRs would be identical.)</p> <p><i>"On August 9, 2011, the Fresno County Board of Supervisors entered into a contract with the Economic Development Corporation which among other things is responsible for implementation of the Economic Development Element programs. <u>As part of the General Plan Review process, policies and programs of the Economic Development Element are being reviewed to determine which policies still serve a purpose and should be kept and which ones have</u></i></p> | <p><b>League Reporting</b></p> <p>The County does not currently have a liaison/facilitator staff position, but it did some years ago. According to the County's first APR (dated May 2003), on April 23, 2002, the Board of Supervisors "created the position of Assistant County Administrative Officer for Economic Development." A few years later, the Board of Supervisors reversed itself and eliminated the position.</p> <p>The County's 2015 and 2016 APRs stated that in 2011 the County entered into a contractual arrangement with the Economic Development Corporation (EDC) "for implementation of the Economic Development Element programs." (That contract was renewed annually.)</p> <p>The County's 2017 APR stated that a "new policy and program" were being proposed for an Economic Development Action Team. (That proposal was not directly applicable to the program under review. It was, however, applicable to Program ED-A.B. Furthermore, the proposal was not for the addition of a new policy and program but rather for the rewrite of existing Policy ED-A.3 and for the elimination of Program ED-A.B.)</p> <p>On March 28, 2017, the Board of Supervisors directed County staff to evaluate the possibility of reestablishing the position of economic development liaison/facilitator. (The County's 2017 APR provided no information that staff followed through on that directive.)</p> |

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|---|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   |        | <p><u>served their purpose or are no longer relevant and should be deleted or revised.”</u></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of program implementation is printed in full below:</p> <p>(Note: Were it not for the deletion of the first sentence from the 2016 APR and the addition of the underlined text below, the appraisal of program implementation in the County's 2016 and 2017 APRs would be identical.)</p> <p><i>“As part of the General Plan Review process, policies and programs of the Economic Development Element are being reviewed to determine which policies still serve a purpose and should be kept and which ones have served their purpose or are no longer relevant and should be deleted or revised. <u>With respect to this Program, a new policy and program are proposed for development of an Economic Development Action Team consisting of members of the Board of Supervisors, County staff and city representatives.”</u></i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Modify program.</p> <p>Change time frame: FY 00-01 → Ongoing.</p> | <p>The County has proposed (through its December 2017 draft of the Policy Document) to amend Program ED-A.A to read that the County will allocate resources toward economic development rather than establish a staff position to serve as liaison/facilitator and support for the County's economic development programs and Economic Development Action Team.</p> <hr/> <p><b>Conclusion:</b></p> <p>Currently, as required by Program ED-A.A, the County does not have a staff position to serve as liaison/facilitator and support for the County's economic development programs and Economic Development Action Team.</p> <p><b>Evidence of the successful implementation of Program ED-A.A during 2017:</b></p> <p>None.</p> |
| 2 | ED-A.B | <p><b>Deliverable:</b> Creation of and support for an Economic Development Action Team (EDAT) to coordinate countywide economic development.</p> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that on April 23, 2002 the Board of Supervisors designated itself to be the Economic Development Action Team to coordinate countywide economic development and that, in that capacity, the Board had initiated the regional economic development projects/initiatives listed in Appendix B, Part I, of that APR.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015 and 2016 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p>                                                                                                                                                                                                                                                                                              | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2002 APR stated that on April 23, 2002, the Board of Supervisors appointed itself to be the County's Economic Development Action Team (EDAT) coordinating countywide economic development.</p> <p>Not acknowledged in any County APR since then was the fact that some time later the EDAT ceased to exist.</p> <p>The County's 2015 and 2016 APRs stated that the County works with the Economic Development Corporation to coordinate countywide economic development.</p> <p>The County's 2017 APR stated that a “new policy and program” were being proposed for</p>                                                                                 |

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|                                                                                                                                                                             |        | <p><i>“The County’s Development Services Division works with the Economic Development Corporation serving Fresno County to coordinate countywide economic developments.”</i></p> <p><b>2017 APR</b></p> <p>The County’s 2017 appraisal of program implementation is printed in full below:</p> <p><i>“As part of the General Plan Review process, a new policy and program are proposed for development of an Economic Development Action Team consisting of members of the Board, of supervisors, [sic] County staff and city representatives to coordinate countywide economic development.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: FY 00-01 → Ø</p> | <p>an Economic Development Action Team. (Actually, the proposal was not for the addition of a new policy and program but rather for the rewrite of existing Policy ED-A.3 and for the elimination of Program ED-A.B.)</p> <p>The 2017 APR explained that during 2017 the County considered a proposal to reestablish the EDAT as part of the General Plan Review process. On June 6, 2017, Board of Supervisors approved the formation of a new EDAT as a one-year pilot program to assemble a team made up of the elected officials, staff of the County, elected officials and staff of the city where a development project was proposed in order to coordinate economic development activities between the County and cities within the County.</p> <p>On September 12, 2017, the Board of Supervisors approved an EDAT consisting of elected officials, County staff and the staffs of various city planning departments.</p> <p>(It should be noted that the makeup of the new EDAT was inconsistent with General Plan Policy ED-A.3, which required that the EDAT also include the Agricultural Commissioner and regional organizations engaged in facets of economic development.)</p> <hr/> <p><b>Conclusion:</b></p> <p>The Economic Development Action Team created September 12, 2017 does not meet the requirements of General Plan Policy ED-A.3.</p> <p><b>Evidence of the successful implementation of Program ED-A.B during 2017:</b></p> <p>Poor.</p> |
| 3                                                                                                                                                                           | ED-A.C | <p><b>Deliverable:</b> Evaluation at least every 5 years by an independent institution of the success in achieving the goals and targets of the County’s Comprehensive Economic Development Strategy.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR did not review this program because the target date for its completion was fiscal year 2005-2006.</p> |        | <p><b>League Reporting</b></p> <p>The County’s 2015 and 2016 APRs stated that in 2011 the County entered into a contractual arrangement with the Economic</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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|  | <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015 APR</b></p> <p>The County's 2015 appraisal of program implementation is printed in full below:</p> <p><i>“On August 9, 2011, the Fresno County Board of Supervisors entered into a contract with the Economic Development Corporation which among other things is responsible for implementation of the Economic Development Element programs. The Economic Development Corporation regularly works to update the County's Economic Development Strategy.”</i></p> <p><b>2016 APR</b></p> <p>The County's 2016 appraisal of program implementation is printed in full below:</p> <p>(Note: Were it not for the addition of the underlined text below, the appraisal of program implementation in the 2015 and 2016 APRs would be identical.)</p> <p><i>“On August 9, 2011, the Fresno County Board of Supervisors entered into a contract with the Economic Development Corporation which among other things is responsible for implementation of the Economic Development Element programs. The Economic Development Corporation regularly works to update the County's Economic Development Strategy (CEDS). <u>As part of the General Plan Review process, policies and programs of the Economic Development Element are being reviewed to determine which policies still serve a purpose and should be kept and which ones have served their purpose or are no longer relevant and should be deleted or revised.</u>”</i></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of program implementation is printed in full below:</p> <p>(Note: Were it not for the deletion of the first sentence from the 2016 appraisal, which stated that the EDC was under contract with the County, the appraisal of program implementation in the 2016 and 2017 APRs would be nearly identical.)</p> <p><i>“The Economic Development Corporation works with the County to update the County's Economic Development Strategy (CEDS). As part of the General Plan Review process, policies and programs of the Economic Development Element are being reviewed to determine which policies still serve a purpose and</i></p> | <p>Development Corporation (EDC) to implement the County's Economic Development Element programs and periodically update the County's Economic Development Strategy. (The contract is renewed annually.)</p> <p>Note: Unlike the County's 2015 and 2016 APRs, the County's 2017 APR did not include a statement that the EDC had the responsibility to implement programs in the County's Economic Development Element.</p> <p>None of the County's APRs addressed the deliverable required by Program ED-A.C, namely, the evaluation every 5 years by an independent institution of the County's success in achieving the goals and targets of its County's Comprehensive Economic Development Strategy.</p> <p>(It should be noted that the EDC would not have been considered an “independent” institution for this purpose in that it was paid by the County to periodically update that document and, therefore, would have had an economic interest in the outcome of the assessment of the 5-year evaluations.)</p> <hr/> <p><b>Conclusion:</b></p> <p>The County did not employ an independent institution to evaluate, every 5 years, the success in achieving the goals and targets of the County's Comprehensive Economic Development Strategy.</p> <p><b>Evidence of the successful implementation of Program ED-A.C during 2017:</b></p> <p>None.</p> |
|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |        | <p><i>should be kept and which ones have served their purpose or are no longer relevant and should be deleted or revised.</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: FY 05-06 and every 5 years thereafter → ∅</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |
| 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | ED-A.D | <p><b>Deliverable:</b> In cooperation with the county's 15 cities, creation of criteria for the location of value-added agricultural facilities in unincorporated areas of the County.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |
| <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that work on this program would be initiated in fiscal year 2002-2003.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>"This program has been implemented. The General Plan Policy LU-A.3 allows for the establishment of value-added processing facilities in areas designated Agriculture through approval of a discretionary permit subject to established criteria which includes analysis of service requirements for facilities and the capability and capacity of surrounding areas to provide the services required."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: FY 01-04 → ∅</p> |        | <p style="text-align: center;"><b>League Reporting</b></p> <p>The 2015, 2016 and 2017 APRs stated that the program had been implemented because General Plan Policy LU-A.3 allowed for the establishment of value-added processing facilities in areas designated Agriculture.</p> <p>The County's explanation is problematic because Policy LU-A.3 existed in its present form at the time the General Plan was adopted in 2000. The existence of the policy, therefore, is not evidence that the County, in cooperation with its 15 cities, created criteria for the location of value-added agricultural facilities in unincorporated areas of the County subsequent to Plan adoption in 2000.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has not created, in cooperation with the county's 15 cities, criteria for the location of value-added agricultural facilities in unincorporated areas of the County.</p> <p><b>Evidence of the successful implementation of Program ED-A.D during 2017:</b></p> <p>None.</p> |  |
| 5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | ED-A.E | <p><b>Deliverable:</b> Establishment of a set of guidelines in staff reports for the analysis of the economic impacts of all discretionary decisions.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |
| <p style="text-align: center;"><b>County Reporting</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |        | <p style="text-align: center;"><b>League Reporting</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |

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|  |   | <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County was in the process of preparing a policy recommendation that would define the type of agenda items where economic analysis would be required, that the focus would be on projects that had a significant impact on the local economy.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained a nearly identical appraisal of the implementation of the program. The appraisal from the 2017 APR is printed in full below:</p> <p><i>“Per direction from the CAO’s office the analysis of economic impacts are no longer required in the staff report for discretionary permits.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p><b>Modify program.</b> The County has proposed (through its December 2017 draft of the Policy Document) to amend Program ED-A.E to read that the County will provide in staff reports for discretionary decisions a summary of anticipated fiscal economic impacts.</p> <p><b>Change time frame: FY 00-01 → Ø</b></p> | <p>For several years following the adoption of the General Plan in 2000, the County included in its staff reports for discretionary projects an analysis of economic impacts. Based on this fact, it may be assumed that the County had at one time fully implemented Program ED-A.E and corresponding Policy ED-A.11, which is copied below:</p> <p><i>“The County shall routinely review the economic impacts of all policy, budgetary, and discretionary project decisions. To that end, staff reports for all discretionary decisions by the Board of Supervisors, Planning Commission, and other County decision-making bodies shall include an analysis of economic impacts along with fiscal impacts.”</i></p> <p>The County’s 2015, 2016 and 2017 APRs stated that at some point the County Administrative Office brought an end to that practice. (It must be noted that no County office or department has the authority to terminate a General Plan program. Only the Board of Supervisors has that legislative authority.)</p> <hr/> <p><b>Conclusion:</b></p> <p>Even though, at an earlier time, the County did analyze the economic impacts of all policy, budgetary, and discretionary project decisions in staff reports as per the requirements of Program ED-A.E and Policy ED-A.11, the CAO’s office subsequently determined that such analysis was not required and ended the practice.</p> <p><b>Evidence of the successful implementation of Program ED-A.E during 2017:</b></p> <p>None.</p> |
|  | 6 | ED-A.F                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p><b>Deliverable:</b> Contract with the Economic Development Corporation (EDC) to develop programs for marketing county produce.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|  |   | <b>County Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>League Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|  |   | 2002 APR                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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|  | <p>The 2002 APR stated that the Economic Development Corporation (EDC) had developed several marketing efforts for Fresno county produce.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015 APR</b></p> <p>The County's 2015 appraisal of program implementation is printed in full below:</p> <p><i>“As previously mentioned, the EDC is the contracting agency for implementing policies of the Economic Development Element of the General Plan. The EDC has developed several marketing efforts for Fresno County produce.”</i></p> <p><b>2016 APR</b></p> <p>The County's 2016 appraisal of program implementation is printed in full below:</p> <p>(Note: Were it not for the addition of the underlined text below, the appraisal of program implementation in the 2015 and 2016 APRs would be identical.)</p> <p><i>“As previously mentioned, the EDC is the contracting agency for implementing policies of the Economic Development Element of the General Plan. The EDC has developed several marketing efforts for Fresno County produce. <u>As part of the General Plan Review process, policies and programs of the Economic Development Element are being reviewed to determine which policies still serve a purpose and should be kept and which ones have served their purpose or are no longer relevant and should be deleted or revised.</u>”</i></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of program implementation is printed in full below:</p> <p>(Note: Were it not for the deletion of the first sentence from the 2016 appraisal, which stated that the EDC was under contract with the County, the appraisal of program implementation in the 2016 and 2017 APRs would be identical.)</p> <p><i>“The EDC has developed several marketing efforts for Fresno County produce. As part of the General Plan Review process, policies and programs of the Economic Development Element are being reviewed to determine which policies still serve a purpose and should be kept and which ones have served their</i></p> | <p>The County's 2015, 2016 and 2017 APRs stated that the Economic Development Corporation (<b>EDC</b>) had developed several marketing efforts for county produce. However, the APRs did not provide specifics about that effort.</p> <p>The APRs also stated that the EDC was under contract with the County to implement policies in the County's Economic Development Element. The policy regarding the marketing of county produce reads as follows:</p> <p style="text-align: center;"><u>General Plan Policy ED-A.14</u></p> <p style="text-align: center;"><i>The County shall encourage and, where appropriate, assist the Economic Development Corporation to develop new markets for Fresno County farm produce.</i></p> <p>Program ED-A.F required the County to enter into contact with the EDC for the purpose of marketing county produce. The County's contract with the EDC for 2017 (Agreement No. 17-263, approved by the Board of Supervisors on June 20, 2017) did not address the marketing of county produce per se, and the APRs did not state that the EDC was actually under contract with the County to do so.</p> <hr/> <p><b>Conclusion:</b></p> <p>While the Economic Development Corporation may have been helping to market county produce in a general way, the APRs did not identify specific contracts for that purpose nor they did they provide descriptions of the EDC's efforts to help market county produce.</p> <p><b>Evidence of the successful implementation of Program ED-A.F during 2017:</b></p> <p>Poor.</p> |
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| 7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | ED-A.G                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p><b>Deliverables:</b> Determination of the existence of capital deficiencies for farmers shifting to production modes that create greater employment.</p> <p>In partnership with other agencies, an effort to access or redirect existing funds should such deficiencies be identified.</p> | <table border="1"> <thead> <tr> <th data-bbox="979 394 979 625"></th> <th data-bbox="979 625 979 1971">County Reporting</th> <th data-bbox="979 394 979 1971">League Reporting</th> </tr> </thead> <tbody> <tr> <td data-bbox="979 625 979 1971"> <p><b>2002 APR</b></p> <p>The 2002 APR stated that progress had been stalled due to a weak agricultural economy and that lending institutions were not investing in California agriculture at that time.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015 APR</b></p> <p>The County's 2015 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data-bbox="979 625 979 1971"> <p>The County's 2015, 2016 and 2017 APRs stated that the Economic Development Corporation (<b>EDC</b>) had a future responsibility — as indicated by the use of the word “<i>will</i>” — to determine the existence of capital deficiencies for farmers shifting to production modes that create greater employment.</p> <p>The County's APRs provided no information to support a conclusion that the EDC had made progress toward that end.</p> <hr/> <p><b>Conclusion:</b></p> <p>There is no indication in the County's APRs that the County — either on its own or in coordination with the EDC — has determined whether capital deficiencies exist for farmers shifting to production modes that create greater employment.</p> <p><b>Evidence of the successful implementation of Program ED-A.G during 2017:</b></p> <p>None.</p> </td> </tr> </tbody> </table> |  | County Reporting | League Reporting | <p><b>2002 APR</b></p> <p>The 2002 APR stated that progress had been stalled due to a 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| 8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | ED-B.A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p><b>Deliverable:</b> Assemblage of a group of service providers to assess...</p> <p>(a) Telecommunications infrastructure needs (present and future) demanded by high technology firms and</p> <p>(b) The role of the County in facilitating those services.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <table border="1"> <thead> <tr> <th data-bbox="977 1150 1302 1245">County Reporting</th> <th data-bbox="1302 1150 1531 1245">League Reporting</th> </tr> </thead> <tbody> <tr> <td data-bbox="977 1245 1302 1940"> <p><b>2002 APR</b></p> <p>The 2002 APR stated that in July 2002 the Board of Supervisors created the Fresno Regional e-Government Taskforce to develop a plan for utilizing electronic information technology to improve the delivery of governmental services and to expand opportunities for economic development.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR stated that this program was among 12 others that had been delayed <i>“for a number of reasons, including the lack of available funding.”</i></p> <p><b>2015 APR</b></p> <p>The 2015 APR stated that the program had been delayed. The County's 2015 appraisal of program implementation is printed in full below:</p> </td> <td data-bbox="1302 1245 1531 1940"> <p>The County's 2015, 2016 and 2017 APRs stated that the County created a taskforce in 2002 to develop a plan for utilizing electronic information technology to improve the delivery of governmental services and to expand the opportunity for economic development. The APRs stated that meetings of that taskforce were suspended in 2010 due to a lack of funding.</p> <p>The 2015, 2016 and 2017 APRs did not state that the County reconvened the taskforce or assembled a group of service providers to assess the need for telecommunications infrastructure demanded by high-technology firms.</p> <hr/> </td> </tr> </tbody> </table> | County Reporting | League Reporting | <p><b>2002 APR</b></p> <p>The 2002 APR stated that in July 2002 the Board of Supervisors created the Fresno Regional e-Government Taskforce to develop a plan for utilizing electronic information technology to improve the delivery of governmental services and to expand opportunities for economic development.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR stated that this program was among 12 others that had been delayed <i>“for a number of reasons, including the lack of available funding.”</i></p> <p><b>2015 APR</b></p> <p>The 2015 APR stated that the program had been delayed. The County's 2015 appraisal of program implementation is printed in full below:</p> | <p>The County's 2015, 2016 and 2017 APRs stated that the County created a taskforce in 2002 to develop a plan for utilizing electronic information technology to improve the delivery of governmental services and to expand the opportunity for economic development. The APRs stated that meetings of that taskforce were suspended in 2010 due to a lack of funding.</p> <p>The 2015, 2016 and 2017 APRs did not state that the County reconvened the taskforce or assembled a group of service providers to assess the need for telecommunications infrastructure demanded by high-technology firms.</p> <hr/> |
| County Reporting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | League Reporting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                  |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|  |   | <p><i>“In July 2002 the Fresno Regional e-Government Taskforce was created to develop a plan for utilizing electronic information technology to improve the delivery of governmental services and to expand the opportunity for economic development. The group was instrumental in improving collaboration and data sharing between the County and the Cities of Fresno and Clovis. In January 2010, regular meetings were suspended due to lack of funding.”</i></p> <p><b>2016 and 2017 APRs</b></p> <p>The 2016 APR stated that the program had been delayed.</p> <p>The 2016 and 2017 APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p>(Note: Were it not for the addition of the underlined text below, the appraisal of program implementation in the 2015, 2016 and 2017 APRs would be identical.)</p> <p><i>“In July 2002 the Fresno Regional e-Government Taskforce was created to develop a plan for utilizing electronic information technology to improve the delivery of governmental services and to expand the opportunity for economic development. The group was instrumental in improving collaboration and data sharing between the County and the Cities of Fresno and Clovis. In January 2010, regular meetings were suspended due to lack of funding. <u>As part of the General Plan Review process, policies and programs of the Economic Development Element are being reviewed to determine which policies still serve a purpose and should be kept and which ones have served their purpose or are no longer relevant and should be deleted or revised.</u>”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: FY 02-04 → Ø</p> | <p><b>Conclusion:</b></p> <p>While the County worked on a plan prior to 2010 for utilizing electronic information technology to improve the delivery of governmental services and to expand the opportunity for economic development generally, the County has not assembled a group of service providers to assess (1) the telecommunications infrastructure needs demanded by high technology firms and (2) the role County would play in facilitating those services.</p> <p><b>Evidence of the successful implementation of Program ED-B.A during 2017:</b></p> <p>None.</p> |
|  | 9 | ED-B.B                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p><b>Deliverable:</b> Coordination of an initiative to deliver to existing and prospective businesses a comprehensive package of technical assistance regarding available technologies.</p>                                                                                                                                                                                                                                                                                                                                                                                     |
|  |   | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County’s Community Development Division had partnered with the Rapid Response Program of the Greater Fresno Chamber of</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that the Economic Development Corporation (<b>EDC</b>) helped existing</p>                                                                                                                                                                                                                                                                                                                                                                                            |

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|    | <p>Commerce to provide technical assistance to new and existing businesses along the I-5 Business Development Corridor and in the Orange Cove and Parlier Renewal Community areas for the purpose of improving economic productivity.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015 APR</b></p> <p>The County's 2015 appraisal of program implementation is printed in full below:</p> <p><i>“EDC works to enhance the stability and growth of Fresno County’s existing companies by connecting them with specific resources, information and services with the primary objectives to assist businesses with expansions, survive economic difficulties, and make them more competitive in the wider marketplace.”</i></p> <p><b>2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p>(Note: Were it not for the addition of the underlined text below, the appraisal of program implementation in the 2015, 2016 and 2017 APRs would be virtually identical.)</p> <p><i>“The Economic Development Corporation (EDC) works to enhance the stability and growth of Fresno County’s existing companies by connecting them with specific resources, information and services with the primary objectives to assist businesses with expansions, survive economic difficulties, and make them more competitive in the wider marketplace. <u>As part of the General Plan Review process, policies and programs of the Economic Development Element are being reviewed to determine which policies still serve a purpose and should be kept and which ones have served their purpose or are no longer relevant and should be deleted or revised.</u>”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: FY 02-04 → Ø</p> | <p>businesses expand, survive economic difficulties and be more competitive in the wider marketplace.</p> <p>The 2015, 2016 and 2017 APRs provided no evidence that the County had coordinated an initiative to deliver to existing and prospective businesses a comprehensive package of technical assistance regarding available technologies.</p> <hr/> <p><b>Conclusion:</b></p> <p>While it is true that the Economic Development Corporation aides existing companies by providing resources, information and services, there is no indication in the County’s APRs that the County — either on its own or in coordination with the EDC — pioneered an initiative to deliver a comprehensive package of technical assistance regarding available technologies to existing and prospective businesses.</p> <p><b>Evidence of the successful implementation of Program ED-B.B during 2017:</b></p> <p>None.</p> |
| 10 | ED-B.C                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p><b>Deliverable:</b> Creation of a roundtable of financial institutions, venture capital firms and finance agencies to determine the need for greater access to capital for existing non-agricultural businesses.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

## County Reporting

### 2002 APR

The 2002 APR stated (1) that the County was part of the San Joaquin Valley Regional Community Development Entity, which was formed to provide additional capital for economic development projects in the Central San Joaquin Valley and (2) that representatives from federal agencies, banks, local economic development organizations, community development organizations and non-profit organizations had been meeting to develop a concept and model for a new Community Development Financial Institution.

### 2013/2014 APR

The 2013/2014 APR did not report on this program.

### 2015 APR

The County's 2015 appraisal of program implementation is printed in full below:

*"The Economic Development Corporation (EDC) through its Business Expansion, Attraction, and Retention (BEAR) Action Network program works with businesses seeking to locate or expand in Fresno County and works to assist with financing and microloan programs."*

### 2016 and 2017 APRs

These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:

(Note: Were it not for the addition of the underlined text below, the appraisal of program implementation in the 2015, 2016 and 2017 APRs would be identical.)

*"The Economic Development Corporation (EDC) through its Business Expansion, Attraction, and Retention (BEAR) Action Network program works with businesses seeking to locate or expand in Fresno County and works to assist with financing and microloan programs. As part of the General Plan Review process, policies and programs of the Economic Development Element are being reviewed to determine which policies still serve a purpose and should be kept and which ones have served their purpose or are no longer relevant and should be deleted or revised."*

### Recommendations in the Draft 2017 Policy Document

## League Reporting

The County's 2015, 2016 and 2017 APRs did not indicate whether the effort begun around 2002 to create a model for a new Community Development Financial Institution had succeeded.

The APRs stated that the Economic Development Corporation provided assistance with financing and microloan programs for businesses seeking to locate or expand in the county.

The 2015, 2016 and 2017 APRs provided no evidence that the County had created a roundtable of financial institutions, venture capital firms and finance agencies to determine the need for greater access to capital for existing non-agricultural businesses.

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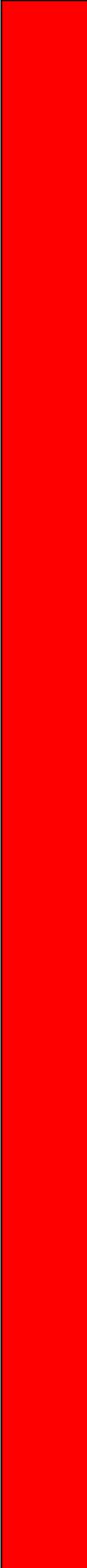
### Conclusion:

There is no indication in the County's APRs that the County created a roundtable of financial institutions, venture capital firms and finance agencies or that the work of such a group had determined the need for greater access to capital for existing non-agricultural businesses.

### Evidence of the successful implementation of Program ED-B.C during 2017:

None.

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|    |        | <p>Delete program.</p> <p>Change time frame: FY 02-03 → Ø</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 11 | ED-B.D | <p><b>Deliverable:</b> Initiation of a planning process to identify additional recreational opportunities in the coast range foothills and other areas where “gateway opportunities” exist.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|    |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the Fresno County Tourism Committee had initiated meetings on the Westside to begin to identify potential recreational opportunities in the area near Coalinga.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The County recently participated in the Friant Corridor Feasibility Study to identify opportunities and constraints for possible land use changes and development activities related to recreation, resource and cultural awareness, conservation, tourism, and supportive commercial uses. On May 10, 2016, the Board of Supervisors considered the study and chose to set the study aside.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Change time frame: FY 01-02 → 2018-?.</p> <p>(The question mark in the time frame above is written in place of the year because that portion of the County’s Draft 2017 Policy Document is unreadable.)</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that the County had prepared and then set aside in 2016 a Friant Corridor Feasibility Study. (The study was highly controversial, having been initiated and funded by development interests for the purpose of determining recreational opportunities for one specific area of Fresno County — within an area of 5,346 acres located along a 6-mile stretch of Friant Road running from the Fresno City limits to the town of Friant near Millerton Lake.)</p> <p>The 2015, 2016 and 2017 APRs did not state that the County had initiated a “planning process” that identified recreational opportunities elsewhere in Fresno County, including the coast range foothills or that there had been any activity regarding this program during 2017.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has not initiated a “planning process” to identify additional recreational opportunities in the coast range foothills and other areas where gateway opportunities exist.</p> <p><b>Evidence of the successful implementation of Program ED-B.D during 2017:</b></p> <p>None.</p> |
| 12 | ED-B.E | <p><b>Deliverables:</b> Ongoing evaluation of business marketing programs and funding of the Visitor and Convention Bureau.</p> <p>Investment, as appropriate, in programs that attract business travel to the county.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |



**County Reporting**

**2002 APR**

The 2002 APR stated that the County’s Community Development Division and the County Administrative Office were working with the Fresno County Tourism Committee and with community leaders to finalize a Master Plan for Tourism, which would include plans for the funding and realignment of the Convention and Visitor’s Bureau (now referred to as the Fresno/Clovis Convention and Visitors Bureau.)

**2013/2014 APR**

The 2013/2014 APR did not report on this program.

**2015 APR**

The County’s 2015 appraisal of program implementation is printed in full below:

*“The County has contracted with the Fresno Economic Development Corporation to work with the Visitor and Convention Bureau to develop and implement effective marketing programs that attract business and travel to the county.”*

**2016 and 2017 APRs**

These APRs contained nearly identical appraisals of the implementation of the program. The 2017 APR appraisal is printed in full below:

(Note: Were it not for the addition of the underlined text below, the appraisal of program implementation in the 2015, 2016 and 2017 APRs would be virtually identical.)

*“The Fresno Economic Development Corporation in cooperation with the Visitor and Convention Bureau works on developing effective marketing programs that attract business and travel to the County. As part of the General Plan Review process, policies and programs of the Economic Development Element are being reviewed to determine which policies still serve a purpose and should be kept and which ones have served their purpose or are no longer relevant and should be deleted or revised.”*

**Recommendations in the Draft 2017 Policy Document**

Delete program.

Change time frame: FY 00-01 → Ø

**League Reporting**

The County’s 2015, 2016 and 2017 APRs did not indicate whether the Master Plan for Tourism identified in the 2002 APR had been finalized and implemented.

The County’s 2015 APR stated that the Economic Development Corporation (EDC) was under contract with the County to help the Convention and Visitor’s Bureau develop and implement effective marketing programs that attract business and travel to the county. However, the County’s contract with the EDC for 2017 (Agreement No. 17-263, approved by the Board of Supervisors on June 20, 2917) did not address the Convention and Visitor’s Bureau per se.

In addition, the County’s 2015, 2016 and 2017 APRs provided no evidence that the EDC had evaluated the business marketing programs of the Convention and Visitor’s Bureau or that the County had evaluated the funding needs of that entity or had invested in programs that attract business travel to the county.

**Conclusion:**

Due to the absence of information in the County’s APRs demonstrating that the County had overseen the evaluation of business marketing programs and funding for the Convention and Visitor’s Bureau, there was no basis upon which to conclude that Program ED-B.E was being successfully administered.

**Evidence of the successful implementation of Program ED-B.E during 2017:**

None.

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| 13 | ED-C.A                  | <b>Deliverable:</b> Collaboration with the Workforce Development Board and community colleges to develop a countywide workforce preparation system.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|    | <b>County Reporting</b> | <b>League Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|    |                         | <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County's Department of Employment and Temporary Assistance had partnered with 11 entities, including adult schools, community colleges, government agencies and community-based organizations, to consolidate employment and training activities.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>"Fresno County is an active participant on the Fresno Regional Workforce Investment Board which serves to mobilize and integrate all private and public partners to effectively educate, train and place individuals with the necessary resources and skills to fulfill employer needs in the County."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Modify program.</p> <p>Retain time frame: Ongoing.</p> | <p>The County's 2015, 2016 and 2017 APRs stated that Fresno County was an active participant on the Fresno Regional Workforce Investment Board which served to mobilize and integrate private and public partners to educate, train and place individuals into jobs.</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to amend Program ED-C.A to read that the County will maintain the existing workforce preparation system.</p> <hr/> <p><b>Conclusion:</b></p> <p>Although there was no direct evidence that the County participated in the development of a workforce preparation "system;" because the County proposed (through its December 2017 draft Policy Document) to maintain the existing workforce preparation system, it may be assumed that such a system had been developed.</p> <p><b>Evidence of the successful implementation of Program ED-C.A during 2017:</b></p> <p>Good.</p> |
| 14 | ED-C.B                  | <b>Deliverable:</b> Development of a CalWORKs labor pool skills inventory for businesses seeking employees                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|    | <b>County Reporting</b> | <b>League Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|    |                         | <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County's Department of Employment and Temporary Assistance had partnered with the California Employment Development Department to develop skill sets for positions in local industries.</p> <p><b>2013/2014 APR</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>The County's 2015, 2016 and 2017 APRs stated that the County had developed an automated Welfare Employment Preparedness Index to generate a list of clients possessing specific employment skills.</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to amend Program ED-C.B to read that the</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

|    |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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|    |        | <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“A skills inventory was developed for positions in local industries. This was used as the basis for a coded skills inventory using the automated Welfare Employment Preparedness Index. The system could then be queried and sorted by specific skills and can produce a list of clients meeting given criteria.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Modify program.</p> <p>Change time frame: FY 01-02 → Ongoing.</p>                                                                                                                                                                      | <p>County will provide the existing inventory upon request.</p> <hr/> <p><b>Conclusion:</b></p> <p>Because the County proposed (through its December 2017 draft Policy Document) to make the existing CalWORKs labor pool skills inventory available upon request, it may be assumed that that such a program had been developed.</p> <p><b>Evidence of the successful implementation of Program ED-C.B during 2017:</b></p> <p>Good.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 15 | ED-C.C | <p><b>Deliverable:</b> Improvement of employment and retention tracking systems for CalWORKs recipients.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|    |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County’s Department of Employment and Temporary Assistance used an automated system developed for use by counties throughout the state to record and track employment information.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The Department of Social Services uses an automated system developed for use by counties throughout the State to record employment information.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Modify program.</p> <p>Change time frame: FY 00-01 → Ongoing.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that the Department of Social Services used an automated system developed for counties throughout the state to track employment information for CalWORKs recipients.</p> <p>On the assumption that an automated statewide system was an improvement over a tracking system that the County may have used prior to 2000, it may be assumed that by using, instead, a statewide system, the County improved its ability to track employment and retention for CalWORKs recipients.</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to amend Program ED-C.C to read that the County will continue to improve and maintain the existing tracking system. (This draft revision of Program ED-C.C was odd in that it suggested that the County had the ability to improve and maintain an automated tracking system used by counties throughout the state.)</p> |

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|    |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p><b>Conclusion:</b></p> <p>It appears the County is using the best statewide technology for tracking employment and retention for CalWORKs recipients.</p> <p><b>Evidence of the successful implementation of Program ED-C.C during 2017:</b></p> <p>Good.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 16 | ED-C.D | <p><b>Deliverable:</b> Ongoing assistance to the Economic Development Corporation (EDC), placement agencies and businesses for the assessment of the work availability and readiness of CalWORKs recipients.</p> <hr/> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County's Department of Employment and Temporary Assistance engaged in a number of activities to assess the job readiness of CalWORKs recipients.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>"The County Department of Social Services through the CalWORKs program provides services such as job clubs, job fairs, participant assessments, adult basic education and vocational training. The County is also an active participant on the Fresno Regional Workforce Investment Board which serves to mobilize and integrate all private and public partners to effectively educate, train and place individuals with the necessary resources and skills to fulfill employer needs."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Modify program.</p> <p>Retain time frame: Ongoing.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2015, 2016 and 2017 APRs stated that the County's Department of Social Services provided job placement services and that the County was an active member of the Fresno Regional Workforce Investment Board.</p> <p>The APRs did not provide information demonstrating that the County was assisting the Economic Development Corporation (EDC), placement agencies and businesses for the assessment of work availability and readiness of CalWORKs recipients.</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to amend Program ED-C.D to read that the County will no longer assist the EDC in its efforts to assess the availability and work readiness of CalWORKs recipients but will, instead, assist placement agencies and businesses in their hiring of CalWORKs recipients.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County's APRs do not specifically address the County's assistance to the Economic Development Corporation, placement agencies and businesses for the</p> |

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                                                                                                                                                 |                                                                                                                                                                                                 | <p>assessment of the work availability and readiness of CalWORKs recipients.</p> <p><b>Evidence of the successful implementation of Program ED-C.D during 2017:</b></p> <p>Poor.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                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| 17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | ED-C.E                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p><b>Deliverable:</b> Ongoing collaboration with educational agencies and institutions, as well as the cities, to plan and fund a wide variety of services designed to promote employment.</p> | <table border="1"> <thead> <tr> <th>County Reporting</th> <th>League Reporting</th> </tr> </thead> <tbody> <tr> <td> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County’s Department of Employment and Temporary Assistance continued to provide the Fresno County Office of Education with funds necessary to assist with job placement at adult schools.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The County Department of Social Services through the CalWORKs program provides services such as job clubs, job fairs, participant assessments, adult basic education and vocational training. The County is also an active participant on the Fresno Regional Workforce Investment Board which serves to mobilize and integrate all private and public partners to effectively educate, train and place individuals with the necessary resources and skills to fulfill employer needs.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p> </td> <td> <p>The County’s 2015, 2016 and 2017 APRs stated that the County provided services such as job clubs, job fairs, participant assessments, adult basic education and vocational training.</p> <p>The APRs did not provide information demonstrating that the County was collaborating with the county’s 15 cities to fund a wide variety of services to promote employment.</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to make a large number of wording changes to Program ED-C.E; however, the changes did not constitute a major shift in the focus of the program.</p> <hr/> <p><b>Conclusion:</b></p> <p>While the County provides services such as job clubs, job fairs, adult basic education and vocation training, the County’s APRs did not demonstrate County collaboration with cities, nor did they describe the degree to which the County collaborated with educational agencies and institutions.</p> <p><b>Evidence of the successful implementation of Program ED-C.E during 2017:</b></p> <p>Poor.</p> </td> </tr> </tbody> </table> | County Reporting | League Reporting | <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County’s Department of Employment and Temporary Assistance continued to provide the Fresno County Office of Education with funds necessary to assist with job placement at adult schools.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The County Department of Social Services through the CalWORKs program provides services such as job clubs, job fairs, participant assessments, adult basic education and vocational training. The County is also an active participant on the Fresno Regional Workforce Investment Board which serves to mobilize and integrate all private and public partners to effectively educate, train and place individuals with the necessary resources and skills to fulfill employer needs.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p> | <p>The County’s 2015, 2016 and 2017 APRs stated that the County provided services such as job clubs, job fairs, participant assessments, adult basic education and vocational training.</p> <p>The APRs did not provide information demonstrating that the County was collaborating with the county’s 15 cities to fund a wide variety of services to promote employment.</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to make a large number of wording changes to Program ED-C.E; however, the changes did not constitute a major shift in the focus of the program.</p> <hr/> <p><b>Conclusion:</b></p> <p>While the County provides services such as job clubs, job fairs, adult basic education and vocation training, the County’s APRs did not demonstrate County collaboration with cities, nor did they describe the degree to which the County collaborated with educational agencies and institutions.</p> <p><b>Evidence of the successful implementation of Program ED-C.E during 2017:</b></p> <p>Poor.</p> |
| County Reporting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       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The County is also an active participant on the Fresno Regional Workforce Investment Board which serves to mobilize and integrate all private and public partners to effectively educate, train and place individuals with the necessary resources and skills to fulfill employer needs.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p> | <p>The County’s 2015, 2016 and 2017 APRs stated that the County provided services such as job clubs, job fairs, participant assessments, adult basic education and vocational training.</p> <p>The APRs did not provide information demonstrating that the County was collaborating with the county’s 15 cities to fund a wide variety of services to promote employment.</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to make a large number of wording changes to Program ED-C.E; however, the changes did not constitute a major shift in the focus of the program.</p> <hr/> <p><b>Conclusion:</b></p> <p>While the County provides services such as job clubs, job fairs, adult basic education and vocation training, the County’s APRs did not demonstrate County collaboration with cities, nor did they describe the degree to which the County collaborated with educational agencies and institutions.</p> <p><b>Evidence of the successful implementation of Program ED-C.E during 2017:</b></p> <p>Poor.</p> |                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                      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| 18                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | ED-C.F                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p><b>Deliverable:</b> Ongoing identification of employee skills required by the business clusters and industries targeted for expansion, attraction and development.</p>                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     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|  | <p style="text-align: center;"><b>County Reporting</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p style="text-align: center;"><b>League Reporting</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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|  | <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County’s Department of Employment and Temporary Assistance had partnered with the California Employment Development Department to develop skill sets for positions in local industries and was working closely with the Economic Development Corporation to connect qualified clients with targeted industries.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The Fresno County Workforce Investment Board, the Employment Development Department and the Economic Development Corporation assist Fresno employers in meeting their labor needs by delivering outplacement, recruitment and training services.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Modify program.</p> <p>Retain time frame: Ongoing.</p> | <p>The County’s 2015, 2016 and 2017 APRs stated that the County was working with the Fresno County Workforce Investment Board, state’s Employment Development Department and with the Economic Development Corporation to assist Fresno employers in meeting their labor needs by delivering outplacement, recruitment and training services.</p> <p>The APRs did not provide evidence that the County was engaged in identifying employee skills required by business clusters and industries targeted for expansion, attraction and development,</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to amend Program ED-C.F to read that the County will shift from identifying work skills to offering training in those skills.</p> <hr/> <p><b>Conclusion:</b></p> <p>There is no information in the County’s 2017 APR to support a conclusion that the County is engaged in identifying employee skills required by the business clusters and industries that the County has targeted for expansion, attraction and development.</p> <p><b>Evidence of the successful implementation of Program ED-C.F during 2017:</b></p> <p>None.</p> |

## 2000 AGRICULTURE AND LAND USE ELEMENT

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| 19 | LU-A.A | <p><b>Deliverable:</b> Amendment of the Zoning Ordinance to ensure conformity with the Agriculture and Land Use Element of the 2000 update of the General Plan</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|    |        | <p><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the Zoning Ordinance had been amended to implement General Plan policies pertaining to the creation of homesite parcels and the number of residences permitted per parcel. The APR did not state that the program has been fully implemented.</p> <p><b>2013/2014, 2015 and 2016 APRs</b></p> <p>These APRs stated that this program had been implemented. (The 2017 APR did not state that the program had been implemented.)</p> <p><b>2015 APR</b></p> <p>The County's 2015 appraisal of program implementation is printed in full below:</p> <p><i>“The County actively reviews and updates its Zoning Ordinance and Subdivision Ordinance to ensure consistency with the policies of the General Plan. The County completed a text amendment in 2015 to update its Zoning Ordinance to comply with requirements of state law as part of the 4<sup>th</sup>-Cycle Housing Element update. The County is also actively working on a comprehensive Zoning Ordinance Update scheduled to be presented to decision-makers in 2017.”</i></p> <p><b>2016 and 2017 APRs</b></p> <p>The APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The County actively reviews and updates its Zoning Ordinance and Subdivision Ordinance to ensure consistency with the policies of the General Plan. The County is working on a comprehensive Zoning Ordinance Update to ensure consistency of the Ordinance with the policies of the General Plan.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> | <p><b>League Reporting</b></p> <p>At the time the General Plan was updated in 2000, the County recognized the need to bring the Zoning Ordinance into compliance with the new Plan. A number of programs addressed this need: LU-A.A, LU-D.A, LU-F.B, LU-G.A and LU-H.F.</p> <p>The County's 2015, 2016 and 2017 APRs did not provide a clear account of the degree to which the County had been able to accomplish that task. Although the APRs indicated that some progress had been made and that the County was continuing to work on a comprehensive update of the Zoning Ordinance, the APRs did not provide evidence that the program had been fully implemented — i.e., that the Zoning Ordinance had been brought into compliance with the Agriculture and Land Use Element as updated in 2000. In short, the County's APRs presented seemingly contradictory statements: (1) that the County continually updated the Zoning Ordinance to ensure consistency with the General Plan, (2) that Program LU-A.A had been implemented to bring the Zoning Ordinance into compliance with the General Plan, and (3) that the County was still working to make the Zoning Ordinance consistent with land use policies adopted in 2000.</p> <p>(It should be noted that even though the County's 2013/2014, 2015 and 2016 APRs stated that the Program LU-A.A had been implemented, the County has proposed through its December 2017 draft of the Policy Document to amend the time frame for accomplishing Program LU-A.A from FY 02-03 to calendar year 2018 or beyond.)</p> <hr/> <p><b>Conclusion:</b></p> |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |        | <p>Retain program as is.</p> <p>Change time frame: FY 00-02 → 2018-?.</p> <p>(The question mark in the time frame above is written in place of the year because that portion of the County's Draft 2017 Policy Document is unreadable.)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>While the County has made some progress in amending the Zoning Ordinance to ensure conformity with the 2000 update of the Agriculture and Land Use Element, the County's APRs did not clearly demonstrate that the County had completed that work.</p> <p><b>Evidence of the successful implementation of Program LU-A.A during 2017:</b></p> <p>Poor.</p> |
| 20                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | LU-A.B | <p><b>Deliverables:</b> Evaluation of minimum parcel sizes necessary for sustained agriculture.</p> <p>Amendment of the Zoning Ordinance, as appropriate, to incorporate the results of the evaluation.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                               |
| <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR did not review this program because the target date for its accomplishment was fiscal year 2003-2004.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR stated that the program had been implemented. That appraisal is printed in full below:</p> <p><i><u>“Summary of Programs Implemented Thus Far:</u></i><br/>:<br/><i>Program LU-A.B, to evaluate agricultural parcel size. The County did evaluate non-prime contracted agricultural parcels for viability in 2008. Ultimately, no changes were adopted. Generally, the County has acknowledged that 20 acres on the valley floor provides a viable [agricultural] operation. [The] Zoning Ordinance includes minimum agricultural parcel sizes.”</i></p> <p><b>2015 and 2016 APRs</b></p> <p>These APRs also stated that the program had been implemented. (The 2017 APR did not state that the program had been implemented.)</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>The APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“Policy LU-A.6 states that the County shall maintain twenty (20) acres as the minimum permitted parcel size in areas designated Agriculture, except as provided in</i></p> |        | <p style="text-align: center;"><b>League Reporting</b></p> <p>In December of 2008, the American Farmland Trust (<b>AFT</b>) authored a report on behalf of the Fresno Council of Governments entitled <i>Model Farmland Conservation Program for Fresno County</i>, which included this statement:</p> <p><i>“County General Plan Program (LU-A.B) calls for county to evaluate ‘minimum parcel sizes necessary for sustained agricultural productivity.’ ”</i></p> <p>The 2008 AFT statement that Program LU-A.B called for a future evaluation of minimum parcel sizes necessary for sustained agricultural productivity, together with the County's statement in its 2013/2014 APR that only a portion of the county's farmland (non-prime acreage under Williamson Act contract) had been evaluated by 2008, suggested that as of 2008 the County had not completed an evaluation of minimum parcel sizes necessary for sustainable agriculture across the county.</p> <p>The County's 2015, 2016 and 2017 APRs stated that per General Plan Policy LU-A.6 the County maintained a minimum parcel size of 20 acres in areas designated Agriculture. However, since Policy LU-A.6 existed at the time the General Plan was updated in 2000, that policy, in itself, was not evidence that the County completed an evaluation of minimum</p> |                                                                                                                                                                                                                                                                                                                                                               |

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|    |        | <p><i>Policies LU-A.9, LU-A.10 and LU-A.11. The County may require parcel sizes larger than twenty (20) acres based on zoning, local agricultural conditions, and to help ensure the viability of agricultural operations.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: FY 03-04 → Ø</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>parcel sizes after the adoption of the 2000 General Plan.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has not completed an evaluation of minimum parcel sizes necessary for sustained agriculture in Fresno County.</p> <p><b>Evidence of the successful implementation of Program LU-A.B during 2017:</b></p> <p>Poor.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 21 | LU-A.C | <p><b>Deliverable:</b> Development of a set of guidelines for the design and maintenance of agricultural buffers for new non-agricultural uses in agricultural areas.</p> <hr/> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR did not review this program because the target date for its accomplishment was fiscal year 2003-2004.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR stated that this program was among 12 others that had been delayed <i>“for a number of reasons, including the lack of available funding.”</i></p> <p><b>2015 and 2016 APRs</b></p> <p>The 2015 and 2016 APRs also stated in their introduction section that the program had been delayed. (The 2017 APR did not state that the program had been delayed.)</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>The APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The County requires buffers for certain land uses with the potential to hinder agricultural uses. For discretionary land use proposals including tentative tract maps, buffers are taken into consideration as part of project conditions. This has also been applied to utility-scale photovoltaic solar facilities with a general policy of 50 feet between panels or structures and surrounding agricultural properties.”</i></p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015 and 2016 APRs stated that the program had been delayed (i.e., not implemented), and the County’s 2017 APR did not provide evidence that during 2017 the County developed a set of guidelines for the design and maintenance of agricultural buffers for new non-agricultural uses in agricultural areas.</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to amend Program LU-A.C to read that the County will not develop guidelines for the design and maintenance of agricultural buffers but will, instead, design site-specific buffers for new non-agricultural uses at the time of project review and approval.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has not developed a set of guidelines for the design and maintenance of agricultural buffers for new non-agricultural uses in agricultural areas.</p> <p><b>Evidence of the successful implementation of Program LU-A.C during 2017:</b></p> <p>None.</p> |

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|    |        | <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Modify program.</p> <p>Change time: FY 03-04 → Ongoing.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 22 | LU-A.D | <p><b>Deliverable:</b> Periodic assessment of the effectiveness of agricultural land preservation programs in furthering County agricultural goals and policies.</p> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that two reviews had been completed – one in fiscal year 2000-2001 that focused on the Farmland Security Zone program and another in fiscal year 2001-2002 that focused on the potential effects of a state budget proposal to remove subvention funds (state reimbursements to the County from implementation of the Williamson Act).</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>The APRs contained a nearly identical appraisal of the implementation of the program. The appraisal from the 2017 APR is printed in full below:</p> <p><i>“The Department of Public Works and Planning actively reviews the Williamson Act Program including reviewing (auditing) contracts for conformity with the State and County requirements and processing non-renewals for those contracts that do not meet the eligibility to remain in the Williamson Act Program. Staff also communicates with the State Department of Conservation on petitions for cancellations of contract and the County continues to utilize the Agricultural Land Conservation Committee to review cancellation petitions and forwards the Committee’s recommendations to the Board of Supervisors.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that the County effectively administered its Williamson Act program.</p> <p>The APRs did not provide evidence that the County periodically assessed the “effectiveness” of agricultural land preservation programs in furthering County agricultural goals and policies.</p> <p>In addition, the APRs only addressed the Williamson Act program and not other programs with the potential to preserve agricultural land, such as those listed in Policy LU-A.16: land trusts, conservation easements, dedication incentives, Farmland Security Act contracts, the California Farmland Conservancy Program Fund, agricultural education programs, zoning regulations, agricultural mitigation fee program, urban growth boundaries, transfer of development rights, purchase of development rights and agricultural buffer policies.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has not conducted periodic assessments of the effectiveness of agricultural land preservation programs in furthering County agricultural goals and policies.</p> <p><b>Evidence of the successful implementation of Program LU-A.D during 2017:</b></p> <p>None.</p> |

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| 23 | LU-A.E | <p><b>Deliverables:</b> Ongoing implementation of the County's Right-to-Farm Ordinance.</p> <p>Dissemination of information to the real estate industry to make the public aware of the Right-to-Farm Ordinance.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|    |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that copies of <i>right-to-farm</i> ordinances had been obtained from all counties and were being reviewed. The County was in the process of forming an ordinance improvement committee.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>The APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>"The County staff utilizes the Right-to-Farm Ordinance notification process on many types of discretionary land use permits to insure that applicants or future property owners are aware of ongoing agricultural activities within the vicinity of discretionary projects. Further, County staff actively communicates with the Agricultural Commissioner's Office on discretionary projects proposed in agricultural areas and seeks comments from that Department."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2015, 2016 and 2017 APRs stated that the County used its Right-to-Farm Ordinance to notify those applying for discretionary land use permits of ongoing agricultural activities in the vicinities of their proposed projects.</p> <p>The APRs also stated that the County provided the same notification to future owners of property in agricultural areas.</p> <p>The APRs offered no explanation as to how it was possible for the County to provide notification to future property owners, nor did it provide evidence that the County disseminated information to the real estate industry to make the public aware of the Right-to-Farm Ordinance.</p> <hr/> <p><b>Conclusion:</b></p> <p>While the County has notified those applying for discretionary land use permits of the right of neighboring agricultural operations to continue agricultural activities, the County's APRs did not demonstrate that Right-to Farm information was being disseminated to the public through the real estate industry.</p> <p><b>Evidence of the successful implementation of Program LU-A.E during 2017:</b></p> <p>Poor.</p> |
| 24 | LU-A.F | <p><b>Deliverable:</b> In cooperation with various agencies, the development and implementation of a public outreach program on the advantages of participation in agricultural land conservation programs.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|    |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p style="text-align: center;"><b>League Reporting</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

The 2002 APR stated that outreach to the Farm Bureau and to rural community newspapers was conducted in conjunction with the annual acceptance of applications for participation in the County's Agricultural Land Conservation Program. Furthermore, County staff was making referrals throughout the year to the Department of Conservation and to farmland trust organizations to promote participation in the County's Agricultural Land Conservation Program.

**2013/2014 APR**

The 2013/2014 APR did not report on this program.

**2015 APR**

The County's 2015 appraisal of program implementation is printed in full below:

*"The Board of Supervisors has adopted Resolutions of Support for land owners who wish to place their land under conservation easement. In 2015, the Board adopted one Resolution to place a 56-acre parcel in a conservation easement and in 2014 the Board adopted two Resolutions to place a total of 309 acres in a conservation easement."*

**2016 and 2017 APRs**

The APRs contained a nearly identical appraisal of the implementation of the program, the only difference being that the 2017 APR added the underlined sentence. The appraisal from the 2017 APR is printed in full below:

*"The Board of Supervisors has adopted Resolutions of Support for land owners who wish to place their land under conservation easement. In 2017, the Board adopted a Resolution to place 642 acres in a conservation easement. In 2015, the Board adopted one Resolution to place a 56-acre parcel in a conservation easement and in 2014 the Board adopted two Resolutions to place a total of 309 acres in a conservation easement. As part of the General Plan Review process, policies and programs of the Land Use Element are being reviewed to determine which policies still serve a purpose and should be kept and which ones have served their purpose or are no longer relevant and should be deleted or revised."*

**Recommendations in the Draft 2017 Policy Document**

Modify program.

Retain time frame: Ongoing.

The County's 2015, 2016 and 2017 APRs stated that the Board of Supervisors had adopted resolutions of support for four conservation easements during 2014, 2015 and 2017.

The APRs did not provide evidence that the County had developed and implemented a "public outreach program" on the advantages of participation in agricultural land conservation programs.

The County has proposed (through its December 2017 draft of the Policy Document) to make a necessary name change: replacing the name "Agricultural Land Stewardship Program Fund" with the name "California Land Conservancy [Program]."

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**Conclusion:**

There is no information in the County's APRs to indicate that the County has developed and implemented a public outreach program on the advantages of participation in agricultural land conservation programs.

**Evidence of the successful implementation of Program LU-A.F during 2017:**

None.

**Deliverable:** The active search for grants for conservation easements under the Agricultural Land Stewardship Program Act of 1995.

**County Reporting**

**2002 APR**

The 2002 APR stated that the County had supported applications for four conservation easements but did not indicate that the County had searched for grants on behalf of the applicants.

**2013/2014 APR**

The 2013/2014 APR stated that the County approved resolutions of support for two conservation easement applications but did not indicate that the County had searched for grants on behalf of the applicants.

**2015 APR**

The County's 2015 appraisal of program implementation is printed in full below:

*“The Board of Supervisors has adopted Resolutions of Support for land owners who wish to place their land under conservation easement. In 2015, the Board adopted one Resolution to place a 56-acre parcel in a conservation easement and in 2014 the Board adopted two Resolutions to place a total of 309 acres in a conservation easement. The Resolutions adopted by the Board in 2014 and 2015 were in support of obtaining grants from the Department of Conservation for placing certain parcels under conservation easement.”*

**2016 and 2017 APRs**

The APRs contained a nearly identical appraisal of the implementation of the program, The appraisal from the 2017 APR is printed in full below:

*“The Board of Supervisors continues to support land owners who wish to place their land under conservation easement, provided that the proposals meet certain required criteria.”*

**Recommendations in the Draft 2017 Policy Document**

Modify program.

Retain time frame: Ongoing.

**League Reporting**

The 2015 APR stated that the County had adopted resolutions in support of three conservation easements.

The 2016 and 2017 APRs stated that the County supported land owners who wished to place their lands under conservation easements.

No County APRs indicated that the County actively searched for grants for conservation easements.

The County has proposed (through its December 2017 draft of the Policy Document) to amend Program LU-A.G to read that the County will shift from actively pursuing grant funding to providing nonobligatory assistance to farming interests in their quests for grants under provisions of the California Farmland Conservancy Program.

**Conclusion:**

The County's APRs did not demonstrate that the County actively searched for grants for conservation easements under the Agricultural Land Stewardship Program Act of 1995.

**Evidence of the successful implementation of Program LU-A.G during 2017:**

None.

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| 26 | LU-A.H                  | <b>Deliverable:</b> Creation of a program to establish criteria for prioritizing funding for agricultural conservation easements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|    | <b>County Reporting</b> | <b>League Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|    |                         | <p><b>2002 APR</b></p> <p>The 2002 APR stated (1) that the County utilized state criteria for the review of proposals for conservation easements and (2) that County criteria could most effectively be created at the time the County administered funding programs.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015 APR</b></p> <p>The County's 2015 appraisal of program implementation is printed in full below:</p> <p><i>"The County uses the State's criteria in its review of proposals for support of landowners' requests for a Resolution of Support to obtain grants to place agricultural land under conservation easements."</i></p> <p><b>2016 and 2017 APRs</b></p> <p>The APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>"The County uses the State's criteria in its review of proposals submitted by landowners requesting a Resolution of Support to obtain grants to place agricultural land under conservation easements. As part of the General Plan Review process, policies and programs of the Land Use Element are being reviewed to determine which policies still serve a purpose and should be kept and which ones have served their purpose or are no longer relevant and should be deleted or revised."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: FY 02-03 → Ø</p> | <p>The County's 2015, 2016 and 2017 APRs stated that the County used the state's criteria when reviewing proposals requesting County resolutions of support for grants supporting the placement of agricultural lands under conservation easements.</p> <p>The APRs provided no evidence that the County had created a program to establish criteria for prioritizing funding.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has not created a program to establish criteria for prioritizing funding for agricultural conservation easements.</p> <p><b>Evidence of the successful implementation of Program LU-A.H during 2017:</b></p> <p>None.</p> |

**Deliverables:** Assessment of...

- (a) Approaches to determining agricultural land values in the 1981 Farmland Protection Policy Act land evaluation and site assessment (LESA) system and the 1975 Tulare County Rural Valley Lands Plan and
- (b) The potential for developing a similar Process for Fresno County.

Establishment, if appropriate, of an agriculture quality scale system to assist in making land use conversion decisions.

**County Reporting**

**2002 APR**

The 2002 APR did not review this program because the target date for accomplishment was fiscal year 2003-2004.

**2013/2014**

The 2013/2014 APR stated that this program was among 12 others that had been delayed *“for a number of reasons, including the lack of available funding.”*

**2013/2014, 2015, 2016 and 2017 APRs**

These APRs each stated that program implementation had been delayed.

**2015, 2016 and 2017 APRs**

The APRs contained a nearly identical appraisal of the implementation of the program, the only difference being that the 2016 and 2017 APRs added the underlined sentence. The appraisal from the 2017 APR is printed in full below:

*“The County has not yet assessed utilizing an agricultural quality scale system similar to LESA to establish a threshold as part of evaluation of converting agricultural land to non-agricultural uses. However, the impacts of projects on agricultural lands are analyzed for projects that may have a potential impact on conversion of agricultural land to non-agricultural uses as part of the environmental assessment of discretionary projects. As part of the General Plan Review process, policies and programs of the Land Use Element are being reviewed to determine which policies still serve a purpose and should be kept and which ones have served their purpose or are no longer relevant and should be deleted or revised.”*

**Recommendations in the Draft 2017 Policy Document**

**League Reporting**

The County’s 2013/2014, 2015, 2016 and 2017 APRs stated that the County had not initiated implementation of the program.

**Conclusion:**

The County has not assessed approaches to determining agricultural land values as per the requirements of Program LU-A.I.

**Evidence of the successful implementation of Program LU-A.I during 2017:**

None.

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|----|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |        | <p>Delete program.</p> <p>Change time frame: FY 03-04 → Ø</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 28 | LU-A.J | <p><b>Deliverables:</b> Maintenance of an inventory of lot size exceptions for agricultural areas granted by discretionary permit.</p> <p>Presentation of the inventory to the Board of Supervisors during the annual review of the General Plan.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|    |        | <p><b>County Reporting</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p><b>League Reporting</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|    |        | <p><b>2002 APR</b></p> <p>The 2002 APR contained a list of lot size exceptions approved by the County.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not contain a list of lot size exceptions approved by the County.</p> <p><b>2015 APR</b></p> <p>The County's 2015 appraisal of program implementation is printed in full below:</p> <p><i>“During 2015 seven lot size exceptions were granted through provisions outlined in Policy LU-A.9. In addition, five lot size exceptions, specific to agricultural zoning, were granted through variance applications approved by the decision-making bodies. A list of the exceptions granted is included on Page 19 of the 2015 General Plan Annual Progress Report.”</i></p> <p><b>2016 APR</b></p> <p>The County's 2016 appraisal of program implementation is printed in full below:</p> <p><i>“During 2016 four lot size exceptions were granted through provisions outlined in Policy LU-A.9. In addition, nine lot size exceptions, specific to agricultural zoning, were granted through variance applications approved by the decision-making bodies. A list of the exceptions granted is included on Page 19 of the 2016 General Plan Annual Progress Report.”</i></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of program implementation is printed in full below:</p> <p><i>“During the 2017 calendar year, six lot size exceptions were granted through provisions outlined in Policy LU-</i></p> | <p>The County's 2015, 2016 and 2017 APRs described the lot size exceptions granted by the County in each of those years.</p> <p>(It should be noted that the County combined the lot size exception information from Programs LU-A.J and LU-B.A into a single tabulation.)</p> <p>(It should also be noted that the County's 2015 and 2016 APRs both stated that a list of lot size exceptions was found on page 19. Actually, the list of exceptions was found on page 20 in the 2015 APR and on page 18 in the 2016 APR.)</p> <p>After the 2017 APR was approved by the Board of Supervisors, the League of Women Voters of Fresno alerted the County that much of the information in the list of lot size exceptions was incorrect. The County subsequently agreed to correct the misinformation and resubmit the report to the state.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has an inventory of lot size exceptions for agricultural areas granted by discretionary permit and presents that information to the Board of Supervisors during the annual review of the General Plan.</p> <p><b>Evidence of the successful implementation of Program LU-A.J during 2017:</b></p> <p>Good.</p> |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |        | <p>A.9. In addition, nine lot size exceptions, specific to agricultural zoning, were granted through variance applications approved by the decision-making bodies. A list of the exceptions granted is included on Page 9 of the 2017 General Plan Annual Progress Report.”</p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Annually</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |
| 29                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | LU-B.A | <p><b>Deliverables:</b> Maintenance of an inventory of lot size exceptions for Westside rangelands granted by discretionary permit.</p> <p>Presentation of the inventory to the Board of Supervisors during the annual review of the General Plan.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
| <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR contained a list of lot size exceptions approved by the County.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not contain a list of lot size exceptions approved by the County.</p> <p><b>2015 APR</b></p> <p>The County's 2015 appraisal of program implementation is printed in full below:</p> <p><i>“During 2015 seven lot size exceptions were granted through provisions outlined in Policy LU-A.9. In addition, five lot size exceptions, specific to agricultural zoning, were granted through variance applications approved by the decision-making bodies. A list of the exceptions granted is included on Page 19 of the 2015 General Plan Annual Progress Report.”</i></p> <p><b>2016 APR</b></p> <p>The County's 2016 appraisal of program implementation is printed in full below:</p> <p><i>“During 2016 four lot size exceptions were granted through provisions outlined in Policy LU-A.9. In addition, nine lot size exceptions, specific to agricultural zoning, were granted through variance applications approved by the decision-making bodies. A list of the</i></p> |        | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2015, 2016 and 2017 APRs described lot size exceptions granted by the County in each of those years.</p> <p>(It should be noted that the County combined the lot size exception information from Programs LU-A.J and LU-B.A into a single tabulation.)</p> <p>(It should also be noted that the County's 2015 and 2016 APRs both stated that a list of lot size exceptions was found on page 19. Actually, the list of exceptions was found on page 20 in the 2015 APR and on page 18 in the 2016 APR.)</p> <p>After the 2017 APR was approved by the Board of Supervisors, the League of Women Voters of Fresno alerted the County that much of the information in the list of lot size exceptions was incorrect. The County subsequently agreed to correct the misinformation and resubmit the report to the state.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has an inventory of lot size exceptions for Westside rangelands granted by discretionary permit and presents that</p> |  |

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|    |        | <p><i>exceptions granted is included on Page 19 of the 2016 General Plan Annual Progress Report.</i></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of program implementation is printed in full below:</p> <p><i>“During the 2017 calendar year, six lot size exceptions were granted through provisions outlined in Policy LU-A.9. In addition, nine lot size exceptions, specific to agricultural zoning, were granted through variance applications approved by the decision-making bodies. A list of the exceptions granted is included on Page 9 of the 2017 General Plan Annual Progress Report. Also, a map showing the location of the granted lot size exceptions are included in the body of the 2017 Annual Report.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p>                                                                            | <p>information to the Board of Supervisors during the annual review of the General Plan.</p> <p><b>Evidence of the successful implementation of Program LU-B.A during 2017:</b></p> <p>Good.</p>                                                                                                                                                                          |
| 30 | LU-C.A | <p><b>Deliverable:</b> Update of the Kings River Regional Plan.</p> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that there had been no activity regarding the update of the Kings River Regional Plan.</p> <p><b>2013/2014</b></p> <p>The 2013/2014 APR stated that this program was among 12 others that had been delayed <i>“for a number of reasons, including the lack of available funding.”</i></p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs also stated that program implementation had been delayed.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>The APRs contained a nearly identical appraisal of the implementation of the program. The appraisal from the 2017 APR is printed in full below:</p> <p><i>“Due to budgetary constraints and timing of other plan updates, implementation of this program has been delayed. There has been some renewed interest in</i></p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2013/2014, 2015, 2016 and 2017 APRs stated that the program had not been implemented.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has not updated the Kings River Regional Plan.</p> <p><b>Evidence of the successful implementation of Program LU-C.A during 2017:</b></p> <p>None.</p> |

|    |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|    |        | <p><i>updating the plan, which has arisen with public interest in surface mining projects on the Kings River.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Change time frame: FY 02-03 → Ongoing.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 31 | LU-C.B | <p><b>Deliverable:</b> Evidence of working with the San Joaquin River Parkway and Conservation Trust (Parkway Trust), San Joaquin River Conservancy (Conservancy), City of Fresno and other agencies and organizations to implement the San Joaquin River Parkway Master Plan.</p> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that County staff was attending meetings of the San Joaquin River Conservancy to remain current on Parkway activities.</p> <p><b>2013/2014, 2015 and 2016 APRs</b></p> <p>These APRs stated that the program had been implemented. (The 2017 APR did not state that the program had been implemented.)</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>The APRs contained a nearly identical appraisal of the implementation of the program, the only difference being that the 2017 APR added the underlined sentence. The appraisal from the 2017 APR is printed in full below:</p> <p><i>“The Recompiled San Joaquin River Parkway Master Plan was approved and adopted by the San Joaquin River Conservancy Governing Board on July 20, 2000. The San Joaquin River Conservancy started the process of updating the San Joaquin River Parkway Master Plan in June of 2013 that includes an update of policies and planned facilities, and the preparation of a Master EIR. The County has been participating as a member of the Interagency Project Development Committee.</i></p> <p><i>The County also regularly coordinates with the interested agencies / stakeholders with regard to project reviews to discuss and minimize possible project impacts to river resources.</i></p> <p><u><i>In 2017, County staff provided comments on the Draft EIR for the San Joaquin River Conservancy’s River West project. In the comments provided, staff emphasized support for public access at the</i></u></p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that the San Joaquin River Conservancy (<b>Conservancy</b>) was in the process of updating its Parkway Master Plan.</p> <p>The APRs also stated that the County was a member of the Conservancy’s Project Development Committee, which assisted the Conservancy by helping to develop and prioritize Conservancy projects.</p> <p>The APRs did not provide evidence that the County was helping to implement the plan by working with the Parkway Trust, the City of Fresno and other agencies and organizations.</p> <hr/> <p><b>Conclusion:</b></p> <p>While the County’s APRs demonstrated that the County was working with the Conservancy to implement the San Joaquin River Parkway Master Plan, the APRs did not indicate that the County was also working with the San Joaquin River Parkway and Conservation Trust, City of Fresno and other agencies and organizations.</p> <p><b>Evidence of the successful implementation of Program LU-C.B during 2017:</b></p> <p>Poor.</p> |

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|    |        | <p><u>intersection of Palm and Nees Avenues and EIR alternatives that encouraged such access.”</u></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 32 | LU-D.A | <p><b>Deliverable:</b> Amendment of the Zoning Ordinance to implement revisions of the General Plan concerning the Westside Freeway Corridor.</p> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the Zoning Ordinance had been amended to establish a process for the designation of major and minor interchanges along the Westside Freeway Corridor and that what was needed was a Westside Freeway Corridor overlay zone.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2013/2014, 2015 and 2016 APRs</b></p> <p>These APRs stated that the program had been implemented. (The 2017 APR did not state that the program had been implemented.)</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained a nearly identical appraisal of the implementation of the program, the only difference being that the 2016 and 2017 APRs added the underlined phrase. The appraisal from the 2017 APR is printed in full below:</p> <p><i>“Revisions to the County Zoning Ordinance were approved March 27, 2001 by the Board of Supervisors to implement the revised provisions of this section concerning the Westside Freeway Corridor with approval of Amendment to Text Application (AT) No. 337 and subsequently amended with AT 352 in 2004. Therefore, this program has been implemented <u>and will be removed.</u>”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: FY 00-01 → Ø</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that in 2004 the County revised the Zoning Ordinance to incorporate changes concerning the Westside Freeway Corridor that resulted from the update of the General Plan in 2000.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has amended the Zoning Ordinance to implement revisions of the General Plan concerning the Westside Freeway Corridor.</p> <p><b>Evidence of the successful implementation of Program LU-D.A during 2017:</b></p> <p>Good.</p> |

**Deliverable:** In cooperation with county's 15 cities, as appropriate, adoption of incentives/disincentives to support compact urban development and infill.

### County Reporting

#### 2002 APR

The 2002 APR provided two examples of incentives and disincentives that were introduced into the tax sharing agreement between the County and the City of Clovis in June 2002. The APR also reported a similar negotiation underway with the City of Fresno. The tax sharing agreements with the other 13 cities were to be renegotiated as they become due for renewal.

#### 2013/2014 APR

The 2013/2014 APR did not report on this program.

#### 2015 APR

The County's 2015 appraisal of program implementation is printed in full below:

*"The County partnered with twelve of the fifteen cities within Fresno County, including the City of Clovis, to create a multi-jurisdictional Housing Element that includes incentives and disincentives that encourage compact urban development. The MOUs between the County and the cities provide a check and balance system to ensure that development of annexed land is imminent. Also, the cost of providing urban services to suburbs is a disincentive that has motivated several cities to pursue infill development over annexation of new territory. County staff continues to refer to General Plan policies that direct intensive urban growth to the cities and unincorporated communities and reviews relevant policies when processing discretionary land use permits."*

#### 2016 and 2017 APRs

These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:

*"The County's General Plan and the General Plan of the cities of Fresno and Clovis include polices that promote infill of vacant and underutilized land. Also, the cost of providing urban services to suburbs is a disincentive that has motivated several cities to pursue infill development over annexation of new territory. County staff continues to refer to General Plan policies that direct intensive urban growth to the cities and unincorporated communities and reviews relevant*

### League Reporting

The County's 2015, 2016 and 2017 APRs stated that the County created incentives/ disincentives to support compact urban development and infill through the adoption of its multi-jurisdictional Housing Element. The APRs also claimed that the cost of providing urban services to suburbs was a disincentive that had motivated several cities to pursue infill development over annexation of new territory. The 2015 APR stated that MOUs between the County and its cities were written to ensure that annexation of rural lands did not occur until absolutely necessary.

It must be noted, however, that the APRs reported on the cities' involvement in only one aspect of urban development — housing. The program was also to have addressed the locations for commercial and industrial development.

The County has proposed (through its December 2017 draft of the Policy Document) to amend Program LU-F.A to read that the County will shift from "adopting" to "encouraging the adoption" of incentives/ disincentives to support compact urban development and infill.

#### Conclusion:

The County has, in cooperation with county's 15 cities, adopted incentives/disincentives to support compact urban development and infill.

#### Evidence of the successful implementation of Program LU-F.A during 2017:

Good.

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|    |        | <p><i>policies when processing discretionary land use permits.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Modify program.</p> <p>Retain time frame: Ongoing.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 34 | LU-F.B | <p><b>Deliverable:</b> Amendment of the Zoning Ordinance and Subdivision Ordinance to implement revisions of the General Plan concerning pedestrian and transit-oriented development.</p> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that implementation of this program would require the adoption of new ordinances and modification of the existing Zoning Ordinance, furthermore, that a comprehensive update of the Zoning Ordinance was not included in the budget for fiscal year 2002-2003.</p> <p><b>2013/2014, 2015 and 2016 APRs</b></p> <p>These APRs stated that the program had been implemented. (The 2017 APR did not state that the program had been implemented.)</p> <p><b>2015 APR</b></p> <p>The County's 2015 appraisal of program implementation is printed in full below:</p> <p><i>“The County has reviewed the Zoning Ordinance and has initiated an Ordinance Update. On October 13, 2015, the Board of Supervisors considered and approved a scope of work prepared for the General Plan Five-Year Review, Zoning Ordinance Update and the associated Environmental Impact Report. The updated Zoning Ordinance will include provisions for mixed uses and pedestrian and transit-oriented developments.”</i></p> <p><b>2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The County is in the process of updating its Zoning Ordinance which will include provisions for mixed uses and pedestrian and transit-oriented developments.”</i></p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2015, 2016 and 2017 APRs stated that the County was in the process of updated the Zoning Ordinance.</p> <p>Although the APRs for 2013/2014, 2015 and 2016 reported that the program had been implemented, the APRs did not address the amendment of the Subdivision Ordinance, nor did they include a discussion of the effort to implement General Plan policies regarding pedestrian and transit-oriented development.</p> <p>The use of the word “<i>will</i>” in the 2015, 2016 and 2017 APRs suggested that addressing pedestrian and transit-oriented develop was underway with the pending comprehensive update of the Zoning Ordinance.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has not completed the amendment of the Zoning Ordinance and Subdivision Ordinance to implement revisions of the General Plan concerning pedestrian and transit-oriented development.</p> <p><b>Evidence of the successful implementation of Program LU-F.B during 2017:</b></p> <p>Poor.</p> |

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|----|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |        | <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Change time frame: FY 01-02 → Ongoing.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 35 | LU-G.A | <p><b>Deliverable:</b> Amendment of the Zoning Ordinance, as appropriate, to facilitate moderate increases in housing density in unincorporated urban communities.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|    |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the amendment of the Zoning Ordinance to facilitate moderate increases in housing density in unincorporated community plans would take place in conjunction with the update of those community plans, the update of regional plans and the comprehensive update of the Zoning Ordinance.</p> <p><b>2013/2014, 2015 and 2016 APRs</b></p> <p>These APRs stated that the program had been implemented. (The 2017 APR did not state that the program had been implemented.)</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained a nearly identical appraisal of the implementation of the program, the only difference being that the 2015 APR contained this sentence not found in the 2016 and 2017 APRs: <i>“The update is expected to be completed in 2017 and to be presented before decision-makers.”</i> The appraisal from the 2017 APR is printed in full below:</p> <p><i>“The County is in the process of reviewing the General Plan Policy document and updating its Zoning Ordinance. As part of the revision and update process the allowable density in the R2, R2-A, R3, R3-A, R4, C4 and RP Zone Districts is proposed to be increased to 20 units per acre.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Change time frame: FY 01-02 → Ongoing.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that facilitating moderate increases in housing density in unincorporated urban communities was underway with the pending comprehensive update of the Zoning Ordinance.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has not completed the amendment of the Zoning Ordinance to facilitate moderate increases in housing density in unincorporated urban communities.</p> <p><b>Evidence of the successful implementation of Program LU-G.A during 2017:</b></p> <p>Poor.</p> |
| 36 | LU-G.B | <p><b>Deliverables:</b> Review of annexation proposals submitted by the Fresno Local Agency Formation Commission (LAFCo).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

Formal protest when annexations are inconsistent with either the cities' general plans or the County's General Plan.

**County Reporting**

**2002 APR**

The 2002 APR stated that up to that time all proposed annexations had been within adopted spheres of influence and had been consistent with applicable city general plans.

**2013/2014 APR**

The 2013/2014 APR did not report on this program.

**2015 APR**

The County's 2015 appraisal of program implementation is printed in full below:

*"The Department of Public Works and Planning reviews annexation proposals submitted by LAFCo to ensure consistency of the proposals with the City and County General Plans and the Memorandum of Understanding between the County and each City. A consistency determination letter is provided for each annexation proposal found to be consistent. During 2015 the County reviewed 14 annexation proposals submitted by LAFCo."*

**2016 APR**

The County's 2016 appraisal of program implementation is printed in full below:

*"The Department of Public Works and Planning reviews annexation proposals submitted by LAFCO to ensure consistency of the proposals with the City and County General Plans and the Memorandum of Understanding between the County and each City. A consistency determination letter is provided for each annexation proposal found to be consistent. During 2016 the County reviewed 10 annexation proposals submitted by LAFCO."*

**2017 APR**

The County's 2017 appraisal of program implementation is printed in full below:

*"The Department of Public Works and Planning reviews annexation proposals submitted by cities to ensure consistency of the proposals with the City and County General Plans and the Memorandum of Understanding between the County and each City. A consistency*

**League Reporting**

The 2015, 2016 and 2017 APRs stated that the County routinely reviewed annexation proposals from the Fresno Local Agency Formation Commission.

During calendar years 2015, 2016 and 2017, the County reported that it reviewed a total of 39 annexation proposals. The APRs did not state whether the County found them all to be consistent with either the cities' general plans for the County's General Plan.

The County has proposed (through its December 2017 draft of the Policy Document) to amend Program LU-G.B to read that the County will also protest an annexation proposal if it is inconsistent with the standards of annexation included in the memorandums of understanding between the County and its 15 cities.

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**Conclusion:**

The County reviews annexation proposals submitted by the Fresno Local Agency Formation Commission.

**Evidence of the successful implementation of Program LU-G.B during 2017:**

Good.

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|----|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |        | <p><i>determination letter is provided for each annexation proposal found to be consistent. During 2017 the County reviewed 15 annexation proposals submitted by cities.</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Modify program.</p> <p>Change time frame: As Needed → Ongoing.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 37 | LU-H.A | <p><b>Deliverable:</b> Adoption of a Friant-Millerton Area Regional Plan consistent with directives in Policy LU-H.8.</p> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated (1) that work had not progressed on the new regional plan for the Friant-Millerton Area and (2) that the APR contained a recommended priority list for the update of community and regional plans.</p> <p><b>2013/2014</b></p> <p>The 2013/2014 APR stated that this program was among 12 others that had been delayed <i>“for a number of reasons, including the lack of available funding.”</i></p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>The 2015, 2016 and 2017 APRs stated that the program had been suspended.</p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“This program has been suspended pending additional Board direction.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: FY 02-03 → Ø</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2013/2014 APR stated that the program had not been implemented because of a lack of funding.</p> <p>The County’s 2015, 2016 and 2017 APRs stated that the program had been <i>“suspended pending additional Board direction.”</i> The APRs did not provide a date for the Board decision to suspend the program.</p> <p>(It is important to note that there has no process for <i>“suspending”</i> General Plan programs without amending the General Plan.)</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has not adopted a Friant-Millerton Area Regional Plan consistent with directives in Policy LU-H.8.</p> <p><b>Evidence of the successful implementation of Program LU-H.A during 2017:</b></p> <p>None.</p> |
| 38 | LU-H.B | <p><b>Deliverables:</b> Regular meetings with the county’s 15 cities and adjacent counties to address planning and growth issues of common interest.</p> <p>Annual report on cooperative planning efforts of the previous year and the planned schedule of meetings for the upcoming year.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |



**County Reporting**

**2002 APR**

The 2002 APR stated that after the update of the General Plan in 2000, County planning focused on (1) new tax sharing agreements with the cities of Clovis and Fresno and (2) the preparation of a Regional Housing Needs Allocation, which involved all the cities and was adopted in September 2001.

**2013/2014 APR**

The 2013/2014 APR did not report on the program.

**2015, 2016 and 2017 APRs**

These APRs contained a nearly identical appraisal of the implementation of the program. One difference was that the 2016 and 2017 APRs added the underlined sentence. The appraisal from the 2016 APR is printed in full below:

*“Efforts that began in 2014 culminated into a January 27, 2015 joint meeting between the Madera County Board of Supervisors and the Fresno County Board of Supervisors at the Fresno Council of Governments (FCOG). [The meeting was actually held in the Madera County Board of Supervisors chambers.] Topics discussed at the joint meeting included development and land use vision in the Rio Mesa area and Friant Corridor, Fresno County/Madera County Highway 41 Origin-Destination Study, and the Sustainable Groundwater Management Act of 2014 (SGMA).*

*On June 22, 2015, a joint meeting between the Board of Supervisors and representatives of all 15 incorporated cities within the County was held at the FCOG. Topics discussed included SGMA, Marijuana Ordinances, land use and preservation and special districts.*

*On November 17, 2015, a joint meeting between the Board of Supervisors and the representatives from the Cities of Clovis, Fowler, Fresno and Sanger was held at the FCOG. Topics discussed included industrial parks, spheres of influence and SGMA. There are efforts underway for the Board of Supervisors and the Fresno City Council to meet periodically to discuss regional issues.”*

The 2017 APR added this statement:

*“On May 30, 2017, a joint meeting between the Board of Supervisors and representatives from the City of Fresno was held at Fresno City Hall. Topics discussed included emergency coordination/public safety,*

**League Reporting**

The County’s 2015, 2016 and 2017 APRs reported that the County held three joint meetings in 2015 and two joint meetings in 2017. These five meetings did not constitute the required regular County meetings with the county’s 15 cities.

The APRs did not provide evidence of annual reporting on cooperative planning efforts or the planned scheduling of meetings.

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**Conclusion:**

Even though the County of Fresno has met with the County of Madera and with the 15 cities within Fresno County, the County of Fresno has not schedule regular meetings with these same agencies and does not prepare an annual report on cooperative planning efforts of the previous year and the planned schedule of meetings for the upcoming year.

**Evidence of the successful implementation of Program LU-H.B during 2017:**

Poor.

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|----|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |        | <p><i>ShotSpotter technology expansion, Marijuana Ordinances and animal control.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: Ongoing → Ø</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 39 | LU-H.C | <p><b>Deliverable:</b> Creation of a set of guidelines for updating or creating land use plans.</p> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that a draft set of guidelines had been prepared and would be presented to the Planning Commission in conjunction with the APR.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015 APR</b></p> <p>The County's 2015 appraisal of program implementation is printed in full below:</p> <p><i>“The County has prepared a format and guideline for updating existing plans and preparing new regional and community plans.”</i></p> <p><b>2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The County has prepared a format and guideline for new and updates to existing plans. This program has been implemented and will be deleted.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: FY 02-03 → Ø</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2015, 2016 and 2017 APRs stated that the County had prepared a format and guideline for the preparation and update of regional and community plans.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has created a set of guidelines for updating or creating land use plans.</p> <p><b>Evidence of the successful implementation of Program LU-H.C during 2017:</b></p> <p>Good.</p> |
| 40 | LU-H.D | <p><b>Deliverable:</b> Annual report on the General Plan from the Planning Commission to the Board of Supervisors...</p> <p>(a) Focusing principally on actions undertaken in the previous year to carry out General Plan programs,</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

(b) Recommending, as appropriate, amendments to the General Plan and

(c) Satisfying the environmental requirements of Public Resources Code 21081.6 for a mitigation monitoring program.

### County Reporting

#### 2002 APR

The 2002 APR stated that staff had prepared an APR pursuant the Program LU-H.D.

#### 2013/2014

The 2013/2014 APR stated that this program was among 12 others that had been delayed *“for a number of reasons, including the lack of available funding.”*

The 2013/2014 APR specifically stated that APRs had not been prepared after 2002, in other words, that the County had not reported on General Plan implementation for a decade: from July 1, 2002 through December 31, 2012. (The 2013/2014 APR covered two calendar years: 2013 and 2014.)

#### 2015 APR

The County's 2015 appraisal of program implementation is printed in full below:

*“The Public Works and Planning Department presented the 2014 General Plan Annual Progress Report to the Planning Commission on February 26, 2015 and to the Board on March 24, 2015. The preparation of the Annual Report which focuses principally on actions undertaken during 2015 to carry out the implementation programs of the General Plan meets the requirements of this program and is being presented to the Planning Commission and Board of Supervisors.”*

#### 2016 APR

The County's 2016 appraisal of program implementation is printed in full below:

*“The Public Works and Planning Department presented the 2015 General Plan Annual Progress Report to the Planning Commission on July 21, 2016 and to the Board on September 12, 2016. The preparation of the Annual Report which focuses principally on actions undertaken during 2016 to carry out the implementation programs of the General Plan meets the requirements of this program and is being presented to the Planning Commission and Board of Supervisors.”*

### League Reporting

With regard to deliverable (a), the County's 2015, 2016 and 2017 APRs stated that the County's APRs for those three years focused mainly on “actions” undertaken by the County to implement General Plan programs.

With regard to deliverable (b), the County's 2015, 2016 and 2017 APRs did not contain any recommendations to amend the General Plan

With regard to deliverable (c), the County's 2015, 2016 and 2017 APRs did not satisfy the environmental requirements of Public Resources Code 21081.6 in that the County did not annually monitor the implementation of the more than 300 policies in the General Plan Policy Document that serve to mitigate adverse impacts resulting from the implementation of the General Plan.

In addition, the APRs did not satisfy subsection (C) of Government Code 65400, which required the County to annually assess the degree to which the General Plan complied with the General Plan guidelines developed by the Governor's Office of Planning and Research (OPR). The salient portions of Government Code 65400 are reproduced below.

Government Code 65400.

*“(a) After the legislative body has adopted all or part of a general plan, the planning agency shall do...the following:*

*⋮*

*(2) Provide by April 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development that includes all of the following:*

*⋮*

*(C) The degree to which its approved general plan complies with the guidelines developed and adopted*

|    |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|    |        | <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of program implementation is printed in full below:</p> <p><i>"The Public Works and Planning Department prepares and presents the General Plan Annual Progress Report for the previous calendar year to the Planning Commission and the Board. The preparation of the Annual Report focuses principally on actions undertaken during the previous calendar year to carry out the implementation of the General Plan."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p>                                                                                          | <p><i>pursuant to Section 65040.2 and the date of the last revision to the general plan."</i></p> <hr/> <p><b>Conclusion:</b></p> <p>Although the County prepares Annual Progress Reports (<b>APRs</b>) on the implementation of the General Plan, the APRs do not satisfy the environmental requirements of Public Resources Code 21081.6 for a mitigation monitoring program or Government Code 65400 for an evaluation of the degree to which the County's General Plan complies with the general plan guidelines prepared by OPR (most recently updated in 2017).</p> <p><b>Evidence of the successful implementation of Program LU-H.D during 2017:</b></p> <p>Poor.</p>                                                                                                                                                                                                                                                                                                              |
| 41 | LU-H.E | <p><b>Deliverables:</b> Every 5 years, a major review of the General Plan, including the General Plan Background Report and Policy Document.</p> <p>Revision of the General Plan every 5 years as necessary.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|    |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR did not review this program because the target date for its accomplishment was fiscal year 2005-2006.</p> <p><b>2013/2014, 2015 and 2016 APRs</b></p> <p>These APRs stated that the program had been implemented. (The 2017 APR did not state the program had been implemented.)</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained a nearly identical appraisal of the implementation of the program. The differences in reporting among the three APRs are underlined.</p> <p><b>2015 APR</b></p> <p>The County's 2015 appraisal of program implementation is printed in full below:</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2013/2014, 2015 and 2016 APRs stated that the program had been <i>"implemented."</i> (It should be noted that the County's APRs did not define the word <i>"implemented."</i> If <i>"implemented"</i> meant <i>"initiated,"</i> then the County's statement was correct, but if it meant <i>"completed,"</i> then the statement was incorrect.) With respect to this particular program, since the County did not complete any of the reviews scheduled for 2005, 2010 or 2015, the program cannot be considered implemented.</p> <p>In addition, it is important to note that the review begun in 2005 is no longer a 5-year review. Beginning around 2015, the County planning staff began to transform the 5-year review into a 20-year <i>"update"</i> of the General Plan with a new planning horizon to the year 2040. In switching from a 5-year review to a 20-year update of the General Plan, the</p> |

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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|  | <p><u>"The County initiated the General Plan review in 2006 and has been working on this effort since that time.</u></p> <p><i>On September 22, 2015 the Board of Supervisors accepted the scope of work and authorized the Chairman to execute a Consultant Agreement with the consulting firm of Mintier-Harnish to provide planning and environmental consulting services for the preparation of an Environmental Impact Report (EIR) for the <u>General Plan Five-Year Review and Comprehensive Zoning Ordinance Update.</u>"</i></p> <p><b>2016 APR</b></p> <p>The County's 2016 appraisal of program implementation is printed in full below:</p> <p><u>"The County initiated the General Plan review in 2006 and has been working on this effort ever since.</u></p> <p><i>On September 22, 2015 the Board of Supervisors accepted the scope of work and authorized the Chairman to execute a Consultant Agreement with the consulting firm of Mintier-Harnish to provide planning and environmental consulting services for the preparation of an Environmental Impact Report (EIR) for the <u>General Plan Five-Year Review and Comprehensive Zoning Ordinance Update.</u>"</i></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of program implementation is printed in full below:</p> <p><u>"The County in [sic] currently working on the Review of the General Plan.</u></p> <p><i>On September 22, 2015 the Board of Supervisors accepted the scope of work and authorized the Chairman to execute a Consultant Agreement with the consulting firm of Mintier-Harnish to provide planning and environmental consulting services for the preparation of an Environmental Impact Report (EIR) for the <u>General Plan Review and Comprehensive Zoning Ordinance Update.</u>"</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Modify program.</p> <p>Retain time frame: Every 5 years.</p> | <p>County, in effect, abandoned its responsibility under Program LU-H.E to conduct a 5-year review of the General Plan in favor of completing a 20-year update of the plan.</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to amend Program LU-H.E to read that five-year reviews will no longer be obligatory. Below is the recommended change to Program LU-H.E:</p> <p><i>The County <del>shall</del> should conduct a major review of the General Plan, including General Plan Policy Document and Background Report, every five years and revise it as deemed necessary.</i></p> <hr/> <p><b>Conclusion:</b></p> <p>The County has not completed any of the required 5-year reviews of the General Plan — those scheduled for 2005, 2010 and 2015.</p> <p><b>Evidence of the successful implementation of Program LU-H.E during 2017:</b></p> <p>None.</p> |
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**Deliverable:** Comprehensive amendment of the Zoning Ordinance and Zoning Map to ensure conformity with new policies and standards in the 2000 update of the General Plan.

**County Reporting**

**League Reporting**

**2002 APR**

The 2002 APR stated that, consistent with the 2000 update of the General Plan, portions of the Zoning Ordinance had been amended to address parcel size exceptions and housing density. Furthermore, additional amendments would be processed in future years, as necessary, to implement General Plan policies.

At the time the General Plan was updated in 2000, the County recognized the need to bring the Zoning Ordinance into compliance with the new Plan. A number of programs addressed this need: LU-A.A, LU-D.A, LU-F.B, LU-G.A and LU-H.F.

**2013/2014, 2015 and 2016 APRs**

These APRs stated that the program had been implemented. (The 2017 APR did not state the program had been implemented.)

The 2002 APR indicated that additional amendments of the General Plan were needed to bring the Zoning Ordinance into complete compliance with the 2000 update of the plan.

**2015, 2016 and 2017 APRs**

These APRs contained a nearly identical appraisal of the implementation of the program. (The differences among the three APRs are underlined.)

The County's 2014, 2015, 2016 and 2017 APRs did not provide a clear account of the degree to which the County had been able to accomplish that task. Although the APRs indicated that some progress had been made and that the County was continuing to work on a comprehensive update of the Zoning Ordinance, the APRs did not provide evidence that the program had been fully implemented — i.e., that the Zoning Ordinance had been brought into complete compliance with the provisions of the 2000 General Plan.

**2015 APR**

The County's 2015 appraisal of program implementation is printed in full below:

*"The Zoning Ordinance has been amended to incorporate the policies of the 2000 General Plan Update.*

*The County initiated the Zoning Ordinance Update in 2006 and has been working on this effort since that time.*

*On September 22, 2015, the Board of Supervisors accepted the scope of work and authorized the Chairman to execute a Consultant Agreement with the consulting firm of Mintier-Harnish to provide planning and environmental consulting services for the preparation of an Environmental Impact Report (EIR) for the General Plan Five-Year Review and Comprehensive Zoning Ordinance Update."*

**Conclusion:**

While the County has made some progress in amending the Zoning Ordinance to ensure conformity with the 2000 update of the Agriculture and Land Use Element, the County's APRs did not demonstrate that the County had completed that work.

**Evidence of the successful implementation of Program LU-H.F during 2017:**

Poor.

**2016 APR**

The County's 2016 appraisal of program implementation is printed in full below:

*“The Zoning Ordinance has been amended to incorporate the policies of the 2000 General Plan Update.*

*The County initiated the Zoning Ordinance Update in 2006 and has been working on this effort since.*

*On September 22, 2015, the Board of Supervisors accepted the scope of work and authorized the Chairman to execute a Consultant Agreement with the consulting firm of Mintier-Harnish to provide planning and environmental consulting services for the preparation of an Environmental Impact Report (EIR) for the General Plan Five-Year Review and Comprehensive Zoning Ordinance Update.”*

**2017 APR**

The County's 2017 appraisal of program implementation is printed in full below:

*“The Zoning Ordinance has been amended to incorporate the policies of the 2000 General Plan Update.*

*The County is currently working on the update of the Zoning Ordinance along with the General Plan Review.*

*On September 22, 2015, the Board of Supervisors accepted the scope of work and authorized the Chairman to execute a Consultant Agreement with the consulting firm of Mintier-Harnish to provide planning and environmental consulting services for the preparation of an Environmental Impact Report (EIR) for the General Review and Comprehensive Zoning Ordinance Update.”*

**Recommendations in the Draft 2017 Policy Document**

Delete program.

Change time frame: FY 02-04 → Ø

## 2000 TRANSPORTATION AND CIRCULATION ELEMENT

| 43                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     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                                                                                                                                                                                                                                                                                                                                                                                                                              | <p><b>Deliverable:</b> At least every 5 years, update of the County’s Road Improvement Program (RIP), which prioritizes operational and safety improvements, maintenance, rehabilitation and reconstruction of the road system in unincorporated Fresno County.</p>                                                                                                                                                                                                                                                                                                                                      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The APR also stated that although completion was delayed due to budget constraints and vacant staff positions, a draft Road Improvement Program update was expected to be ready for Board consideration in January 2003.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015 APR</b></p> <p>The County’s 2015 appraisal of program implementation is printed in full below:</p> <p><i>“On April 7, 2015, the County Board of Supervisors approved the Fresno County Road Improvement Program (RIP). The RIP identified anticipated revenues and defined the areas of road program emphasis as well as specific planned projects over a five-year period.”</i></p> <p><b>2016 and 2017 APRs</b></p> <p>These APRs contained a nearly identical appraisal of the implementation of the program, the only difference being that the 2016 APR contained a different date — May 24, 2016 rather than August 22, 2017. The appraisal from the 2017 APR is printed in full below:</p> <p><i>“On August 22, 2017, the Board of Supervisors approved the Fresno County Road Improvement Program (RIP) and Declaration of Projects. The RIP is a multi-year maintenance and construction programming plan and reflects the County’s efforts to protect and improve the public investment in the County road system and to provide for the safe and efficient movement of people and commodities. The RIP identifies maintenance funding levels and specific projects expected to be delivered within a defined time frame. The funding in the RIP reflects current and projected budgets and the RIP also identifies, but does</i></p> </td> <td style="vertical-align: top;"> <p>The County’s 2017 APR stated that the on August 22, 2017, the Board of Supervisors updated its Fresno County Road Improvement Program. The period covered by that update began July 1, 2017 and will run through June 30, 2022.</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to amend Program TR-A.A to read that the County will update its RIP annually.</p> <hr style="width: 20%; margin-left: auto; margin-right: 0;"/> <p><b>Conclusion:</b></p> <p>The County has updated its Road Improvement Program.</p> <p><b>Evidence of the successful implementation of Program TR-A.A during 2017:</b></p> <p>Good.</p> </td> </tr> </tbody> </table> | County Reporting | League Reporting | <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County was working on development of an update of the County’s 1997-2004 Road Improvement Program. 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The period covered by that update began July 1, 2017 and will run through June 30, 2022.</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to amend Program TR-A.A to read that the County will update its RIP annually.</p> <hr style="width: 20%; margin-left: auto; margin-right: 0;"/> <p><b>Conclusion:</b></p> <p>The County has updated its Road Improvement Program.</p> <p><b>Evidence of the successful implementation of Program TR-A.A during 2017:</b></p> <p>Good.</p> |
| County Reporting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       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| <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County was working on development of an update of the County’s 1997-2004 Road Improvement Program. The APR also stated that although completion was delayed due to budget constraints and vacant staff positions, a draft Road Improvement Program update was expected to be ready for Board consideration in January 2003.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015 APR</b></p> <p>The County’s 2015 appraisal of program implementation is printed in full below:</p> <p><i>“On April 7, 2015, the County Board of Supervisors approved the Fresno County Road Improvement Program (RIP). The RIP identified anticipated revenues and defined the areas of road program emphasis as well as specific planned projects over a five-year period.”</i></p> <p><b>2016 and 2017 APRs</b></p> <p>These APRs contained a nearly identical appraisal of the implementation of the program, the only difference being that the 2016 APR contained a different date — May 24, 2016 rather than August 22, 2017. The appraisal from the 2017 APR is printed in full below:</p> <p><i>“On August 22, 2017, the Board of Supervisors approved the Fresno County Road Improvement Program (RIP) and Declaration of Projects. The RIP is a multi-year maintenance and construction programming plan and reflects the County’s efforts to protect and improve the public investment in the County road system and to provide for the safe and efficient movement of people and commodities. The RIP identifies maintenance funding levels and specific projects expected to be delivered within a defined time frame. 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The period covered by that update began July 1, 2017 and will run through June 30, 2022.</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to amend Program TR-A.A to read that the County will update its RIP annually.</p> <hr style="width: 20%; margin-left: auto; margin-right: 0;"/> <p><b>Conclusion:</b></p> <p>The County has updated its Road Improvement Program.</p> <p><b>Evidence of the successful implementation of Program TR-A.A during 2017:</b></p> <p>Good.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             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|    |        | <p><i>not fund, a number of recommended projects that are necessary for an improved County road and bridge system. These prospective projects are described in a series of appendices to the RIP. The types of projects in the RIP include bridge replacement/repair, road reconstruction, traffic signals, shoulder widening, and pavement repair.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Modify program.</p> <p>Change time frame: Every 5 years → Annually.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 44 | TR-A.B | <p><b>Deliverable:</b> Consideration of the adoption of a traffic fee ordinance to achieve the adopted level of service (LOS) and preserve the structural integrity of the County’s road system based on a twenty (20) year time horizon.</p> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that a report identifying the basic requirements for a regional fee program had been provided to the Board for its consideration. The APR added that <i>“the lack of progress [in implementing Program TR-A.B] is principally due to the allocation of resources associated with funding and/or staffing.”</i> The APR recommended <i>“adjustment of the timeframe for adoption of a traffic impact fee ordinance, dependent upon Board direction and funding availability.”</i></p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015 APR</b></p> <p>The County’s 2015 appraisal of program implementation is printed in full below:</p> <p><i>“A traffic impact fee has been adopted by the Board of Supervisors. However, on February 2, 2015, the Board of Supervisors conducted a second public hearing to consider an amendment to repeal the Public Facilities Impact Fees Ordinance in its entirety. At the conclusion of the hearing, the Board decided to continue suspension of the impact fees and directed Staff to return to the Board in two years.”</i></p> <p><b>2016 and 2017 APRs</b></p> <p>These APRs contained a nearly identical appraisal of the implementation of the program, the only difference being that the 2017 APR added the two underlined</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2002, 2015, 2016 and 2017 APRs stated that the Board of Supervisors adopted a traffic fee ordinance.</p> <p>The County’s 2015, 2016 and 2017 APRs reported that the collection of traffic impact fees had been suspended since at least 2015.</p> <p>Since program implementation only required <i>“consideration”</i> of the adoption of a traffic fee ordinance, the program must be deemed fully implemented independent of whether or not the County actually adopted a traffic fee ordinance or implemented it.</p> <p>It is important to note that comments in the County’s 2015, 2016 and 2017 APRs regarding <i>“public facility impact fees”</i> were not germane to the directive in Program TR-A.B to consider adoption of a <i>“traffic fee ordinance.”</i></p> <hr/> <p><b>Conclusion:</b></p> <p>The County considered the adoption of a traffic fee ordinance.</p> <p><b>Evidence of the successful implementation of Program TR-A.B during 2017: G</b></p> |

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|           |               | <p>sentences. The appraisal from the 2017 APR is printed in full below:</p> <p><i>“A traffic impact fee has been adopted by the Board of Supervisors. However, on May 19, 2015, the Board of Supervisors conducted a public hearing to consider an amendment to repeal the Public Facilities Impact Fees Ordinance in its entirety. At the conclusion of the hearing, the Board decided to continue suspension of the impact fees to November 9, 2017 and directed Staff to return to the Board with a workshop on the County’s Facility Impact Fees and provide options for the Board to consider. <u>On October 31, 2017, the Board of Supervisors conducted the second public hearing to consider an amendment to the County Ordinance for Public Facilities Impact Fees. At the conclusion of the hearing, the Board decided to continue suspension of the impact fees to November 10, 2018.”</u></i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Change time frame: FY 01-02 → 2021-?.</p> <p>(The question mark in the time frame above is written in place of the year because that portion of the County’s Draft 2017 Policy Document is unreadable.)</p> | <p>Good.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p>45</p> | <p>TR-A.C</p> | <p><b>Deliverable:</b> Ongoing pursuit of new funding sources for transportation improvements.</p> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County continually monitored sources of funding applicable to the County.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The County continues to pursue funding for transportation improvements in working with the Fresno Council of Governments.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p>                                                                                                                                                                                                                                                                                                                                                                                                                   | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that the County continually monitored sources of funding for transportation improves. And although the APRs provided no information to support that statement, it may be assumed that the County implemented the program to some degree.</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County has been able to pursue new funding sources for transportation improvements.</p> <p><b>Evidence of the successful implementation of Program TR-A.C during 2017:</b></p> |

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|    |        | Retain time frame: Ongoing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Poor.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 46 | TR-A.D | <b>Deliverable:</b> Coordination of transportation planning with the Fresno Local Agency Formation Commission (LAFCo), Caltrans, the cities and neighboring counties.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|    |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County participated in the following: various Fresno Council of Governments (FCOG) transportation committees, the FCOG East-West Corridor Steering Committee, the FCOG Freight Advisory Committee; the Fresno Area Regional Collaborative Land Use/Transportation Committee, Caltrans Project Development Teams, the Fresno County Transportation Authority Technical Advisory Committee, the Manning Avenue Transportation Corridor of Economic Significance Technical Support Committee, the San Joaquin River Conservancy Interagency Project Development Team and the Golden State Corridor Coalition.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained a nearly identical appraisal of the implementation of the program. The appraisal from the 2017 APR is printed in full below:</p> <p><i>“During 2017, the County continued coordinating its transportation planning with FCOG, Caltrans, Cities and adjacent jurisdictions.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p> <p>Add new Program ED-A.C, which would read as follows:</p> <p><i>“The County shall collaborate with the Fresno Council of Governments and existing food, fiber, and agricultural product processing firms to assess the current state of regional and intermodal transportation infrastructure, the needs for the future, and the role of the County and other agencies in facilitating infrastructure development.”</i></p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that the County continued to coordinate transportation planning with the Fresno Local Agency Formation Commission, Caltrans, the cities and neighboring counties. And although the APRs provided no information to support that statement, it may be assumed that the County implemented the program to some degree.</p> <p>The draft 2017 General Plan Policy Document included new Program ED-A.C that would require the County to collaborate with the Fresno Council of Governments and existing food, fiber, and agricultural product processing firms to assess the current state of regional and intermodal transportation infrastructure, the needs for the future, and the role of the County and other agencies in facilitating infrastructure development.</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County has been able to coordinate transportation planning with the Fresno Local Agency Formation Commission, Caltrans, the cities and neighboring counties.</p> <p><b>Evidence of the successful implementation of Program TR-A.D during 2017:</b></p> <p>Poor.</p> |

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| 47 | TR-A.E | <b>Deliverable:</b> Update of County Improvement Standards for County development improvements, including private roads dedicated to public use.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|    |        | <b>County Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>League Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|    |        | <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County was drafting revised improvement standards to update its 1966 document and that it was anticipated that a draft document would be circulated in fiscal year 2002-2003.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The County implements this program/policy on a continuous basis. The County is currently working on updating the County’s Improvement Standards.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p> <p>Add new Program TR-A.F, which would read as follows:</p> <p><i>“The County shall prepare Complete Streets Design Guidelines and update the them [sic] every five years.”</i></p> | <p>The County’s 2002, 2015, 2016 and 2017 APRs stated that the County was in the process of updating the County’s Improvement Standards. The APRs provided no information to support that statement, and they provided no information as to when an update might be completed.</p> <p>The draft 2017 General Plan Policy Document included new Program TR-A.F that would require the County to prepare “complete streets design guidelines” and update them every five years.</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County has been able to update County Improvement Standards for County development improvements, including private roads dedicated to public use.</p> <p><b>Evidence of the successful implementation of Program TR-A.D during 2017:</b></p> <p>Poor.</p> |
| 48 | TR-B.A | <b>Deliverable:</b> In cooperation with the Fresno Council of Governments (FCOG) and at least as often as required by law, periodic update of short-range transit plans.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|    |        | <b>County Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>League Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|    |        | <p><b>2002 APR</b></p> <p>The 2002 APR stated that a Short-Range Transit Plan for the Fresno-Clovis Urbanized Area was adopted by the Fresno Council of Governments in 2001 and that a Short-Range Transit Plan for the Rural Area (outside of the Fresno/Clovis Metropolitan Area) was adopted by FCOG in 2002. The APR also stated that implementation of the program had been completed</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>The County’s 2002, 2015, 2016 and 2017 APRs stated that short-range rural transit plans were periodically updated by the Fresno Council of Governments. The last update of the short-range rural transit plan was June 25, 2015 to serve the four-year period from 2016 – 2020.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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|    |        | <p>and that the next update of these plans would occur in fiscal year 2006-2007.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015 APR</b></p> <p>The County's 2015 appraisal of program implementation is printed in full below:</p> <p><i>"The County implements this policy on a continuous basis. The Short-Range Transit Plan for the Rural Fresno County Area 2016-2020 was adopted by the Fresno COG on June 25, 2015."</i></p> <p><b>2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>"The County works with FCOG on review and update of the Short-Range Transit Plan on a continuous basis. The Short-Range Transit Plan for the Rural Fresno County Area was last approved by the FCOG Policy board on June 25, 2015. FCOG staff is working on the plan that will be presented to the FCOG Policy Board for consideration in June of 2017."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Time frame change: Every 5 years → Ongoing.</p> | <p><b>Conclusion:</b></p> <p>The County's short-range transit plans have been updated.</p> <p><b>Evidence of the successful implementation of Program TR-B.A during 2017:</b></p> <p>Good.</p>                                                                                                                                                      |
| 49 | TR-B.B | <p><b>Deliverable:</b> Encouragement of transit providers and the Fresno Council of Governments (FCOG) to prepare, adopt, implement and update (on a regular basis) a long-range strategic transit master plan for the county or for subareas of the county.</p> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that an update to the Fresno Area Express Transit Long-Range Master Plan was completed and accepted by the Fresno Council of Governments (<b>FCOG</b>) in 2002.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p style="text-align: center;"><b>League Reporting</b></p> <p>To fully implement the program, the County was required only to "encourage" the preparation, adoption, implementation and update of a Fresno Area Express Transit Long-Range Master Plan.</p> <p>The County's 2002, 2015, 2016 and 2017 APRs stated that long-range transit plans</p> |

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|    |        | <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The Fresno-Clovis Metropolitan Area Public Transportation Strategic Service Evaluation project was completed by FCOG on May 28, 2014. FCOG continues to prepare, adopt, and implement long-range strategic transit master plans for the County or sub-areas of the County.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p>                                                                                                                                                                                                                | <p>were periodically updated by the Fresno Council of Governments.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has encouraged transit providers and the Fresno Council of Governments to prepare, adopt, implement and update a long-range strategic transit master plan for the county and for subareas of the county.</p> <p><b>Evidence of the successful implementation of Program TR-B.B during 2017:</b></p> <p>Good.</p>                                                                                                                                                                                                                                                                                              |
| 50 | TR-B.C | <p><b>Deliverable:</b> Pursuit of transit funding through the Fresno Council of Governments (FCOG) and the Fresno County Rural Transit Agency.</p> <hr/> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that program implementation was ongoing.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“Fresno County continues to work with FCOG to identify and pursue funding for transit.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that the County continued to work with FCOG to identify and pursue funding for transit. And although the APRs provided no information to support that statement, it may be assumed that the County implemented the program to some degree.</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County has been able to pursue transit funding through the Fresno Council of Governments and the Fresno County Rural Transit Agency.</p> <p><b>Evidence of the successful implementation of Program TR-B.C during 2017:</b></p> <p>Poor.</p> |

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| 51 | TR-B.D | <p><b>Deliverables:</b> With assistance of the Fresno Council of Governments (FCOG) and other agencies, identification of rail right-of-way needs in designated transit corridors.</p> <p>Acquisition of needed rights-of-way.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|    |        | <p><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the preservation of existing transportation corridors designated for potential mass transit use would be evaluated and pursued cooperatively with other agencies as opportunities arose.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“Fresno County continues to work with FCOG to identify right-of-way needs within designated transit corridors and to acquire needed rights-of-way, including abandoned rights-of-way and track structures.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p> | <p><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that the County continued to work with FCOG to identify rail right-of-way needs within designated corridors and to acquire needed rights-of-way. And although the APRs provided no information to support that statement, it may be assumed that the County implemented the program to some degree.</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County has been able to identify rail right-of-way needs in designated transit corridors.</p> <p><b>Evidence of the successful implementation of Program TR-B.D during 2017:</b></p> <p>Poor.</p> |
| 52 | TR-B.E | <p><b>Deliverable:</b> In cooperation with the county’s 15 cities, preparation and adoption of land use and design standards that promote transit accessibility and use within designated urban transit corridors.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|    |        | <p><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that there had been no activity to date.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that FCOG prepared a funding study to be adopted by the County and the 15 cities in order to shape growth that supports transit investments.</p> <p>The APRs provided no evidence that the County had actually adopted land use and design standards (based on a Public Transportation Infrastructure Study) to</p>                                                                                                                                                                                                                                                                                                                   |

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|    |        | <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“In 2011, FCOG prepared the Public Transportation Infrastructure Study (PTIS). The PTIS Study makes recommendations for investments, the timing of those investments, and funding sources augmenting Measure C sales tax revenue to pay for them. In addition, the PTIS study makes policy recommendations that will be important to be adopted by City- and County-elected officials and implemented by planning department and public works administrators in order to shape future growth in such a way that it supports the transit investments. Fresno County continues to work with FCOG to promote transit accessibility and use.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Change time frame: FY 01-02 → 2018-?.</p> <p>(The question mark in the time frame above is written in place of the year because that portion of the County’s Draft 2017 Policy Document is unreadable.)</p> | <p>promote transit accessibility and use within designated urban transit corridors.</p> <hr/> <p><b>Conclusion:</b></p> <p>There was no indication in the APRs that County adopted land use and design standards that promote transit accessibility and use within designated urban transit corridors.</p> <p><b>Evidence of the successful implementation of Program TR-B.E during 2017:</b></p> <p>None.</p>                                                                                                                                                                                                                                       |
| 53 | TR-B.F | <p><b>Deliverable:</b> In cooperation with the California Department of Transportation (Caltrans), identify the need for and location of additional or expanded park-and-ride lots.</p> <hr/> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County continued to work with Caltrans and the Fresno Council of Governments through its transportation planning processes to identify regional needs for Park and Ride lots and to work with various agencies on appropriate locations and funding.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“Caltrans is the primary provider of Park and Ride lots on State highways. Fresno County continues to work with Caltrans and FCOG to determine the need for</i></p>                                                                                      | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2002, 2015, 2016 and 2017 APRs stated that the County continued to work with Caltrans to identify the need for and location of additional or expanded park-and-ride lots. And although the APRs provided no information to support that statement, it may be assumed that the County implemented the program to some degree.</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County has been able to identify the need for and location of additional or expanded park-and-ride lots.</p> |

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|    |        | <p><i>additional or expanded park-and-ride lots and to identify additional sites for such lots.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p><b>Evidence of the successful implementation of Program TR-B.F during 2017:</b></p> <p>Poor.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 54 | TR-D.A | <p><b>Deliverable:</b> In cooperation with the Fresno Council of Governments (FCOG), the county’s 15 cities and the California Department of Transportation (Caltrans), update of the County’s Regional Bikeways Plan to ensure conformity with the Circulation Diagram and Standards section of the 2000 update of the General Plan.</p> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the program had been completed, that the County’s Regional Bikeways Plan had been updated as part of the Regional Transportation Plan adopted by the Council of Governments on November 29, 2001. The APR stated that the Regional Bikeways Plan was consistent with the County’s Rural Bikeways Plan.</p> <p><b>2013/2014 APR</b></p> <p>Based on the fact that the County had adopted a Regional Bicycle and Recreational Trails Master Plan, the 2013/2014 APR stated that the program had been implemented and was no longer needed.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained a nearly identical appraisal of the implementation of the program. The appraisal from the 2017 APR is printed in full below:</p> <p><i>“The Regional Bikeways Plan was updated as part of the non-motorized section of the Regional Transportation Plan that was last updated by FCOG on June 26, 2014. The Regional Bikeways Plan is consistent with the Fresno County Regional Bicycle and Recreational Trails Master Plan that was adopted by the Board of Supervisors on September 24, 2013.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: FY 00-01 → Ø</p> <p>Add new Program TR-D.E, which would read as follows:</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that the County adopted a Regional Bicycle and Recreational Trails Master Plan in 2013 and that the Fresno Council of Government’s 2014 Regional Bikeways Plan was consistent with the County’s 2013 plan.</p> <p>(It should be noted that the 2015, 2016 and 2017 APRs did not state that the County’s 2013 plan was prepared in cooperation with FCOG, the county’s 15 cities and the California Department of Transportation.)</p> <p>The draft 2017 General Plan Policy Document included new Program TR-D.E which would allow the County to independently update its Regional Bicycle and Recreational Trails Master Plan, i.e., without having to work with the Fresno Council of Governments, the county’s 15 cities or the California Department of Transportation. (New Program TR-D.E would replace existing Program TR-D.A.)</p> <hr/> <p><b>Conclusion:</b></p> <p>The County’s Regional Bikeways Plan has been updated.</p> <p><b>Evidence of the successful implementation of Program TR-D.A during 2017:</b></p> <p>Good.</p> |

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|    |        | <i>"The County shall periodically review and update the Regional Bicycle and Recreational Trails Master Plan."</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 55 | TR-D.B | <b>Deliverable:</b> Ongoing encouragement of the use of bikeways and an active search for funding for their implementation and maintenance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|    |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the program was ongoing, for example, that the County was developing a draft Bicycle Transportation Plan to meet the eligibility requirements for competitive State Bicycle Lane Account funds. The APR stated that the plan was expected to be presented to the Board in 2003.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained a nearly identical appraisal of the implementation of the program. The appraisal from the 2017 APR is printed in full below:</p> <p><i>"The County continues to encourage implementation and use of bikeways by implementing the goals and policies of the Fresno County Regional Bicycle and Recreational Trails Master Plan that was adopted by the Board of Supervisors on September 24, 2013."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Modify program.</p> <p>Retain time frame: Ongoing.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The 2015, 2016 and 2017 APRs stated that the County continued to encourage implementation and use of bikeways by implementing the goals and policies of the Fresno County Regional Bicycle and Recreational Trails Master Plan. The APRs provided no information to support that statement or the requirement that the County actively engage in a search for funding to implement and maintain bikeways.</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to amend Program TR-D.B to eliminate the requirement that the County encourage maintenance and use of bikeways through the use of Transportation Development Act Article III funding.</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County has been able to encourage the use of bikeways and actively search for funding for their implementation and maintenance.</p> <p><b>Evidence of the successful implementation of Program TR-D.B during 2017:</b></p> <p>Poor.</p> |
| 56 | TR-D.C | <b>Deliverable:</b> Evidence that road construction projects are designed to incorporate bikeways.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|    |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that, where applicable, the County was including the provision for bikeway signing</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2015, 2016 and 2017 APRs stated that the County required sufficient</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

|    |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|    |        | <p>and striping as conditions of approval on new development projects.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained a nearly identical appraisal of the implementation of the program. The appraisal from the 2017 APR is printed in full below:</p> <p><i>“The County requires sufficient pavement width for bikeways shown on the Fresno County Regional Bicycle and Recreational Trails Master Plan that was adopted by the Board of Supervisors on September 24, 2013.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p>                                                                                                                                                                                                                                                                                                         | <p>pavement width for bikeways shown on the Fresno County Regional Bicycle and Recreational Trails Master Plan.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County’s road construction projects are designed to incorporate bikeways.</p> <p><b>Evidence of the successful implementation of Program TR-D.C during 2017:</b></p> <p>Good.</p>                                                                                                                                                                                                                                                                                                                                                            |
| 57 | TR-D.D | <p><b>Deliverable:</b> Use of California Department of Transportation (Caltrans) standards for the construction of bike facilities.</p> <hr/> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County continued to implement the program, that Caltrans standards for bikeways had been adopted for the Friant Road and Academy Avenue projects.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained a nearly identical appraisal of the implementation of the program. The appraisal from the 2017 APR is printed in full below:</p> <p><i>“The Fresno County Regional Bicycle and Recreational Trails Master Plan that was adopted by the Board of Supervisors on September 24, 2013, specifies California Department of Transportation (Caltrans) bikeway design standards as guidelines for the construction of Class I, II, III bicycle facilities.”</i></p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that the County had adopted Caltrans’ bikeway design standards as guidelines for the construction of Class I, II, III bicycle facilities.</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to amend Program TR-D.D to read that the County will use design standards provided by the American Association of State Highway and Transportation Officials rather than those provided by Caltrans.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County uses California Department of Transportation standards for the construction of bike facilities.</p> |

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|    |        | <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Modify program.</p> <p>Retain time frame: Ongoing.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p><b>Evidence of the successful implementation of Program TR-D.D during 2017:</b></p> <p>Good.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 58 | TR-D.E | <p><b>Deliverable</b> In cooperation with other agencies, work to provide facilities that help link bicycle use with other modes of transportation, including the provision of bike racks or space on buses and parking or lockers for bicycles at transportation terminals.</p> <hr/> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that implementation of this program was ongoing, for example, that both Fresno Area Express (FAX) and the Fresno County Rural Transit Agency outfitted buses with bicycle racks.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained a nearly identical appraisal of the implementation of the program. The appraisal from the 2017 APR is printed in full below:</p> <p><i>“The Fresno County Regional Bicycle and Recreational Trails Master Plan that was adopted by the Board of Supervisors on September 24, 2013, provides information on facilities that help link bicycle riders to other modes, including the provision of bike racks or space on buses and parking or lockers for bicycles at transportation terminals.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>As stated in the County's 2015, 2016 and 2017 APRs, the County approved a 2013 Regional Bicycle and Recreational Trails Master Plan which contained policies promoting the provision of bike racks or space on buses, as well as bike parking areas. Although the APRs provided no information that the County was actively providing facilities to help link bicycle use with other modes of transportation, it may be assumed that the County implemented the program to some degree.</p> <p>(It should be noted that the 2013 Master Plan expressly stated that the Fresno County Rural Transit Agency did not offer bicycle parking facilities at its transit stops or park-and-ride lots and that the County did not envision the need for the installation of lockers.)</p> <hr/> <p><b>Conclusion:</b></p> <p>While the County has adopted a Regional Bicycle and Recreational Trails Master Plan that contains information on facilities that help link bicycle riders to other modes of transportation, information in the APRs is insufficient to understand the extent to which the County has been able to provide such facilities.</p> <p><b>Evidence of the successful implementation of Program TR-D.E during 2017:</b></p> <p>Poor.</p> |

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| <b>59</b> | <b>TR-E.A</b>           | <b>Deliverable:</b> In cooperation with other agencies, preserve railroad rights-of-way for future rail expansion or other transportation facilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|           | <b>County Reporting</b> | <b>League Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|           |                         | <p><b>2002 APR</b></p> <p>The 2002 APR stated that no action had been taken, that preservation of at-risk rail corridors for transportation purposes would be evaluated and pursued cooperatively with other agencies as opportunities arose.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The County continues to work with other agencies including the California High Speed Rail Authority for rail expansion to facilitate the railroad rights-of-way for railroads and other transportation facilities.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Modify program.</p> <p>Retain time frame: Ongoing.</p> | <p>The County’s 2015, 2016 and 2017 APRs stated that the County continued to work with other agencies to facilitate railroad rights-of-way for future rail expansion or other transportation facilities. And although the APRs provided no information to support that statement, it may be assumed that the County implemented the program to some degree.</p> <p>(It should be noted that the APRs did not address the “<i>preservation</i>” of existing railroad rights-of-way.)</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to amend Program TR-E.A by adding the requirement from TR-E.B that the County use appropriate zoning to preserve railroad rights-of-way for future rail expansion or other transportation facilities.</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County has been able to preserve railroad rights-of-way for future rail expansion or other transportation facilities.</p> <p><b>Evidence of the successful implementation of Program TR-E.A during 2017:</b></p> <p>Poor.</p> |
| <b>60</b> | <b>TR-E.B</b>           | <b>Deliverable:</b> Evidence of the use of appropriate zoning in designated rail corridors to ensure preservation of rail facilities for future rail use.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|           | <b>County Reporting</b> | <b>League Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|           |                         | <p><b>2002 APR</b></p> <p>The 2002 APR stated that the only activity related to designated rail corridors during the reporting period was</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>The County’s 2015, 2016 and 2017 APRs stated that the County continued to use</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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|    |        | <p>the groundwork laid for the Golden State Corridor study, which would include Union Pacific representatives.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The County continues to use appropriate zoning classifications in designated rail corridors.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: Ongoing → ∅</p> | <p>appropriate zoning in designated rail corridors to ensure preservation of rail facilities for future rail use. And although the APRs provided no information to support that statement, it may be assumed that the County implemented the program to some degree.</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to combine the requirements of Programs TR-E.A (preservation of railroad rights-of-way in cooperation with other agencies) and TR- E.B (use of appropriate zoning to preserve railroad rights-of-way) by folding the requirements of Program TR-E.B into Program TR-E.A.</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County has been able to use appropriate zoning in designated rail corridors to ensure preservation of rail facilities for future rail use.</p> <p><b>Evidence of the successful implementation of Program TR-E.B during 2017:</b></p> <p>Poor.</p> |
| 61 | TR-E.C | <p><b>Deliverable:</b> Participation on the Fresno Council of Governments (FCOG) Rail Committee.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|    |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the program was ongoing, that the County had official representation on the COG Rail Committee.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The FCOG Rail Committee was dissolved in 2012 when the San Joaquin Valley Joint Powers Authority</i></p>                            | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that the County had representation on the San Joaquin Valley Joint Powers Authority, which supplanted the San Joaquin Valley Rail Committee.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County is a participant in the San Joaquin Valley Joint Powers Authority, formerly known as the Fresno Council of Governments Rail Committee.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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|  | <p>(SJVJPA) was formed. A Board of Supervisors member represents Fresno County by participating in the SJVJPA.”</p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p> | <p><b>Evidence of the successful implementation of Program TR-E.C during 2017:</b></p> <p>Good.</p> |
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## 2000 PUBLIC FACILITIES AND SERVICES ELEMENT

|           |               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| <b>62</b> | <b>PF-A.A</b> | <p><b>Deliverable:</b> Evidence that infrastructure plans or area facility plans are prepared in conjunction with any new or expanded community or specific plans.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|           |               | <p><b>County Reporting</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p><b>League Reporting</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|           |               | <p><b>2002 APR</b></p> <p>The 2002 APR stated that an analysis of infrastructure improvements would be performed whenever specific plan amendments or updates were required.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“Where specific plan amendments or updates are required as part of a proposed development project, analysis is performed on the adequacy of existing plans to ensure adequacy of infrastructure to accommodate the proposed development.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: Annually → Ø</p> | <p>The County’s 2015, 2016 and 2017 APRs stated that the County conducted an analysis of the adequacy of the existing infrastructure for specific plans whenever they were amended.</p> <p>(It should be noted that the 2015, 2016 and 2017 APRs did not reference any new or expanded community plans. It may be assumed, therefore, that no amendments of community or specific plans occurred during those three years.)</p> <p>(It should also be noted that the County has provided no justification for the recommended deletion of Program PF-A.A.)</p> <hr/> <p><b>Conclusion:</b></p> <p>Infrastructure plans or area facility plans are prepared in conjunction with any new or expanded community or specific plans.</p> <p><b>Evidence of the successful implementation of Program PF-A.A during 2017:</b></p> <p>Good.</p> |

**Deliverables:** Adoption of a Capital Improvement Program (CIP) for the design and construction of County facilities.

At least every 5 years or concurrent with the approval of a significant amendment of the General Plan, update of the CIP.

### County Reporting

#### 2002 APR

The 2002 APR stated that the County's Five-Year Capital Improvement Plan for County facilities was approved by the Board of Supervisors in November 2000 and had been modified on several occasions since then to include updates of facilities and financing plans.

The APR also stated that County staff from the General Services Department and the County Administrative Office was in the process of crafting a Facilities Master Plan that would be used to develop a new Five-Year Capital Improvement Plan for County facilities.

#### 2013/2014 APR

The 2013/2014 APR did not report on this program.

#### 2015, 2016 and 2017 APRs

These APRs contained a nearly identical appraisal of the implementation of the program, the only difference being that the 2017 APR added the two underlined sentences. The appraisal from the 2017 APR is printed in full below:

*"The CIP was last updated in 2006. However, updates of the CIP have been suspended by the Board with the suspension of impact fees until November 9, 2017 based on Board action which occurred on February 2, 2015. On October 31, 2017, the Board of Supervisors conducted the second public hearing to consider an amendment to the County Ordinance for Public Facilities Impact Fees. At the conclusion of the hearing, the Board decided to continue suspension of the impact fees to November 10, 2018."*

#### Recommendations in the Draft 2017 Policy Document

Delete program.

Change time frame: FY 01-02 → ∅

### League Reporting

The County's 2017 APR stated that the last update of the County's Capital Improvement Plan was in 2006 and that the Board of Supervisors suspended further updates of the CIP. The suspension of the collection of public facilities impact fees began November 10, 2010. (See the League report for Program PF-B.B.)

On October 9, 2018, the Board voted not to "suspend" but to "discontinue" the collection of the public facilities impact fees until a new Public Facilities Impact Report is prepared.

(It is important to note that there is no process for "suspending" or "discontinuing" General Plan programs without amending the General Plan.)

#### Conclusion:

Although the County adopted a Capital Improvement Program in 2006, further updates are on hold until such time as the Board of Supervisors reauthorizes the collection of facilities impact fees.

#### Evidence of the successful implementation of Program PF-B.A during 2017:

None.

**Deliverable:** Adoption of ordinances specifying methods for new development to pay for new capital facilities and expanded services.

### County Reporting

#### 2002 APR

The 2002 APR stated that work on this program would proceed after the Facilities Master Plan and new Five-Year Capital Improvement Plan were adopted. The APR added that *“the lack of progress is principally due to the allocation of resources associated with funding and/or staffing.”* The APR recommended *“adjustment of the timeframe, dependent upon funding available.”*

#### 2013/2014 APR

The 2013/2014 APR did not report on this program.

#### 2015, 2016 and 2017 APRs

These APRs contained a nearly identical appraisal of the implementation of the program, the only difference being that the 2017 APR added the two underlined sentences. The appraisal from the 2017 APR is printed in full below:

*“On October 8, 2013, the Board of Supervisors considered potential options to the County’s Public Facilities Impact Fee Ordinance and Schedule of Fees and associated Capital Improvement Plan (CIP) and any other actions related to the previously collected, unspent fees, and budgetary impacts resulting from those actions. The potential options included: 1) Continue the temporary suspension of collecting Public Facilities Impact (PFI) Fees through November 9, 2015, as approved by the Board on June 19, 2012; 2) Engage a consultant to prepare an updated PFI Fee Report and direct staff to prepare an associated CIP; 3) Engage with the consultant to study and prepare a report to reduce the number of categories and areas they serve; and, 4) Adopt an ordinance repealing the PFI and adopt a resolution to terminate the associated CIP and refund fees collected to the property owners of record. On February 2, 2015, the Board of Supervisors conducted a second public hearing to consider an amendment to repeal the Public Facilities Impact Fees Ordinance in its entirety. At the conclusion of the hearing, the Board decided to continue suspension of the impact fees until November 9, 2017 and directed Staff to return to the Board in two years.”*

#### Recommendations in the Draft 2017 Policy Document

### League Reporting

The County’s 2002 APR stated that a lack of progress was principally due to a lack of funding and/or staffing.

According to various staff reports to the Board of Supervisors, as well as Board meeting minutes, the Board adopted Ordinance 17.90 (Public Facilities Impact Fees) on July 22, 2008, and the fees became effective 60 days later on September 20, 2008.

The Board subsequently amended the ordinance four times to provide successive suspensions of the collection of fees from November 10, 2010 through November 10, 2018.

On October 9, 2018 the Board voted to discontinue the collection of public facilities impact fees established in 2008 by amending Zoning Ordinance Title 17 - Divisions of Land, Chapter 17.90.

(It is important to note that while the Board of Supervisors can delete a particular program through the amendment of the General Plan, it cannot “discontinue” a program through the amendment of the Ordinance Code.)

#### Conclusion:

Although in 2008 the County adopted an ordinance in accordance with the requirements of Program PF-B.B specifying methods for new development to pay for new capital facilities and expanded services, in 2010 the Board of Supervisors suspended collection of the required fees.

#### Evidence of the successful implementation of Program BF-B.B during 2017:

None.

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| 65                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | PF-C.A | <p><b>Deliverable:</b> Development of a process to resolve water supply problems when areas of need are identified.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |
| <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that “<i>no progress</i>” had been made and recommended that the target date for implementation be extended from fiscal year 2002-2003 to fiscal year 2005-2006. The APR added that “<i>the lack of progress is principally due to the allocation of resources associated with funding and/or staffing.</i>”</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained a nearly identical appraisal of the implementation of the program, the only difference being that the 2017 APR added the underlined sentence. The appraisal from the 2017 APR is printed in full below:</p> <p><i>“The Water and Natural Resources Division of the Department of Public Works and Planning reviews all discretionary permits and provides recommendation for requirements and mitigation measures as necessary. The County, prior to consideration of any discretionary project related to land use, requires a water supply evaluation as outlined in General Plan Policy PF-C.17. In addition, the County is currently working to implement the requirements of the Sustainable Groundwater Management Act (SGMA) which will further address the resolution of water supply problems. In 2015, six SGMA working group meetings were held, which were co-chaired by members of the Board of Supervisors. The working group is also comprised of key County and Irrigation District staff and includes representation from other interested and affected Communities. In 2017, the Department of Public Works and Planning worked collaboratively with other local agencies in completing phase one of four that are required by the SGMA regulations, resulting in the formation of multiple GSAs located within Fresno County, with two exclusively managed by the County, Fresno County Management Areas A and B.”</i></p> |        | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2002 APR stated that a lack of progress was principally due to a lack of funding and/or staffing.</p> <p>The 2015, 2016 and 2017 APRs stated that the County reviewed the water supply requirements for new development projects and that the County was working to implement the Sustainable Groundwater Management Act of 2014.</p> <p>The APRs provided no evidence that the County had developed a process to resolve water supply problems when areas of need were identified.</p> <p>It’s important to note that from December 2011 to March 2017, the State of California experienced one of the worst droughts on record. In fact, the three-year period between late 2011 and 2014 was the driest in California history since record-keeping began. The impact on agricultural operations and rural residents was significant.</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to amend Program PF-C.A to read that in an effort to identify and implement projects and programs to improve water supply reliability and water quality, the County will participate in an Inter-Regional Water Management Plan rather than develop its own process for resolving water supply problems.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has not developed a process to resolve water supply problems, nor has it identified any need to do so.</p> |  |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |        | <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Modify program.</p> <p>Change time frame: FY 01-02 → Ongoing.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p><b>Evidence of the successful implementation of Program PF-C.A during 2017:</b></p> <p>None.</p> |
| 66                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | PF-C.B | <p><b>Deliverable:</b> Adoption of a well construction/deconstruction ordinance.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                     |
| <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County had acquired the field instrumentation necessary to plot water well sites and log them into the County's water well database. The APR also stated that existing Zoning Ordinance chapters addressing well construction and destruction would be evaluated and updated as necessary.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>"The County Environmental Health Division has developed a procedure to ensure the abandoned wells are properly destroyed."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: FY 02-03 → None.</p> |        | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2015, 2016 and 2017 APRs stated that the County's Environmental Health Division had developed a procedure to ensure that abandoned wells were properly destroyed.</p> <p>(It should be noted that the County's APRs did not state that the County had adopted a well construction/deconstruction ordinance, nor did they identify the procedures used by the County to ensure that abandoned wells were properly destroyed. That said, County Ordinance Code 14.08.130 through 14.08.170 (1974) does address the construction and destruction of water wells.)</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to determine if the County adopted a well construction/deconstruction ordinance after the update of the General Plan in 2000.</p> <p><b>Evidence of the successful implementation of Program PF-C.B during 2017:</b></p> <p>Poor.</p> |                                                                                                     |
| 67                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | PF-C.C | <p><b>Deliverable:</b> Preparation of water master plans for water delivery systems for areas undergoing urban growth.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                     |
| <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that updates of water master plans and implementation schedules were required for areas experiencing urban-type growth, such as the</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |        | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2015, 2016 and 2017 APRs stated that the County was required to update existing water master plans and</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                     |

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|    |        | <p>Millerton New Town area and the Shaver Lake area. The APR also stated that the Water, Geology and Natural Resources Section of the Planning Department was responsible for area-wide water plans but that no progress had been made in the development of those plans.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“Updates of water master plans and implementation schedules are required for areas experiencing urban-type growth. Millerton Specific Plan area, Shaver Lake area and Friant Specific Plan area have approved plans. As an example, in 2010, a Water Supply Assessment was completed for the Millerton Specific Plan as part of the approval process for Tentative Tract Map No. 5430.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Modify program.</p> <p>Change time frame: As needed → Ongoing.</p> | <p>implementation schedules for areas of the county experiencing urban growth. Even so, the APRs did not comment on whether the County had completed an inventory of the areas in need of such plans, such as the area along Interstate 5 corridor where the County’s 2016 Economic Development Strategy indicated the need to “develop water and related infrastructure services that can help attract new commercial and services uses that cater to highway travelers at key interchanges along Interstate.”</p> <p>Also not mentioned in the APRs was the requirement to prepare a regional plan for the Friant-Millerton area that would include a plan for groundwater and surface water availability. According to General Plan Policy LU-H.8, that area was the “county’s largest remaining area without productive agricultural soils near the Fresno-Clovis Metropolitan Area” that “may be suitable for urban development.”</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to amend Program PF-C.C to read that the County will shift its focus from preparing water master plans for areas undergoing urban growth to working with service providers to provide such plans for new development proposed for unincorporated communities.</p> <hr/> <p><b>Conclusion:</b></p> <p>While the County has prepared water master plans for acreage within certain specific plans, there is no indication that the County has prepared water master plans for other areas undergoing growth pressures, such as the area along the I-5 corridor or the area within the boundary of the pending Friant-Millerton Regional Plan. (See Program LU-H.A and Policy LU-H.8.)</p> <p><b>Evidence of the successful implementation of Program PF-C.C during 2017:</b></p> <p>Poor.</p> |
| 68 | PF-C.D | <b>Deliverable:</b> Creation of tiered water pricing structures for CSAs and waterworks districts.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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|    |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that tiered water rate structures had been implemented for some County Services Areas (CSAs) and that the County was in the process of selecting a consultant to develop tiered water pricing for other CSAs.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR stated that the program had been implemented.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs also stated that the program had been implemented.</p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“Tiered water rate structures have been implemented in recent developments. Due to recent drought conditions, CSA and WWD water rate structures are being modified to a flat rate (operational costs) plus a consumption rate (cost of water). Tiered consumption rates are being utilized in CSAs and WWDs where the supply or treatment of water is limited. All new developments are required to provide water rate structures prepared by an engineer and comprised of a flat rate and consumption rate.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Change time frame: FY 02-03 → 2021-?.</p> <p>(The question mark in the time frame above is written in place of the year because that portion of the County’s Draft 2017 Policy Document is unreadable.)</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that tiered water pricing or a flat rate plus consumption rate (cost of water) had been implemented for most if not all County Service Areas (<b>CSAs</b>) and County water districts.</p> <p>(It should be noted that even though the County’s 2013/2014, 2015 and 2016 APRs stated that the Program PF-C.D had been implemented, the County has proposed through its December 2017 draft of the Policy Document to amend the time frame for accomplishing Program PF-C.D from FY 02-03 to calendar year 2021 or beyond.)</p> <hr/> <p><b>Conclusion:</b></p> <p>Tiered water pricing structures for CSAs and waterworks districts have been created.</p> <p><b>Evidence of the successful implementation of Program PF-C.D during 2017:</b></p> <p>Good.</p> |
| 69 | PF-C.E | <p><b>Deliverable:</b> Establishment of water demand standards for new development.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|    |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that water demand standards were currently under review.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that specific water demand standards for new development had not been</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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|    |        | <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“Although specific standards have not been established, water supply and proposed water use are evaluated on a per-project basis by Public Works and Planning staff to determine adequate water supply. Further, in regards to landscaping, the County is implementing the State required Model Water Efficient Landscape Ordinance which applies to both residential and commercial projects. The MWELO was part of the Governor’s Drought Executive Order of April 1, 2015. The revised ordinance was approved on July 15, 2015.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: FY 01-02 → Ø</p> <p>Add new Program PF-C.E, which would read as follows:</p> <p><i>“The County shall adopt cost-effective urban best water conservation management practices, consistent with the intent of the California Urban Water Agencies, advisories, California Department of Water Resources, or similar authoritative agencies or organizations.”</i></p> | <p>established. The APRs stated that water supply and water use were evaluated on a per-project basis.</p> <p>The draft 2017 General Plan Policy Document included new Program PF-C.E which would require the County to adopt cost-effective urban best water conservation management practices.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has not established water demand standards for new development.</p> <p><b>Evidence of the successful implementation of Program PF-C.E during 2017:</b></p> <p>None.</p> |
| 70 | PF-C.F | <p><b>Deliverable:</b> Establishment of a review and/or regulatory process for...</p> <p>(a) Transfer of surface water out of the county and</p> <p>(b) Substitution of groundwater for transferred surface water.</p> <hr/> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that this program was completed in 2000 with the adoption of the Groundwater Transfer Ordinance.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2002, 2015, 2016 and 2017 APRs stated that the County adopted a Groundwater Transfer Ordinance in 2000.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has established a regulatory process for the transfer or surface water out</p>                                                                                                                                                                                                        |

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|    |        | <p>These APRs contained a nearly identical appraisal of the implementation of the program. The appraisal from the 2017 APR is printed in full below:</p> <p><i>“This program has been implemented with the adoption of the Groundwater Transfer Ordinance and should be deleted.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: FY 00-01 → Ø</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>of the county and for the substitution of groundwater for transferred surface water.</p> <p><b>Evidence of the successful implementation of Program PF-C.F during 2017:</b></p> <p>Good.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 71 | PF-C.G | <p><b>Deliverable:</b> Development and periodic update of a list of technologies and methods to maximize the use of water resources.</p> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the development of a list of water conservation technologies, methods and practices was planned for the last half of fiscal year 2002-2003.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The County enforces the State Model Water Efficient Landscape Ordinance as a means to promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible, to establish a structure for planning, designing, installing maintaining and managing water efficient landscapes in new and rehabilitated projects, to establish provisions for water management practices and water waste prevention for established landscapes, and to use water efficiently without waste by setting a Maximum Applied Water Allowance (MAWA) as an upper limit for water use and reduce water use to the lowest practical amount. These standards are enforced for any residential, commercial, or industrial projects that require a permit, plan check or design review and that have a 500 square feet or more landscaping area.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that the County was enforcing the state’s water use standards for landscaping.</p> <p>The APRs did not, however, state that the County had developed a list of technologies and methods to maximize the use of water resources.</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to amend Program PF-C.G to read that the County will prepare a Water Conservation Ordinance that includes water conservation technologies, methods, and practices to maximize the beneficial use of water resources — which suggests that the County does not currently have such a list.</p> <p>Through its December 2017 draft of the Policy Document, the County has also proposed new Program PF-C.E, which will require the County to adopt cost-effective urban best water conservation management practices.</p> <hr/> <p><b>Conclusion:</b></p> <p>Information from various County documents indicates that the County has not developed a</p> |

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|    |        | <p>Modify program.</p> <p>Change time frame: FY 01-02 → 2018 -? and Ongoing.<br/>(The question mark in the time frame above is written in place of the year because that portion of the County's Draft 2017 Policy Document is unreadable.)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>list of technologies and methods to maximize the use of water resources.</p> <p><b>Evidence of the successful implementation of Program PF-C.G during 2017:</b></p> <p>None.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 72 | PF-D.A | <p><b>Deliverable:</b> Creation of sewer master plans for sewer treatment facilities for areas undergoing urban growth.</p> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that updates of sewer master plans were required for areas experiencing urban-type growth. The APR also stated that areas of concern included the Millerton New Town area and Shaver Lake area, which had previously approved plans.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained a nearly identical appraisal of the implementation of the program. The appraisal from the 2017 APR is printed in full below:</p> <p><i>“Areas that experience urban growth are required to prepare a sewer master plan or update the current master plan. The Public Works and Planning Department is responsible for implementing the policies and implementation programs in the plan. This program is being implemented on an as needed basis.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Modify program.</p> <p>Change time frame: As needed → Ongoing.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2015, 2016 and 2017 APRs stated that areas experiencing urban growth were required to prepare new sewer master plans or update existing plans; however, the APRs did not provide information as to whether areas within the county were in need of such master plans.</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to amend Program PF-D.A to read that the County will no longer prepare wastewater master plans for “<i>areas experiencing urban growth</i>” but, instead, will work with service providers to provide such plans for new development in unincorporated communities.</p> <hr/> <p><b>Conclusion:</b></p> <p>While the County has prepared sewer master plans for acreage within certain specific plans, there is no indication that the County has prepared sewer master plans for other areas undergoing growth pressures, such as the area along the I-5 corridor or the area within the boundary of the pending Friant-Millerton Regional Plan. (See Program LU-H.A and Policy LU-H.8.)</p> <p><b>Evidence of the successful implementation of Program PF-D.A during 2017:</b></p> <p>Poor.</p> |

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| <b>73</b> | <b>PF-E.A</b>           | <b>Deliverable:</b> As appropriate and In cooperation with flood control agencies, adoption of regulations and programs to implement required state and federal stormwater quality programs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|           | <b>County Reporting</b> | <b>League Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|           |                         | <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County was consulting with applicable agencies to formulate checklists and pertinent requirements to implement required state and federal stormwater quality programs.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The County coordinates with the Fresno Metropolitan Flood Control District (FMFCD) who is the Lead Agency for the Municipal Storm Water Permit held by FMFCD, the cities of Fresno and Clovis, Fresno County, and California State University Fresno. The County also requires developments to file storm water permits with the State Water Resources Control Board when the project meets the minimum threshold for permitting.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p> | <p>The County’s 2015, 2016 and 2017 APRs stated that the County cooperated with the Fresno Metropolitan Flood Control District (<b>FMFCD</b>) regarding municipal stormwater permits and that, as necessary, the County required project applicants to file stormwater permits with the state Water Resources Control Board.</p> <p>The FMFCD has jurisdiction over land within the cities of Fresno and Clovis (including the area just outside their city limits) plus land east of the Fresno/Clovis metropolitan area extending into the foothills up to the community of Tollhouse. The APRs did not state whether the County has a responsibility to implement state and federal stormwater quality programs elsewhere in the County.</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to determine the extent to which the County has adopted regulations and programs to implement required state and federal stormwater quality programs.</p> <p><b>Evidence of the successful implementation of Program PF-E.A during 2017:</b></p> <p>Poor.</p> |
| <b>74</b> | <b>PF-F.A</b>           | <b>Deliverable:</b> Evidence of the requirement that new commercial, industrial or multi-family residential uses accommodate the collection and storage of recyclables.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|           | <b>County Reporting</b> | <b>League Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|           |                         | <p><b>2002 APR</b></p> <p>The 2002 APR stated that this program is an ongoing practice of the County.</p> <p><b>2013/2014 APR</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>The County’s 2015, 2016 and 2017 APRs stated that as the County reviewed new commercial, industrial and residential uses, it recommended adequate areas for the</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

|    |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|    |        | <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The Public Works and Planning staff review and comment on Initial Studies/Environmental Assessments and, when appropriate, provide comments recommending that new commercial, industrial, and multi-family residential uses provide adequate areas on site for the collection and storage of recyclable materials. The County implemented a mandatory hauler program in the mid-2000s to mandate refuse and recycling collection for all unincorporated areas.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Change time frame: FY 01-02 → Ongoing.</p> | <p>collection and storage and collection of recyclable materials.</p> <p>The APRs also stated that the County had implemented a hauler program in the mid-2000s that mandated refuse and recycling collection.</p> <hr/> <p><b>Conclusion:</b></p> <p>Although the County’s APRs stated that the County only “recommended” that new commercial, industrial and residential uses provide adequate areas for the collection and storage of recyclable materials, based on the implementation of a “mandatory” hauler program in the mid-2000s, it may be assumed that the Program PF-F.A has been implemented.</p> <p><b>Evidence of the successful implementation of Program PF-F.A during 2017:</b></p> <p>Good.</p> |
| 75 | PF-G.A | <p><b>Deliverables:</b> Adoption of a master plan for the location of sheriff substations.</p> <p>Evaluation of such master plans during the update of regional and community plans.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|    |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County had recently put into operation substations in the rural communities of Squaw Valley and Auberry and that the County was working on the relocation of its Area 2 substation.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“Sheriff’s Department has established substations in unincorporated County areas to be able to provide faster response to service calls. Although no master plan has been prepared, when Community Plans are updated, a location is identified for a Sheriff’s</i></p>        | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that the County had not adopted a master plan for the location of sheriff substations.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has not adopted a master plan for the location of sheriff substations.</p> <p><b>Evidence of the successful implementation of Program PF-G.A during 2017:</b></p> <p>None.</p>                                                                                                                                                                                                                                                                                   |

|    |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|    |        | <p><i>substation. Further, the Sheriff's Department actively works with Public Works and Planning staff on land use matters pertinent to their facilities.</i></p> <p><i>As an example, during the Laton Community Plan Update Public Works and Planning Department staff worked with Sheriff's Department staff to identify a potential location for a future Sheriff's substation."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: As Needed → ∅</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 76 | PF-H.A | <p><b>Deliverable:</b> Evidence that discretionary development projects are not approved unless...</p> <p>(a) A Fire Protection Master Plan has been adopted or</p> <p>(b) Fire facilities acceptable to the Director of the Department of Public Works and Planning are provided.</p> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County routed applications for discretionary development projects to the appropriate fire districts for review and comment and that the districts' comments were included as conditions of approval for those same projects.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>"The Public Works and Planning staff routes all projects to the appropriate fire district for review and comment. The District then identifies appropriate fire protection measures to accommodate the project. Upon consultation with the District, Staff will include the fire district as conditions of approval for each project."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: As Needed → ∅</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2002, 2015, 2016 and 2017 APRs stated that the Department of Public Works and Planning routes development projects to the appropriate fire districts for review and comment and that those comments are subsequently included as conditions of project approval.</p> <hr/> <p><b>Conclusion:</b></p> <p>Discretionary development projects are not approved unless fire protection facilities are acceptable to the local fire district and the Director of the Department of Public Works and Planning.</p> <p><b>Evidence of the successful implementation of Program PF-H.A during 2017:</b></p> <p>Good.</p> |

| 77                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | PF-H.B                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p><b>Deliverable:</b> In cooperation with the California Department of Forestry and Fire Protection and local fire protection agencies, consolidation and standardization of fire protection services.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                  |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| County Reporting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | League Reporting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                  |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| 78                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | PF-I.A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p><b>Deliverable:</b> As regional, community and specific plans are updated, and in cooperation with applicable school districts, identification of the locations for new or expanded school facilities.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                  |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|    |        | <p>These APRs contained a nearly identical appraisal of the implementation of the program. The appraisal from the 2017 APR is printed in full below:</p> <p><i>“The County involves the respective school district in the update of each regional, community and specific plan to identify the need for and potential location of new or expansion of existing facilities. Further, through the General Plan Conformity (GPC) findings process, potential school site acquisitions are evaluated for consistency with the General Plan. This is required per Public Resources Code 21151.2 and Government Code 65402. No GPC requests were processed for school sites in 2017.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p>                                                                                                                                                                                                                                                                         | <p><b>Conclusion:</b></p> <p>In the process of updating regional, community and specific plans, the locations for new or expanded school facilities are identified.</p> <p><b>Evidence of the successful implementation of Program PF-I.A during 2017:</b></p> <p>Good.</p>                                                                                                                                                                                                                                                              |
| 79 | PF-I.B | <p><b>Deliverable:</b> As regional, community and specific plans are updated, and in cooperation with applicable library districts and library interest groups, identification of the need for new or expanded library facilities.</p> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that this program for expanding library facilities would be part of the planned update of regional, community and specific plans.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The County involves library administration in the update of each regional, community and specific plan to identify the need for and potential location of new or expansion of existing libraries.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Modify program.</p> <p>Retain time frame: Ongoing.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2015, 2016 and 2017 APRs stated that identification of the need for new or expanded library services was part of the update of regional, community and specific plans.</p> <hr/> <p><b>Conclusion:</b></p> <p>In the process of updating regional, community and specific plans, the locations for new or expanded library facilities are identified.</p> <p><b>Evidence of the successful implementation of Program PF-I.B during 2017:</b></p> <p>Good.</p> |

## 2000 OPEN SPACE AND CONSERVATION ELEMENT

|    |        |                                                                                                                                                                                                                                |  |
|----|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 80 | OS-A.A | <p><b>Deliverable:</b> Development, implementation and maintenance of a water sustainability plan.</p>                                                                                                                         |  |
|    |        |                                                                                                                                                                                                                                |  |
| 81 | OS-A.B | <p><b>Deliverable:</b> Development and maintenance of a centralized water resource database for surface and groundwater that includes a water budget, groundwater monitoring data and groundwater recharge site inventory.</p> |  |
|    |        |                                                                                                                                                                                                                                |  |

**County Reporting**

**2002 APR**

The 2002 APR stated that the Water, Geology and Natural Resources Section of the Planning Department was gathering data for development of a water sustainability plan.

**2013/2014 APR**

The 2013/2014 APR did not report on this program.

**2015, 2016 and 2017 APRs**

These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:

*“In June 2006 the County adopted a Fresno Area Regional Groundwater Management Plan. Also, with the passage of the Sustainable Groundwater Management Act, local agencies within the Kings, Westside, and Delta Mendota basins in the County will be required to form Groundwater Sustainability Agencies which will in turn create Groundwater Sustainability Plans. The plans are required to be adopted by January 31, 2020.”*

**Recommendations in the Draft 2017 Policy Document**

Delete program.

Change time frame: FY 01-02 → Ø

**League Reporting**

The County’s 2015, 2016 and 2017 APRs stated that in 2006 the County adopted a Fresno Area Regional Groundwater Management Plan. That plan was not countywide; it only covered acreage within and just northeast of the Fresno Irrigation District.

The APRs also stated that as a requirement of the Groundwater Management Act of 2014 (SGMA), groundwater sustainability agencies would need to adopt groundwater sustainability plans by January 31, 2020. The provisions of that statute did not directly bear on the County’s obligation under Program OS-A.A to develop, implement and maintain the County’s own water sustainability plan.

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**Conclusion:**

The County has not developed a countywide water sustainability plan.

**Evidence of the successful implementation of Program OS-A.A during 2017:**

None.

**County Reporting**

**2002 APR**

The 2002 APR stated that the Water, Geology and Natural Resources Section of the Planning Department was gathering data for a centralized water resource database.

**League Reporting**

The County’s 2015, 2016 and 2017 APRs stated that a water budget would be required as part of the implementation of the Groundwater Management Act of 2014 (SGMA). The provisions of that statute did

|    |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|    |        | <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“Water budget development and maintenance will be required through the implementation of the Sustainable Groundwater Management Act in areas with aquifers identified as being in a condition of critical overdraft. The County has completed a study through the AB 303 Local Groundwater Assistance Grant funding, to identify potential recharge sites northeast of the City of Fresno and City of Clovis. As development occurs, the County will use this information to attempt to preserve those areas identified as prime recharge areas.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: FY 01-02 → ∅</p> | <p>not directly bear on the County’s obligation under Program OS-A.B to develop, implement and maintain its own centralized water resource database for surface and groundwater.</p> <p>The APRs also stated that the County had completed a study through AB 303 Local Groundwater Assistance Grant funding to identify potential recharge sites. However, that study only looked at the area northeast of the City of Fresno and City of Clovis.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has not developed a centralized water resource database for surface and groundwater that includes a water budget, groundwater monitoring data and groundwater recharge site inventory.</p> <p><b>Evidence of the successful implementation of Program OS-A.B during 2017:</b></p> <p>None.</p> |
| 82 | OS-A.C | <p><b>Deliverables:</b> Development, implementation and maintenance of a groundwater monitoring program.</p> <p>Annual report of information from this program to the Board of Supervisors during the annual review of the General Plan.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|    |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the Water, Geology and Natural Resources Section of the Planning Department was gathering data for a groundwater monitoring program.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR stated that this program was among 12 others that had been delayed <i>“for a number of reasons, including the lack of available funding.”</i></p> <p><b>2015 and 2016 APRs</b></p> <p>These APRs each stated that program implementation had been delayed.</p>                                                                                                                                                                                                                                                                                                                                                                                      | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2013/2014, 2015 and 2016 APRs stated that program implementation had been delayed.</p> <p>The County’s 2017 APR stated that groundwater monitoring and reporting would be a key component of the implementation of the Sustainable Groundwater Management Act of 2014. The provisions of that statute did not directly bear on the County’s obligation under Program OS-A.C to develop, implement and maintain the County’s own groundwater monitoring program.</p> <p>And although Program OS-A.C required the County to provide information on groundwater</p>                                                                                                                                                         |

|    |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|    |        | <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“Groundwater monitoring and reporting will be a key component of the implementation of Sustainable Groundwater Management Act. By January 31, 2020, Groundwater Sustainability Agencies within the County will be required to adopt a Groundwater Sustainability Plan for implementation.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: FY 01-02 → Ø</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>monitoring to the Board of Supervisors during its annual review of the General Plan, the County’s 2017 APR did not contain that information.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has not developed a groundwater monitoring program.</p> <p><b>Evidence of the successful implementation of Program OS-A.C during 2017:</b></p> <p>None.</p>                                                                                                                                                                                                                                                                                                                                                                     |
| 83 | OS-A.D | <p><b>Deliverable:</b> Development, implementation and maintenance of land use plans for the preservation of groundwater recharge areas.</p> <hr/> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that no progress had been made to implement this program, and the APR recommended the target date for accomplishment be changed from fiscal year 2002-2003 to fiscal year 2003-2004. The APR added that <i>“the lack of progress is principally due to the allocation of resources associated with funding and/or staffing.”</i></p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The County has completed a study through the AB 303 Local Groundwater Assistance Grant funding to identify potential recharge sites northeast of the City of Fresno and City of Clovis. As development occurs, the County will use this information to attempt to preserve those areas identified as prime recharge areas.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that the County had completed a study to identify potential recharge sites northeast of the City of Fresno and City of Clovis. The APRs did not indicate that the County was prepared to develop land use plans for the preservation of groundwater recharge areas elsewhere in the county.</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to determine that the County has developed countywide land use plans for the preservation of groundwater recharge areas.</p> <p><b>Evidence of the successful implementation of Program OS-A.D during 2017:</b></p> <p>Poor.</p> |

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|    |        | <p>Change time frame: FY 01-02 → 2018-? and Ongoing.<br/>         (The question mark in the time frame above is written in place of the year because that portion of the County's Draft 2017 Policy Document is unreadable.)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 84 | OS-B.A | <p><b>Deliverables:</b> In consultation with the California Department of Forestry and Fire Protection, evaluation of Forest Practice Rules with regard to...</p> <ul style="list-style-type: none"> <li>(a) Clearcutting,</li> <li>(b) Use of prescribed burning,</li> <li>(c) Protection of biological, soil, and water resources,</li> <li>(d) Protection of old growth forests.</li> </ul> <p>If the Forest Practice Rules are determined to be inadequate, a proposal from the County to the Board of Forestry to address the inadequacies.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|    |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR did not review this program because the target date for accomplishment was fiscal year 2003-2004.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>"The Department of Forestry and Fire Protections enforcement authority granted under the Forest Practice Act and Rules is only applicable when conversion of land from a use other than growing a commercial crop of trees, or commercialization of forest products occurs and is only applicable on private land.</i></p> <p><i>Forested stands within Fresno County that may be characterized as 'Old Growth' may exist in extremely limited acreages and most likely exist exclusively on national forest land."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Change time frame: FY 03-04 → 2021-?.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2015, 2016 and 2017 APRs stated that the enforcement authority of the Department of Forestry and Fire Protection applied only to matters related to the commercial use of forest products. The APRs indicated that old growth forests may exist on extremely limited acreages for areas outside of national forests.</p> <p>The APRs did not state that the County had entered into consultation with the California Department of Forestry and Fire Protection to evaluate (a) clearcutting, (b) the use of prescribed burning, (c) the protection of biological, soil, and water resources, and (d) the protection of old growth forests.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has not evaluated the Forest Practice Rules regarding clearcutting, use of prescribed burning, protection of biological, soil, and water resources, and protection of old growth forests.</p> <p><b>Evidence of the successful implementation of Program OS-B.A during 2017:</b></p> |

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|    |        | (The question mark in the time frame above is written in place of the year because that portion of the County's Draft 2017 Policy Document is unreadable.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | None.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 85 | OS-B.B | <p><b>Deliverables:</b> Encouragement to the California Department of Forestry and Fire Protection to complete an Inventory of ancient and old growth forests in Fresno County.</p> <p>Incorporation of that inventory into the County's biological resources database for use in future land use planning.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|    |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR did not review this program because the target date for accomplishment was fiscal year 2003-2004.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained a nearly identical appraisal of the implementation of the program, the only difference being that the 2016 and 2017 APRs added the underlined sentence. The appraisal from the 2017 APR is printed in full below:</p> <p><i>"The Department of Forestry and Fire Protection has no mandate or authority to enter private timber lands unless enforcement of the Forest Practice Act and rules have been triggered.</i></p> <p><i>Forested stands within Fresno County that may be characterized as 'Old Growth' may exist in extremely limited acreages and most likely exist exclusively on national forest land.</i></p> <p><u><i>As part of the General Plan Review process, policies and programs of the Open Space and Conservation Element are being reviewed to determine which policies still serve a purpose and should be kept and which ones have served their purpose or are no longer relevant and should be deleted or revised."</i></u></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Modify program.</p> <p>Change time frame: FY 03-04 → 2018-? and Ongoing.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2015, 2016 and 2017 APRs stated that unless enforcement of the Forest Practice Act had been triggered, the Department of Forestry and Fire Protection had no authority to enter private timber lands. (This statement suggested that implementation of Program OS-B.B may not have been possible.)</p> <p>Nonetheless, the County has proposed (through its December 2017 draft of the Policy Document) to retain Program OS-B.B and to add to it a provision that the California Department of Forestry and Fire Protection complete an inventory of old growth forests that includes, as well, the "condition" of those forests.</p> <p>The APRs did not state that the County had encouraged the California Department of Forestry and Fire Protection to complete an Inventory of ancient and old growth forests in Fresno County.</p> <hr/> <p><b>Conclusion:</b></p> <p>There is no information in the County's APRs to indicate that the County has encouraged the California Department of Forestry and Fire Protection to complete an Inventory of ancient and old growth forests in Fresno County or that the County incorporated such an inventory into the its biological resources database for use in future land use planning.</p> <p><b>Evidence of the successful implementation of Program OS-B.B during 2017:</b></p> |

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|    |        | (The question mark in the time frame above is written in place of the year because that portion of the County's Draft 2017 Policy Document is unreadable.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | None.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 86 | OS-B.C | <b>Deliverable:</b> Encouragement to the U.S. Forest Service and the California Department of Forestry and Fire Protection to identify potential impacts on, and the need for preservation of, old growth forests.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|    |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR did not review this program because the target date for accomplishment was fiscal year 2003-2004.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>"The California Department of Forestry and Fire Protection is required by law to identify potential impacts to a wide variety of natural and cultural resources when engaging in a discretionary project that triggers compliance with the California Environmental Quality Act (CEQA).</i></p> <p><i>Forested stands within Fresno County that may be characterized as 'Old Growth' may exist in extremely limited acreages and most likely exist exclusively on national forest land."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Modify program.</p> <p>Change time frame: FY 03-04 → Ongoing.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2015, 2016 and 2017 APRs stated that in compliance with the California Environmental Quality Act (CEQA), the Department of Forestry and Fire Protection engaged in identifying potential impacts to a variety of natural resources. In addition, the APRs indicated that old growth forests may exist on extremely limited acreages for areas outside of national forests.</p> <p>The APRs did not state that the County had encouraged the U.S. Forest Service and the California Department of Forestry and Fire Protection to identify potential impacts on, and the need for preservation of, old growth forests.</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to amend Program OS-B.C to read that the County will also participate in U.S. Forest Service management plan development and encourage the U.S. Forest Service and the California Department of Forestry and Fire Protection to address multiple forest management goals supporting healthy forests, habitat, watershed, fuels reduction, special management of old growth forests and other unique biotic or geologic features, and economic and recreational uses of forest resources.</p> <hr/> <p><b>Conclusion:</b></p> <p>There is no information in the County's APRs to indicate that the County has encouraged the U.S. Forest Service and the California Department of Forestry and Fire Protection to identify potential impacts on, and the need for preservation of, old growth forests.</p> |

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|    |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p><b>Evidence of the successful implementation of Program OS-B.C during 2017:</b></p> <p>None.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 87 | OS-B.D | <p><b>Deliverable:</b> Request to the California Department of Forestry and Fire Protection that it include in its Notices of Intent to Harvest Timber educational materials for residents on the Forest Practice Act, Forest Practice Rules and the Timber Harvest Plan review process.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|    |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR did not review this program because the target date for accomplishment was fiscal year 2003-2004.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“ ‘Notice of Intent to Harvest Timber’ (NOI) is a specific requirement of the Forest Practice Act and Rules and is required for a wide variety of timber harvest documents. A modification of the NOI would require rule change by the Board of Forestry (BOF).”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Modify program.</p> <p>Change time frame: FY 03-04 → Ongoing.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that a Notice of Intent (<b>NOI</b>) to Harvest Timber was required for a wide variety of timber harvest documents and that modifying the NOI would require a rule change by the Board of Forestry. (This statement suggested that implementation of Program OS-B.D may not have been possible.)</p> <p>The APRs did not say that the County had requested the California Department of Forestry and Fire Protection to include in its Notices of Intent to Harvest Timber educational materials for residents on the Forest Practice Act, Forest Practice Rules and the Timber Harvest Plan review process.</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to amend Program OS-B.D to read that the County will shift from the obligation to make a “<i>formal request</i>” for inclusion of educational materials in NOIs to an obligation to “<i>encourage</i>” the California Department of Forestry and Fire Protection to include those education materials.</p> <hr/> <p><b>Conclusion:</b></p> <p>There is no information in the County’s APRs to indicate that the County has requested the California Department of Forestry and Fire Protection to include in its Notices of Intent to Harvest Timber educational materials for residents on the Forest Practice Act, Forest Practice Rules and the Timber Harvest Plan review process.</p> |

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| 88 | OS-D.A | <p><b>Deliverable:</b> Evidence of working with various agencies and non-profit conservation organizations for them to acquire creek corridors, wetlands and areas rich in wildlife, and fragile eco structure where such areas cannot be effectively preserved through the regulatory process.</p> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that through June of 2002 there was no County Planning activity with respect to this program; however, the APR also stated that the preservation of vernal pools in the Millerton New Town Area (consistent with the mitigation measures of the project and the provision for on-going monitoring through CSA 34) was anticipated in fiscal year 2002-2003.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The County continues to coordinate with the San Joaquin River Conservancy for projects in the vicinity of their resources. Further, through discretionary land use permits, the County will review requests by the California Department of Fish and Wildlife (CAF&amp;W) for offsetting habitats, consider mitigation and review and formal proposal for mitigation banking to CAF&amp;W.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that the County continued to work with the San Joaquin River Conservancy (<b>Conservancy</b>) to develop the San Joaquin River Parkway and to work with the California Department of Fish and Wildlife (<b>CDFW</b>) to review CDFW proposals for protecting habitat areas. The Conservancy and CDFW are state agencies.</p> <p>The protections described in the paragraph above are regulatory in nature. The APRs provided no information that the County was working with agencies and non-profit conservation organizations to protect areas that <i>“cannot not be effectively preserved through the regulatory process.”</i></p> <hr/> <p><b>Conclusion:</b></p> <p>There is no information in the County’s APRs to indicate that the County has been working with various agencies and non-profit conservation organizations for them to acquire creek corridors, wetlands and areas rich in wildlife, and fragile eco structure where such areas cannot be effectively preserved through regulatory processes.</p> <p><b>Evidence of the successful implementation of Program OS-D.A during 2017:</b></p> <p>None.</p> |
| 89 | OS-D.B | <p><b>Deliverable:</b> Adoption of an ordinance identifying riparian protection zones and allowable activities and mitigation techniques in those zones.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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|  |    | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR did not review this program because the target date for accomplishment was fiscal year 2002-2003; nonetheless, the APR recommended changing the time frame to fiscal year 2003-2004. The APR added that <i>“the lack of progress is principally due to the allocation of resources associated with funding and/or staffing.”</i></p> <p><b>2013/2014, 2015, 2016 and 2017 APRs</b></p> <p>These APRs each stated that program implementation had been delayed. The 2013/2014 APR gave a reason – <i>“the lack of available funding.”</i></p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“Due to budgetary constraints, a specific ordinance has not been adopted. The County continues to coordinate with resource agencies for projects located within sensitive habitat and applies policies for those proposals within river influence areas.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: FY 02-03 → Ø</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that an ordinance identifying riparian protection zones had not been adopted.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has not adopted an ordinance identifying riparian protection zones and allowable activities and mitigation techniques in those zones.</p> <p><b>Evidence of the successful implementation of Program OS-D.B during 2017:</b></p> <p>None.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|  | 90 | OS-E.A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p><b>Deliverables:</b> Compilation and regular update of inventories (and maps) of areas of ecological significance based on the California Wildlife Habitats Relationships (WHR) system, including unique natural areas, wetlands, riparian areas, and habitats for special-status plants and animals.</p> <p>Consultation of the inventories and maps when revising plans or considering project development proposals.</p>                                                           | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the Environmental Analysis Unit of the Planning Department was (1) compiling, reviewing and updating in-house data and (2) working with the US Fish and Wildlife Service and the California Department of Fish and Game (now known as the California Department of Fish and Wildlife) to determine the data those agencies routinely review when a project</p> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>is submitted to them for review and what information Fresno County needed to develop to cooperatively facilitate project review.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“Development projects that may have a potential impact on wetlands, riparian areas and habitats for special-status plants and animals are referred to the State Department of Fish and Wildlife and United States Fish and Wildlife Service for review and comments. Recommended mitigation measures proposed by these agencies will be considered during the environmental review of development projects.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: Ongoing → Ø</p> | <p>and to the United States Fish and Wildlife Service for review and comment.</p> <p>The APRs provided no information in support of the requirement that the County compile and regularly update inventories (and maps) of areas of ecological significance based on the California Wildlife Habitats Relationships system, including unique natural areas, wetlands, riparian areas, and habitats for special-status plants and animals.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has not compiled inventories of areas of ecological significance based on the California Wildlife Habitats Relationships system.</p> <p><b>Evidence of the successful implementation of Program OS-E.A during 2017:</b></p> <p>None.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                  |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| 91                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | OS-E.B                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p><b>Deliverables:</b> As they are made available by the California Department of Fish and Wildlife (CDFW), maintenance of maps identifying significant habitat for important fish and game species.</p> <p>In consultation with CDFW, determination by the County of the relative importance of these game species.</p> <p>Consultation of these maps when revising plans or considering project development proposals.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <table border="1"> <thead> <tr> <th data-bbox="977 1381 1302 1444">County Reporting</th> <th data-bbox="1302 1381 1534 1444">League Reporting</th> </tr> </thead> <tbody> <tr> <td data-bbox="977 1444 1302 1971"> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the Environmental Analysis Unit of the Planning Department was (1) compiling, reviewing and updating in-house data and (2) working with the US Fish and Wildlife Service and the California Department of Fish and Game (now known as the California Department of Fish and Wildlife) to determine the data those agencies routinely review when a project is submitted to them for review and what information Fresno County needed to develop to cooperatively facilitate project review.</p> <p><b>2013/2014 APR</b></p> </td> <td data-bbox="1302 1444 1534 1971"> <p>The County’s 2015, 2016 and 2017 APRs stated that the County referred development projects that may have a potential impact on wetlands, riparian areas and habitats for special-status plants and animals to the California Department of Fish and Wildlife and to the United States Fish and Wildlife Service for review and comment. The APRS also stated that the County had access to state-maintained software that provided current biological data in an electronic mapping database.</p> </td> </tr> </tbody> </table> | County Reporting | League Reporting | <p><b>2002 APR</b></p> <p>The 2002 APR stated that the Environmental Analysis Unit of the Planning Department was (1) compiling, reviewing and updating in-house data and (2) working with the US Fish and Wildlife Service and the California Department of Fish and Game (now known as the California Department of Fish and Wildlife) to determine the data those agencies routinely review when a project is submitted to them for review and what information Fresno County needed to develop to cooperatively facilitate project review.</p> <p><b>2013/2014 APR</b></p> | <p>The County’s 2015, 2016 and 2017 APRs stated that the County referred development projects that may have a potential impact on wetlands, riparian areas and habitats for special-status plants and animals to the California Department of Fish and Wildlife and to the United States Fish and Wildlife Service for review and comment. The APRS also stated that the County had access to state-maintained software that provided current biological data in an electronic mapping database.</p> |
| County Reporting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | League Reporting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                  |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|    |        | <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The County refers development projects to the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife (formerly CDFG) for review and comment as to any potential impact on sensitive species of plants or animals. County staff also has access to State-maintained software which provides updated maps containing biological data in an electronic mapping database.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: Ongoing → ∅</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>The APRs provided no evidence that the County had maintained maps identifying significant habitat for important fish and game species as they were made available by CDFW or determined the relative importance of fish and game species.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has not maintained maps identifying significant habitat for important fish and game species.</p> <p><b>Evidence of the successful implementation of Program OS-E.B during 2017:</b></p> <p>None.</p>                                                                                                                                                                                                                                                                                                                                                        |
| 92 | OS-F.A | <p><b>Deliverable:</b> Preparation and a full review at least every two years of lists of state and federal rare, threatened and endangered plant species known or suspected to occur in the county.</p> <hr/> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County’s Environmental Analysis Unit of the Planning Department was (1) compiling, reviewing and updating in-house data and (2) working with the California Native Plant Society and the California Department of Fish and Game (now known as the California Department of Fish and Wildlife) to verify the existence of the plant species included in the California Native Plant Society’s Inventory of Rare and Endangered Vascular Plants of California and in the listings of species of special concern designated by the Dept. of Fish and Wildlife.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The County refers development projects to the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife (formerly CDFG) for review and</i></p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that the County referred development projects to the California Department of Fish and Wildlife and to the United States Fish and Wildlife Service for review and comment. The APRs also stated that the County had access to state-maintained software that provided current biological data in an electronic mapping database.</p> <p>The APRs did not state that the County had prepared, and fully reviewed at least every two years, lists of state and federal rare, threatened and endangered plant species known to occur or suspected to occur in the county.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has not fully reviewed, at least every two years, lists of state and federal rare, threatened and endangered plant</p> |

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|    |        | <p><i>comment as to any potential impact on sensitive species of plants or animals. County staff also has access to State-maintained software which provides updated maps containing sensitive species of plants and animals in an electronic mapping database (Rare Final 5, etc.)."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: FY 00-01 → Ø</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>species known or suspected to occur in the county.</p> <p><b>Evidence of the successful implementation of Program OS-F.A during 2017:</b></p> <p>None.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 93 | OS-F.B | <p><b>Deliverable:</b> Dissemination of the Fresno County Oak Management Guidelines to landowners of property with oak woodland habitat.</p> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that work on a brochure (Fresno County Oak Management Guidelines) was anticipated to be initiated in the last half of fiscal year 2002-2003 and that once the areas of oak woodland habitat had been determined, the brochure would be completed and distributed with every permit issued within those areas.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>"The boundaries of the oak woodland habitat area have yet to be established; when they are, a handout will be prepared and distributed with every permit that is issued within these areas. Individual projects in oak woodland areas are evaluated for buffering or tree preservation requirements depending on the sensitivity of the habitat and relative health of tree growth as indicated by independent studies provided by project applicants. Further, Policy OS-F.11 which contains the County's Oak Woodlands Management Guidelines is considered."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2015, 2016 and 2017 APRs stated that the boundaries of oak woodland habitat had not been determined and that a handout of the County's guidelines for the management of oak woodlands (as delineated on page 5-21 of the 2000 General Plan) had not been created.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has not determined the locations of oak woodland habitat in the county and has not prepared a handout of the County's Oak Management Guidelines for landowners throughout the county who have property with oak woodland habitat.</p> <p><b>Evidence of the successful implementation of Program OS-F.B during 2017:</b></p> <p>None.</p> |

**Deliverables:** Review of the Guide for Assessing and Mitigating Air Quality Impacts published by the San Joaquin Valley Air Pollution Control District (SJVAPCD).

Adoption of procedures for performing air quality impact analyses and adopting mitigation measures with any modifications of the SJVAPD guidelines deemed appropriate.

**County Reporting**

**League Reporting**

**2002 APR**

The 2002 APR stated that the Environmental Analysis Unit of the Planning Department was working with the San Joaquin Valley Air Pollution Control District to review and possibly revise existing standard methods or procedures for determining and mitigating project air quality impacts for use in County environmental documents.

The County's 2015, 2016 and 2017 APRs stated that the County referred development projects to the San Joaquin Valley Air Pollution Control District (**SJVAPCD**) for review and comment.

**2013/2014 APR**

The 2013/2014 APR stated that program implementation had been delayed. The 2013/2014 APR gave a reason – *“the lack of available funding.”*

The APRs did not state that the County had reviewed SJVAPCD's *Guide for Assessing and Mitigating Air Quality Impacts* or that it had adopted procedures for performing air quality impact analyses.

**2015 and 2016 APRs**

Unlike the 2013/2014 APR, the 2015 and 2016 APRs stated that the program had been implemented.

Since the 2013/2014 APR reported that the program had not been initiated by that year and since the 2015 APR reported that the program had been implemented, it may be assumed that the County adopted procedures for performing air quality impact analyses sometime during 2015. An electronic search using the keyword phrase *“air quality”* of all of the County's 2015 meeting agendas for the Planning Commission and Board of Supervisors did not reveal any action regarding the adoption of new procedures for performing air quality impact analyses.

**2015, 2016 and 2017 APRs**

These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:

(It should be noted that even though the County's 2015 and 2016 APRs stated that the Program OS-G.A had been implemented, the County has proposed through its December 2017 draft of the Policy Document to amend the time frame for accomplishing Program OS-G.A from FY 02-03 to calendar year 2018 or beyond.)

*“The County refers development projects to the SJVAPCD for review and comment on potential air quality impacts and requires development projects to comply with SJVAPCD rules to mitigate any impact on air quality. For Discretionary projects, County staff will review SJVAPCD comments and require district requirements as warranted (i.e., indirect source review, etc.) as part of the CEQA review process.”*

**Recommendations in the Draft 2017 Policy Document**

Retain program as is.

Change time frame: FY 02-03 → 2018-?.

(The question mark in the time frame above is written in place of the year because that portion of the County's Draft 2017 Policy Document is unreadable.)

**Conclusion:**

The County has not reviewed the Guide for Assessing and Mitigating Air Quality Impacts published the San Joaquin Valley Air Pollution Control District and adopted

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| 95 | OS-G.B | <p><b>Deliverable:</b> Adoption of a package of programs to reduce County employee work-related vehicular trips.</p> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>Below is the full text of the 2002 APR appraisal of this program.</p> <p><i>“The County has begun to use video conferencing for both inter-County and intra-county meetings, with the resultant reduction in employee work-related vehicular trips. The County is also in the planning and development stages of countywide e-government programs that will impact the number of vehicular trips required to conduct business.”</i></p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of this program. That appraisal is printed in full below. (Note: The underlined sentences appeared in the 2002 APR.)</p> <p><i>“The County commonly promotes and utilizes telephone conference calling in lieu of physical meetings so as to minimize travel related impacts.</i></p> <p><u><i>The County has begun to use video conferencing for both inter-County and intra-county meetings, with the resultant reduction in employee work-related vehicular trips. The County is also in the planning and development stages of countywide e-government programs that will impact the number of vehicular trips required to conduct business.</i></u></p> <p><i>Additionally, given the increasing quality of current aerial photos and the available historical imagery which allows comparative analysis, County staff can in some instances use aerial information rather than conducting field visits.</i></p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2002, 2015, 2016 and 2017 APRs stated that the County had begun using video conferencing, had begun to develop countywide e-government programs, was employing telephone conferencing and was utilizing aerial photos in lieu of field visits.</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to make a small wording change that would not constitute a major shift in the focus of the program.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has adopted a package of programs to reduce County employee work-related vehicular trips.</p> <p><b>Evidence of the successful implementation of Program OS-G.B during 2017:</b></p> <p>Good.</p> |

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|    |        | <p><i>The County encourages employee participation in FCOG's car and van pool program."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Modify program.</p> <p>Change time frame: FY 02-03 → Ongoing.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 96 | OS-G.C | <p><b>Deliverable:</b> Amendment of the Subdivision and Grading Ordinances and Development Standards to address dust control measures for new development, access roads and parking areas to assist the San Joaquin Valley Air Pollution District in the regulation of particulate matter of less than 10 microns (PM<sub>10</sub>).</p> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the planning staff was drafting revised improvement standards for dust control to update the 1966 ordinances and that it was anticipated that a draft documents would be circulated in the last half of fiscal year 2002-2003. In the interim, fugitive dust control measures were included as conditions of approval or mitigation measures, as applicable, for specific entitlement projects.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>"All development projects must comply with the SJVAPCD regulations for dust control and project conditions or mitigation for discretionary land use permits may require additional levels of dust control."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Change time frame: FY 02-03 → 2018-?.</p> <p>(The question mark in the time frame above is written in place of the year because that portion of the County's Draft 2017 Policy Document is unreadable.)</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2015, 2016 and 2017 APRs stated that all development projects must comply with SJVAPCD regulations for dust control.</p> <p>The APRs did not state that the County had amended its Subdivision and Grading Ordinances and Development Standards to assist the San Joaquin Valley Air Pollution Control District in the regulation of particulate matter (PM<sub>10</sub>).</p> <hr/> <p><b>Conclusion:</b></p> <p>There is no information in the County's APRs to indicate that the County has amended its Subdivision and Grading Ordinances and Development Standards to assist the San Joaquin Valley Air Pollution District in the regulation of particulate matter (PM<sub>10</sub>).</p> <p><b>Evidence of the successful implementation of Program OS-G.C during 2017:</b></p> <p>None.</p> |

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| 97 | OS-H.A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p><b>Deliverables:</b> In consultation with local, state and federal agencies, completion of an inventory of all recreation areas and services in the county and identification of other areas suitable for park acquisition.</p> <p>Consideration of the preparation of a County park and recreation master plan to provide a policy framework for independent implementation by cooperating agencies.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|    | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that funds were not available for consultant services to prepare a comprehensive Parks Master Plan that would include surveys of all existing regional facilities; furthermore, that due to uncertain fiscal constraints, it was unknown when such funds would become available. Nonetheless, the 2002 APR recommended that the target date for implementation be extended from fiscal years 2001-2003 to fiscal year 2005-2006.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“Funds have not been available to prepare a comprehensive inventory of all parks and recreation areas and to identify other areas suitable for park acquisition and development.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Modify program.</p> <p>Change time frame: FY 01-03 → 2018-? and 2021-?.<br/>(The question marks in the time frame above are written in place of the years because those portions of the County’s Draft 2017 Policy Document are unreadable.)</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2002, 2015, 2016 and 2017 APRs stated that due to a lack of funding, the County had not prepared a comprehensive inventory of all parks and recreation areas or identified other areas suitable for park acquisition and development.</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to amend Program OS-H.A to clarify (1) that the inventory of parks would be limited to County-owned parks and (2) that any other areas identified as suitable for park development would be “<i>potentially</i>” suitable for acquisition.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has not completed an inventory of all recreation areas and services in the county or identified other areas suitable for park acquisition.</p> <p><b>Evidence of the successful implementation of Program OS-H.A during 2017:</b></p> <p>None.</p> |
| 98 | OS-H.B                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p><b>Deliverables:</b> For the development and maintenance of parks, as new development occurs, consideration of contracting with existing entities or forming new County Service Areas (CSAs) that have...</p> <p>(a) The authority to receive dedications or grants of land or funds and</p> <p>(b) The ability to charge fees for acquisition, development, and maintenance of parks, open space, and riding, hiking, and bicycle trails.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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|    |        | <b>County Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>League Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|    |        | <p><b>2002 APR</b></p> <p>The 2002 APR stated that as new development projects were proposed the Resources Division of the Planning Department considered contracting with existing entities or forming new County Service Areas to hold and maintain parkland.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“Public Works and Planning staff considers the need for an entity to hold and maintain parkland, open space, and trails as a part of the project review. The Department considers these service needs when a CSA is being formed or expanded. It should be noted that due to limitations of the Proposition 218 process [1996 California Constitutional Amendment – Local Initiative Power], which allows residents within a CSA to vote on or consider discontinuation of service, the use of CSAs for Services beyond basic services (i.e., sewer and water) can become problematic and has limited the use of CSAs in more recent developments.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p> | <p>The County’s 2015, 2016 and 2017 APRs stated that Public Works and Planning staff routinely considered the need for an entity to hold and maintain parkland, open space and trails as a part of its project review process.</p> <p>Because the 2015, 2016 and 2017 APRs did not provide information that an entity held or maintained parkland, open space and trails as a result of this program, it may be assumed that no discretionary projects considered by the County during 2015, 2016 and 2017 warranted consideration of contracting with existing entities or forming new County Service Areas for the development and maintenance of parks, open space and trails.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County routinely considers the need for an entity to hold and maintain parkland, open space and trails as a part of its project review process.</p> <p>(On the basis of the statement in the County’s 2015, 2017 and 2017 APRs that County Services Areas are not reliable entities for the maintenance of recreational amenities, the County may want to review and amend Program OS-H.B. In conducting that review, the County may want to define, if it has not already done so, the size and nature of the development projects that may be required to prepare and maintain parks, open space and trails.)</p> <p><b>Evidence of the successful implementation of Program OS-H.B during 2017:</b></p> <p>Good.</p> |
| 99 | OS-I.A | <p><b>Deliverable:</b> Preparation of a Recreation Trails Master Plan based on the County’s Conceptual Recreational Trail List and Recreational Trail Corridor Map.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|    |        | <b>County Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>League Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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|     |        | <p><b>2002 APR</b></p> <p>The 2002 APR stated that the Fresno Council of Governments had agreed to fund an update of the County's Regional Trails Plan and that completion was expected during fiscal year 2002-2003.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR stated that the program had been implemented.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained a nearly identical appraisal of the implementation of the program. That appraisal from the 2017 APR is printed in full below:</p> <p><i>"This program has been implemented; the Fresno County Regional Bicycle and Recreational Trails Master Plan was adopted by the Board of Supervisors on September 24, 2013. This program will be deleted."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: FY 02-03 → Ø</p> | <p>The County's 2015, 2016 and 2017 APRs stated that Recreation Trails Master Plan was adopted by the County in 2013.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has prepared a Recreation Trails Master Plan.</p> <p><b>Evidence of the successful implementation of Program OS-I.A during 2017:</b></p> <p>Good.</p>                                                                                                                                                                                                                                                                                                                                                                                     |
| 100 | OS-I.B | <p><b>Deliverable:</b> Investigation of the potential of various types of land use controls to reserve areas for trails.</p> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that "<i>no action</i>" had been taken to implement the program.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR stated that the program has been implemented with adoption of the Regional Bicycle and Recreational Trails Master Plan.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs each stated that the program had been implemented.</p> <p>The APRs contained a nearly identical appraisal of the implementation of the program. The appraisal from the 2017 APR is printed in full below:</p> <p><i>"This program has been implemented. It is included in the Fresno County Regional Bicycle and Recreational</i></p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2015, 2016 and 2017 APRs stated that information derived from the implementation of Program OS-I.B was included in the Fresno County Regional Bicycle and Recreational Trails Master Plan that was adopted in 2013.</p> <p>(It should be noted that although the County's 2013 Regional Bicycle and Recreational Trails Master Plan contained a list of federal funding sources for trail acquisition, it did not contain a list of land use controls for reserving areas for trails. Furthermore, there was no indication in the APRs or in the 2013 Master Plan that the County had conducted the required investigation.)</p> <hr/> |

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|     |        | <p><i>Trails Master Plan that was adopted by the Board of Supervisors on September 24, 2013. This program will be deleted.</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: FY 02-03 → Ø</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to determine that the County has investigated the potential of various types of land use controls to reserve areas for trails.</p> <p><b>Evidence of the successful implementation of Program OS-I.B during 2017:</b></p> <p>None.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 101 | OS-I.C | <p><b>Deliverable:</b> Adoption of an ordinance to...</p> <p>(a) Prohibit use of multi-purpose trails by all motorized vehicles (except those used for maintenance vehicles).</p> <p>(b) Regulate users on multiple purpose paths and protect the interests of property owners adjacent to trails.</p> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that “<i>no action</i>” had been taken to implement the program.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs each stated that the program had been implemented.</p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“This program has been implemented. It is included in the Fresno County Regional Bicycle and Recreational Trails Master Plan that was adopted by the Board of Supervisors on September 24, 2013. The County uses the California Department of Transportation (Caltrans) Manual on Uniform Traffic Control Devices (MUTCD) approved sign R44A on Class I bike paths. This program will be deleted.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that information derived from the implementation of Program OS-I.C was included in the Fresno County Regional Bicycle and Recreational Trails Master Plan that was adopted in 2013.</p> <p>(It should be noted that although the County’s 2013 Regional Bicycle and Recreational Trails Master Plan included this sentence: “<i>Motorized vehicles are not permitted on Class I bikeways except for maintenance,</i>” the Master Plan did not contain a policy to that effect, nor did it contain a set of regulations for the use of multiple purpose paths or the prohibition of motorized vehicles on multi-purpose trails. In addition, the Master Plan did not contain any regulations to protect the interests of property owners adjacent to trails.)</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County has been able to prohibit the use of multi-purpose trails by motorized vehicles,</p> |

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|     |        | <p>Change time frame: FY 01-02 → ∅</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>regulate users on multiple purpose paths and protect the interests of property owners adjacent to trails.</p> <p><b>Evidence of the successful implementation of Program OS-I.C during 2017:</b></p> <p>Poor.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 102 | OS-J.A | <p><b>Deliverable:</b> Adoption and implementation of an ordinance to protect and preserve archaeological, historical and geographical sites.</p> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the Environmental Analysis Unit of the Planning Department was considering the feasibility and possible format and content of a Fresno County ordinance to protect and preserve significant archaeological, historical, and geological resources in Fresno County.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. The appraisal from the 2017 APR is printed in full below:</p> <p><i>“Development projects are referred to State Historic Preservation Officer, the Fresno County Historical Landmarks and Records Advisory Commission and the Fresno County Historical Society for potential impact on significant archeological and historical and geological resources. However, no ordinance has been developed.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: FY 02-03 → ∅</p> <p>Add new Program OS-J.A, which would read as follows:</p> <p><i>“The County shall prepare and maintain, using a GIS database, an inventory of historical sites, buildings, and landmarks.”</i></p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that the program had not been implemented.</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to replace Program OS-J.A with new Program OS-J.A. While the current program requires the County to “<i>adopt and implement an ordinance</i>” to protect historic and geographical sites, the replacement program would require the County to “<i>prepare and maintain</i>” an inventory of historic sites, buildings, and landmarks.</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand whether the County has adopted an ordinance to protect and preserve archaeological, historical and geographical sites.</p> <p><b>Evidence of the successful implementation of Program OS-J.A during 2017:</b></p> <p>None.</p> |

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| 103 | OS-L.A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p><b>Deliverable:</b> In cooperation with the Fresno Council of Governments (FCOG) and the Association for the Beautification of Highway 99, creation of a landscape master plan and design guidelines for the Highway 99 corridor.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
|     | <p><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that a landscape master plan had been developed and adopted by the Association for the Beautification of Highway 99 and its member agencies.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR stated that the program was no longer necessary because of the establishment of the Highway 99 Beautification Overlay District and the adoption of the Highway 99 Beautification Ordinance.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained a nearly identical appraisal of the implementation of the program. The appraisal from the 2017 APR is printed in full below:</p> <p><i>“This program has been implemented via adoption of Amendment to Text (AT) No. 361 on July 8, 2008, and has been incorporated into the Zoning Ordinance. This program will be deleted.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: FY 03-04 → Ø</p> | <p><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that the program had been implemented through the July 8, 2008 adoption of County Ordinance 850.C (Highway Beautification Overlay Standards).</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has created a landscape master plan and design guidelines for the Highway 99 corridor.</p> <p>(It should be noted that the Association for the Beautification of Highway 99 was formed in the spring of 1999 and that its members are appointed by the cities of Fresno, Fowler, Salma and Kingsburg and by the County of Fresno. In September 2016, the Association prepared a Highway 99 Beautification Master Plan. If the County has not done so, it should review and update its 2008 ordinance to ensure that it conforms to the goals and policies of the 2016 Master Plan.)</p> <p><b>Evidence of the successful implementation of Program OS-L.A during 2017:</b></p> <p>Good.</p> |  |
| 104 | OS-L.B                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p><b>Deliverable:</b> In consultation with the California Department of Transportation (Caltrans), application for scenic highway designation for state highway segments eligible for such designation.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |
|     | <p><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR did not review this program because the target date for its accomplishment was fiscal year 2003-2004.</p> <p><b>2013/2014 APR</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that in 2015 two sections of State Route 180 received state scenic highway designations.</p> <p>The 2016 and 2017 APRs did not indicate whether any additional state highway</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |

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|  | <p>The 2013/2014 APR stated that program implementation had been delayed due to <i>“the lack of available funding.”</i></p> <p><b>2015 and 2016 APRs</b></p> <p>Unlike the 2013/2014 APR, the 2015, 2016 and 2017 APRs each stated that the program had been implemented.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained a nearly identical appraisal of the implementation of the program. The appraisal from the 2017 APR is printed in full below:</p> <p><i>“County staff collaborated with the Sierra Gateway Trust, Inc. and Caltrans in pursuit of a State Official Scenic Highway designation for segments of SR 180. Staff of the County and Caltrans with the Sierra Gateway Trust worked together to complete the Visual Assessment and Corridor Protection Program in support of a State Official Scenic Highway designation status for approximately 60.7 miles of the eastern segments of SR 180. On October 15, 2015, the Caltrans Director approved designation of the two sections of eastern SR 180 from the Alta Main Canal near Minkler to near the General Grant Grove section of Kings Canyon National Park, and the General Grant Grove section of Kings Canyon National Park to Kings Canyon National Park boundary near Cedar Grove as a State Scenic Highway.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Change time frame: FY 03-04 → Ongoing.</p> | <p>segments in Fresno County were eligible for scenic highway designation during those years.</p> <hr/> <p><b>Conclusion:</b></p> <p>Even though two sections of State Route 180 received state scenic highway designations in 2015, information provided by the County is insufficient to determine whether additional state highway segments in Fresno County are eligible for scenic highway designation and, if so, whether the County applied for that designation during 2016 or 2017.</p> <p><b>Evidence of the successful implementation of Program OS-L.B during 2017:</b></p> <p>Poor.</p> |
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## 2000 HEALTH AND SAFETY ELEMENT

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| 105 | HS-A.A | <b>Deliverable:</b> Maintenance of local, state and federal agreements for coordinating disaster response.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|     |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County Office of Emergency Services had participated in a number of meetings with various agencies to maintain the County's agreements for coordinating disaster response.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>"On November 14, 1995, the Fresno County Board of Supervisors adopted the State's Standardized Emergency Management System (SEMS), established the geographic area of the County of Fresno as the Fresno County Operational Area, and designated Fresno County as the Operational Area Lead Agency. In the County's role as the Operational Area lead agency, the County Office of Emergency Services (OES) maintains ongoing communication with local government agencies (County Departments, Incorporated Cities, Special Districts, and Public School Districts), as well as many State and Federal agencies and nonprofit organizations to maintain and enhance the communities capability to respond to and recover from disasters."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p style="color: red;">Modify program.</p> <p style="color: red;">Retain time frame: Ongoing.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2015, 2016 and 2017 APRs stated that In the County's role as the Operational Area lead agency for disaster response in Fresno County, the County's Office of Emergency Services (within the Department of Public Health) maintained ongoing communication with local, state and federal agencies, as well as with nonprofit organizations, to maintain the capability to respond to and recover from disasters.</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to amend Program HS-A.A to focus on coordinating with cities, special districts and agencies to regularly update the Fresno County Multi-Jurisdictional Hazard Mitigation Plan.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County maintains local, state and federal agreements for coordinating disaster response.</p> <p><b>Evidence of the successful implementation of Program HS-A.A during 2017:</b></p> <p>Good.</p> |
| 106 | HS-A.B | <b>Deliverable:</b> Ongoing monitoring and periodic evaluation of the County's emergency planning, operations and training capabilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|     |        | <b>County Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>League Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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|     |        | <p><b>2002 APR</b></p> <p>The 2002 APR stated that the Office of Emergency Services had reviewed, updated and developed several aspects of the County’s emergency planning, operations and response services.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The County Office of Emergency Services (OES) implements this program on an ongoing basis. OES is located within the Department of Public Health, Environmental Health Division and coordinates planning, preparedness, response and recovery efforts for disasters occurring within the unincorporated areas of Fresno County. Fresno County OES coordinates the development and maintenance of the Fresno County Operational Area Master Emergency Services Plan, which is updated periodically.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p> | <p>The County’s 2015, 2016 and 2017 APRs stated that the County Office of Emergency Services (within the Department of Public Health) coordinated the periodic update of the County’s Operational Area Master Emergency Services Plan.</p> <p>(It should be noted that no APR reported the year of the most recent update of the County’s Operational Area Master Emergency Services Plan or the future need to update the plan.)</p> <hr/> <p><b>Conclusion:</b></p> <p>The County routinely monitors and evaluates County emergency planning, operations and training capabilities.</p> <p><b>Evidence of the successful implementation of Program HS-A.B during 2017:</b></p> <p>Good.</p> |
| 107 | HS-A.C | <p><b>Deliverable:</b> Ongoing periodic evaluation of County-owned safety and emergency management facilities and public utility systems for susceptibility to flood damage, seismic events or geological hazards.</p> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the Maintenance and Operations Division of the Department of Public Works and Planning continued to evaluate its Road Maintenance Area Yards for susceptibility to damage from flooding, seismic events or geological hazards.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that the County evaluated its facilities when concerns were raised by the occupying departments and that a more comprehensive inventory of existing facilities issues would occur in the future as budgeting and staffing permitted. The APRs did not state the degree to which the County had been able to complete an inventory of its facilities or the</p>                                                                                                                                                                                                                     |

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|     |        | <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained a nearly identical appraisal of the implementation of the program. The appraisal from the 2017 APR is printed in full below:</p> <p><i>“The County Department of Internal Services evaluates County facilities in conjunction with concerns raised by the occupying department. Facility issues or any damage resulting from events are inspected with the assistance of Risk Management staff and qualified consultants or sub-consultants. Modifications, improvements or construction of new structures to replace existing facilities are also evaluated with the assistance of staff from the Department of Public Works and Planning. A more comprehensive inventory of existing facilities is targeted as budgeting and staffing permit.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p>                                                                                                                                                                               | <p>extent to which the inventoried facilities would need to be modified.</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County indicates that the County evaluates its facilities on an as-needed basis and that a lack of funding has prevented the County from completing a comprehensive evaluation of its safety and emergency management facilities and public utility systems for susceptibility to flood damage, seismic events or geological hazards.</p> <p><b>Evidence of the successful implementation of Program HS-A.C during 2017:</b></p> <p>Poor.</p>                         |
| 108 | HS-A.D | <p><b>Deliverable:</b> Ongoing operation of programs that inform the general public of emergency and disaster response procedures.</p> <hr/> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that In the 2001 calendar year, the County Office of Emergency Services (OES) conducted a broad-scale radio and television public information campaign to inform the public about general emergency preparedness, including power outages. The APR stated that OES provided disaster information and links to emergency planning and preparedness resources to the general public through its Human Services System website. In addition, OES provided press releases, press conferences, media interviews, and participated in public forums to provide information to the public on terrorism preparedness.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that the County Office of Emergency Services (within the Department of Public Health) coordinated planning and preparedness, as well as response and recovery efforts, for disasters occurring within the unincorporated area of the County.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County operates programs that inform the general public of emergency and disaster response procedures.</p> <p><b>Evidence of the successful implementation of Program HS-A.D during 2017:</b></p> <p>Good.</p> |

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The County OES maintains contact and emergency information on the County’s website. The Fresno County Multi-Hazard Mitigation Plan provides additional details regarding County hazards and responses to mitigate damage or injury. In addition, the Public is also encouraged to obtain family and business preparedness information at websites maintained by The American Red Cross and FEMA.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                  |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |
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| 109                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | HS-B.A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p><b>Deliverable:</b> As part of the building permit plan check process, review of the design of all buildings and structures to ensure that they are constructed to state and local standards.</p> <table border="1" data-bbox="321 789 979 1843"> <thead> <tr> <th data-bbox="321 789 979 884">County Reporting</th> <th data-bbox="979 789 1531 884">League Reporting</th> </tr> </thead> <tbody> <tr> <td data-bbox="321 884 979 1843"> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County had recently adopted California’s State Building Codes as part of Fresno County Ordinance Code Title 15. These codes provided minimum standards for safety in construction.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The Department of Public Works and Planning continues to review all proposed development to ensure it is designed and constructed to State and local regulations as part of the building permit and plan check process.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: Ongoing → ∅</p> </td> <td data-bbox="979 884 1531 1843"> <p>The County’s 2015, 2016 and 2017 APRs stated that the County continued to review all proposed development to ensure it was designed and constructed to state and local construction standards.</p> <p>(It should be noted that the County has provided no justification for the recommended deletion of Program HS-B.A.)</p> <hr/> <p><b>Conclusion:</b></p> <p>The County reviews the design of all buildings and structures to ensure that they are constructed to state and local standards as part of its building permit plan check process.</p> <p><b>Evidence of the successful implementation of Program HS-B.A during 2017:</b></p> <p>Good.</p> </td> </tr> </tbody> </table> | County Reporting | League Reporting | <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County had recently adopted California’s State Building Codes as part of Fresno County Ordinance Code Title 15. These codes provided minimum standards for safety in construction.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The Department of Public Works and Planning continues to review all proposed development to ensure it is designed and constructed to State and local regulations as part of the building permit and plan check process.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: Ongoing → ∅</p> | <p>The County’s 2015, 2016 and 2017 APRs stated that the County continued to review all proposed development to ensure it was designed and constructed to state and local construction standards.</p> <p>(It should be noted that the County has provided no justification for the recommended deletion of Program HS-B.A.)</p> <hr/> <p><b>Conclusion:</b></p> <p>The County reviews the design of all buildings and structures to ensure that they are constructed to state and local standards as part of its building permit plan check process.</p> <p><b>Evidence of the successful implementation of Program HS-B.A during 2017:</b></p> <p>Good.</p> |  |
| County Reporting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | League Reporting                                                                                                                                    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 |  |
| <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County had recently adopted California’s State Building Codes as part of Fresno County Ordinance Code Title 15. These codes provided minimum standards for safety in construction.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The Department of Public Works and Planning continues to review all proposed development to ensure it is designed and constructed to State and local regulations as part of the building permit and plan check process.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: Ongoing → ∅</p> | <p>The County’s 2015, 2016 and 2017 APRs stated that the County continued to review all proposed development to ensure it was designed and constructed to state and local construction standards.</p> <p>(It should be noted that the County has provided no justification for the recommended deletion of Program HS-B.A.)</p> <hr/> <p><b>Conclusion:</b></p> <p>The County reviews the design of all buildings and structures to ensure that they are constructed to state and local standards as part of its building permit plan check process.</p> <p><b>Evidence of the successful implementation of Program HS-B.A during 2017:</b></p> <p>Good.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                  |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |
| 110                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | HS-C.A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p><b>Deliverable:</b> Ongoing participation in the federal Flood Insurance Program and the maintenance of flood hazard maps.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      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|     |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the Development Engineering Section of the Maintenance and Operations Division maintained the most current Federal Emergency Management Act (<b>FEMA</b>) flood hazard maps and that the Division updated the information as new data/maps were released by FEMA.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The Department of Public Works and Planning maintains the most current FEMA flood hazard maps and updates the information as necessary or as new data / maps are released by FEMA. All submitted projects are reviewed to determine proximity to the 100-year floodplain during the grading permit process.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2002, 2015, 2016 and 2017 APRs stated that the County maintained the most current FEMA flood hazard maps and participated in the federal Flood Insurance Program.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County participates in the federal Flood Insurance Program and maintains flood hazard maps.</p> <p><b>Evidence of the successful implementation of Program HS-C.A during 2017:</b></p> <p>Good.</p>                                                                                                                   |
| 111 | HS-C.B | <p><b>Deliverable:</b> Ongoing implementation of the County’s Floodplain Management Ordinance.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|     |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the Development Engineering Section of the Maintenance and Operations Division enforced the County’s Floodplain Management Ordinance.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2002, 2015, 2016 and 2017 APRs stated that the County continued to implement its Floodplain Management Ordinance and to regulate new development to prevent losses from flooding through the grading permit process.</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to amend the General Plan by adding three new programs: (1) new Program HS-C.B to periodically update the County’s information on flooding, (2) new Program HS-C.D to periodically review and update the County’s</p> |

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |        | <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The Department of Public Works and Planning reviews all submitted projects for conformance with floodplain requirements through the grading permit process.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: Ongoing → Ø</p> <p>Add new Program HS-C.B, which would read as follows:</p> <p><i>“The County shall with each revision of its Housing Element review and update as necessary the General Plan to include new flooding information not previously available, as required by with AB 162 (2007).”</i></p> <p>Add new Program HS-C.D, which would read as follows:</p> <p><i>“The County shall update and periodically review the Special Flood Hazard Areas provisions contained in the County Code to ensure adequate protection for structures located within identified flood zones.”</i></p> <p>Add new Program HS-C.E, which would read as follows:</p> <p><i>“The County shall prepare, maintain, and implement a Countywide Flood Emergency Plan that is consistent with the Fresno General Plan and city adopted general plans. The plan should be prepared in coordination with cities in Fresno County and address the requirements of Senate Bill 5.”</i></p> | <p>Special Flood Hazard Areas provisions in the County Code and (3) new Program HS-C.E to prepare, maintain and implement a countywide Flood Emergency Plan.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County implements its Floodplain Management Ordinance.</p> <p><b>Evidence of the successful implementation of Program HS-C.B during 2017:</b></p> <p>Good.</p> |
| 112                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | HS-C.C | <p><b>Deliverables:</b> Ongoing review of dam failure evacuation plans.</p> <p>Ongoing dissemination of information on dam failure preparedness.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                        |
| <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the program was ongoing and that during the following year the County Office of Emergency Services would renew work toward the completion of a draft Fresno County Operational Area Dam Failure Evacuation Plan Element. Work had been completed for a dam failure/public preparedness evacuation plan for Friant Dam, and a similar plan for Pine Flat Dam was to follow.</p> |        | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that the program had been implemented. However, the APRs did not indicate that the County provided public information on dam failure preparedness.</p> <p>The County published a community information pamphlet on flood hazards (dated September 14, 2012), but the pamphlet did not contain information on dam failure</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                        |

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|     |        | <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“There are 23 dams within Fresno County that pose a significant risk to people and/or property. The Fresno County Office of Emergency Services has developed dam failure evacuation plans for each of these 23 dams. The Fresno County Multi-Hazard Mitigation Plan (2009) Section 4.2.9 evaluates dam failure in Fresno County. According to this document, there were 14 dam failures between 1976 and 1983, but all were earthen dams on private property. Although there remains a risk of dam failure in Fresno County, there have not been any failures of major dams.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p> | <p>preparedness. In addition, the County’s dam failure evacuation plans could not be found on the County’s website.</p> <hr/> <p><b>Conclusion:</b></p> <p>Even though the County has developed dam failure evacuation plans for 23 dams within Fresno County, the information provided by the County is insufficient to determine whether the County effectively disseminates that information to the public regarding dam failure preparedness.</p> <p><b>Evidence of the successful implementation of Program HS-C.C during 2017:</b></p> <p>Poor.</p>                                                                                                                                                                                   |
| 113 | HS-D.A | <p><b>Deliverables:</b> Regular review of information published by the California Division of Mines and Geology.</p> <p>Update of County maps and General Plan Background Report as needed.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|     |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the Water, Geology, and Natural Resources Unit of the Planning Department regularly reviewed the State Mines and Geology website for the purpose of remaining current. The APR also stated that no mapping changes were required during 2002.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The County reviews material published by the California Division of Mines and Geology and updates</i></p>                                                                                                                                                                                                                                            | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that the County reviewed material published by the California Division of Mines and Geology and updated County maps and the General Plan Background Report as necessary.</p> <p>In 1999, one year prior to the adoption of the 2000 General Plan, the County incorporated into Zoning Ordinance 858 the reclassification and mapping of sand and gravel regions within the county. Based on the fact that the County did not report any changes to Ordinance 858, the County’s geological maps or the General Plan Background Report, it may be assumed that no information had been received from the California Department</p> |

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|     |        | <p><i>the maps and the General Plan Background Report as necessary. Further, County staff actively engages with and discusses proposed mining projects with State Mining and Geology Board staff.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>of Mines and Geology after 2000 to warrant the update of these documents.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County regularly reviews geological information published by the California Division of Mines and Geology and updates the County’s maps and General Plan Background Report accordingly.</p> <p><b>Evidence of the successful implementation of Program HS-D.A during 2017:</b></p> <p>Good.</p>                                                                                                                                                                                                                                                                                                              |
| 114 | HS-D.B | <p><b>Deliverable:</b> Inventory of unreinforced masonry structures within unincorporated Fresno County constructed prior to 1948.</p> <hr/> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that a survey conducted in 1991 found there were no unreinforced masonry buildings in the unincorporated areas of Fresno County.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“A survey was conducted in 1991 to identify all unreinforced masonry buildings in the unincorporated areas of Fresno County. The survey did not identify any building to be below acceptable standards. Since unreinforced masonry buildings are not allowed within the unincorporated areas, this program will be deleted as part of the ongoing General Plan Review process.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: FY 02-04 → Ø</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2002, 2015, 2016 and 2017 APRs stated that a survey conducted in 1991 did not identify any unreinforced masonry structures within unincorporated Fresno County. That being the case, it appears there may have been no need to include Program HS-D.B in the update of the General Plan in 2000.</p> <hr/> <p><b>Conclusion:</b></p> <p>This program need not have been adopted by the Board of Supervisors in 2000 because unincorporated areas of the County did not have any unreinforced masonry structures at that time.</p> <p><b>Evidence of the successful implementation of Program HS-D.B during 2017:</b></p> <p>Good. (No work required.)</p> |

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|-----|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 115 | HS-D.C                  | <b>Deliverable:</b> Development of a public awareness program to aid in the identification and mitigation of unreinforced masonry structures.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|     | <b>County Reporting</b> | <b>League Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|     |                         | <p><b>2002 APR</b></p> <p>The 2002 APR stated that since no unreinforced masonry buildings had been located within the unincorporated areas of the County, a public awareness program had not been developed.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“Because no unreinforced masonry buildings have been located within the unincorporated areas of the County, a public awareness program has not been developed.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Delete program.</p> <p>Change time frame: FY 02-03 → Ø</p> | <p>The County's 2002, 2015, 2016 and 2017 APRs stated that the program was not needed because there were no unreinforced masonry buildings within unincorporated areas of the county.</p> <p>This information was confirmed in a 2003 report to the California Legislature by the Seismic Safety Commission (SSC 2003-03) entitled <i>Status of the Unreinforced Masonry Building Law</i>. As such, it appears there may have been no need to include Program HS-D.C in the update of the General Plan in 2000.</p> <hr/> <p><b>Conclusion:</b></p> <p>This program need not have been adopted by the Board of Supervisors in 2000 because unincorporated areas of the County did not have any unreinforced masonry structures at that time.</p> <p><b>Evidence of the successful implementation of Program HS-D.C during 2017:</b></p> <p>Good. (No work required.)</p> |
| 116 | HS-E.A                  | <b>Deliverable:</b> Referral of development projects within the Airport Review Area for review by the Fresno County Airport Land Use Commission.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|     | <b>County Reporting</b> | <b>League Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|     |                         | <p><b>2002 APR</b></p> <p>The 2002 APR stated that all applicable plan amendments and rezones were referred to the Airport Land Use Commission.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>The County's 2002, 2015, 2016 and 2017 APRs stated that all applicable land use applications were referred to the Airport Land Use Commission for evaluation, the results of which are forwarded to the Planning Commission and the Board of Supervisors.</p> <hr/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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|     |        | <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“All applicable land use applications are referred to the Airport Land Use Commission (ALUC) that is administered by FCOG, for evaluation of consistency with the appropriate Airport Land Use Policy Plan. Recommendations of the ALUC are incorporated into staff’s evaluation and forwarded to the Planning Commission and the Board of Supervisors.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p><b>Conclusion:</b></p> <p>The County refers development projects within the Airport Review Area for review by the Fresno County Airport Land Use Commission.</p> <p><b>Evidence of the successful implementation of Program HS-E.A during 2017:</b></p> <p>Good.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 117 | HS-F.A | <p><b>Deliverable:</b> Review of the reduction, storage and recycling of hazardous waste for discretionary uses which involve hazardous materials or generate hazardous wastes in regulated quantities.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|     |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County conducted an assessment of the numbers and sizes of facilities that would be regulated and inspected under Policy HS-F.2 for hazardous materials handling and hazardous waste generation. This assessment was followed by a time task analysis that estimated the amount of staff time needed to properly implement the program. As a result, the 2002-2003 County budget allocated funds for addition staff positions to address the increased demand in services.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“The County Health Department continues to review discretionary uses that generate hazardous materials. The Department of Public Works and Planning routes discretionary permit applications to the Health Department for review and comment. Any proposed project that may generate hazardous material will be</i></p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2002 APR stated that the County had hired additional staff to regulate and inspect the handling of hazardous materials and the generation of hazardous waste.</p> <p>The County’s 2015, 2016 and 2017 APRs stated that the County’s Environmental Health Department continued to review and recommend mitigation for discretionary uses that generated hazardous materials.</p> <p>It must be noted, however, that the APRs provided no evidence that the focus of the reviews was the reduction, storage and recycling of hazardous waste.</p> <hr/> <p><b>Conclusion:</b></p> <p>As part of its permitting process, the County reviews discretionary uses which involve hazardous materials or generate hazardous wastes in regulated quantities.</p> |

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|     |        | <p><i>required to comply with the recommended conditions or mitigation measures.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Retain time frame: Ongoing.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p><b>Evidence of the successful implementation of Program HS-F.A during 2017:</b></p> <p>Good.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 118 | HS-F.B | <p><b>Deliverable:</b> Investigation of funding for site acquisition, development and operation of a permanent household waste facility.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|     |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the Resources Division of the Planning Department had secured a \$300,000 grant from the California Integrated Waste Management Board for the siting of a permanent household hazardous waste collection facility.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“On March 14, 2013 the County received Planning Commission approval to permit the establishment of a 15,000 square-foot household hazardous waste facility at the American Avenue Landfill. This Facility has since been constructed and is operational.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Change time frame: FY 01-02 → 2021-?.</p> <p>(The question mark in the time frame above is written in place of the year because that portion of the County’s Draft 2017 Policy Document is unreadable.)</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2015, 2016 and 2017 APRs stated that a site for a permanent household waste facility had been acquired and that the facility had been constructed and was in operation.</p> <p>For this reason, it was unnecessary for the County to propose (through its December 2017 draft of the Policy Document) to extend the time frame for implementation of Program HS-F.B from fiscal year 2001-2002 to calendar year 2021 and beyond.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County investigated funding for site acquisition, development and operation of a permanent household waste facility. As a result, the facility has been constructed and is in operation.</p> <p><b>Evidence of the successful implementation of Program HS-F.B during 2017:</b></p> <p>Good.</p> |
| 119 | HS-F.C | <p><b>Deliverable:</b> Review of plans to mitigate soil or groundwater contamination from hazardous waste for redevelopment and infill projects.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|     |        | <p style="text-align: center;"><b>County Reporting</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p style="text-align: center;"><b>League Reporting</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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|     |        | <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County was implementing its Contaminated Site Oversight Program for the remediation of contaminated properties due to the use of underground storage tanks and that during the following year, the County planned to assess the draft Response Action Regulations developed for the remediation of contamination from activities other than underground storage tanks.</p> <p>To avoid future environmental problems, the Development Services Department was checking new construction plans to verify (1) the required horizontal separation between onsite sewage disposal systems and the sources of domestic water supplies and (2) the required vertical separation between disposal fields and the water table.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR did not report on this program.</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“Development projects are referred to Environmental Health for review and comments. If the subject site is identified as a contaminated site, Environmental Health recommends mitigation measures to address soil or groundwater contamination. Further, as part of the environmental review process, staff has the ability to access State and Federal databases for contaminated sites and can apply appropriate mitigation to discretionary land use projects via comments from State, Federal or local agencies.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Modify program.</p> <p>Retain time frame: Ongoing.</p> | <p>The County’s 2015, 2016 and 2017 APRs stated that the County’s Environmental Health Department reviewed and recommended mitigation for all development projects on sites identified as contaminated with hazardous waste.</p> <p>The County has proposed (through its December 2017 draft of the Policy Document) to amend Program HS-F.C to read that in order to mitigate soil and groundwater contamination, the County will shift from reviewing plans to coordinating with the Regional Water Quality Board to accomplish the same. Importantly, this change may result in less focus on the mitigation of soil contamination from hazardous waste for redevelopment and infill projects, as the mission of the State of California Central Valley Regional Water Quality Control Board is not to protect soil quality per se, but rather to “<i>preserve, enhance, and restore the quality of California’s water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations.</i>”</p> <hr/> <p><b>Conclusion:</b></p> <p>As part of the permitting process for redevelopment and infill projects, the County requires mitigation of contamination caused by hazardous waste.</p> <p><b>Evidence of the successful implementation of Program HS-F.C during 2017:</b></p> <p>Good.</p> |
| 120 | HS-G.A | <p><b>Deliverable:</b> Amendment of the Noise Ordinance, as necessary, to ensure conformity with the General Plan.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|     |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2002 APR</b></p> <p>The 2002 APR stated that the County approved an amendment to the County’s Noise Ordinance that</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p style="text-align: center;"><b>League Reporting</b></p> <p>The 2002 APR stated that the County had yet to yet to review it Noise Ordinance to</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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|     | <p>clarified that property owners were liable for noise violations occurring on their properties.</p> <p>The APR also stated that the County's Noise Ordinance would be evaluated to determine if additional amendments were necessary to bring the Noise Ordinance into consistency with the General Plan.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR stated that program implementation had been delayed due to <i>"the lack of available funding."</i></p> <p><b>2015 and 2016 APRs</b></p> <p>Unlike the 2013/2014 APR, the 2015 and 2016 APRs stated that the program had been implemented. (The 2017 APR did not state that the program had been implemented.)</p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>"The County Environmental Health Division will continue to enforce the Fresno County Noise Ordinance and amend its policies as necessary. Discretionary land use permits which may generate excessive noise levels are often required to complete a noise analysis, and proposals within designated noise areas of airports are evaluated or limited to avoid conflicts with General Plan noise standards."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Change time frame: FY 01-02 → 2021-?.</p> <p>(The question mark in the time frame above is written in place of the year because that portion of the County's Draft 2017 Policy Document is unreadable.)</p> | <p>determine if changes were needed to bring the ordinance into compliance with the General Plan as updated in 2000.</p> <p>The County's 2015, 2016 and 2017 APRs did not state that the County had amended the Noise Ordinance to ensure conformity with the General Plan.</p> <p>Since the 2013/2014 APR reported that the program had not been initiated by that year and since the 2015 APR reported that the program had been implemented, it may be assumed that the County evaluated the Noise Ordinance to ensure conformity with the General Plan sometime during 2015. An electronic search using the keyword <i>"noise"</i> for all of the 2015 meeting agendas the Board of Supervisors did not yield any agenda item regarding the evaluation of the Noise Ordinance.</p> <p>(It should be noted that even though the County's 2013/2014, 2015 and 2016 APRs stated that the Program HS-G.A had been implemented, the County has proposed through its December 2017 draft of the Policy Document to amend the time frame for accomplishing Program HS-G.A from FY 01-02 to calendar year 2021 or beyond.)</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to show that the County amended its Noise Ordinance to ensure conformity with the update of the General Plan in 2000.</p> <p><b>Evidence of the successful implementation of Program HS-G.A during 2017:</b></p> <p>None.</p> |
| 121 | HS-G.B                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p><b>Deliverable:</b> Development of a noise control program that includes...</p> <ul style="list-style-type: none"> <li>(a) An ordinance defining effective noise control and exemptions, setting forth monitoring methodology and delineating enforcement and abatement procedures.</li> <li>(b) A public information program to inform county residents of the impact of noise on their lives.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

|  | <p style="text-align: center;"><b>County Reporting</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p style="text-align: center;"><b>League Reporting</b></p>                                                                                                                                                                                                                                                |
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|  | <p><b>2002 APR</b></p> <p>The 2002 APR stated that during the following year the Environmental Health System intended to work with the Department of Public Works and Planning to update the Health and Social Services website to include information regarding community noise.</p> <p><b>2013/2014 APR</b></p> <p>The 2013/2014 APR stated that program implementation had been delayed due to <i>“the lack of available funding.”</i></p> <p><b>2015 and 2016 APRs</b></p> <p>The 2015 and 2016 APRs contained this statement:</p> <p><i>“A Noise Control Program has not been developed.”</i></p> <p><b>2015, 2016 and 2017 APRs</b></p> <p>These APRs contained an identical appraisal of the implementation of the program. That appraisal is printed in full below:</p> <p><i>“All land use projects are evaluated for potential noise impacts as required by the California Environmental Quality Act (CEQA) and appropriate mitigation measures are incorporated as necessary. As stated in response to HS-G.A above, staff coordinates with the Health Department regarding discretionary land use permits, and additional evaluation may be required for excessive noise-generating uses. However, a noise control program that addresses all components of this Implementation Program has not been developed.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>Retain program as is.</p> <p>Time frame change: FY 01-02 → 2021-?.</p> <p>(The question mark in the time frame above is written in place of the year because that portion of the County’s Draft 2017 Policy Document is unreadable.)</p> | <p>The County’s 2015 and 2016 APRs stated that the County had not developed a noise control program.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County has not developed a noise control program.</p> <p><b>Evidence of the successful implementation of Program HS-G.B during 2017:</b></p> <p>None.</p> |

## Appendix B

### 2017 APR — IMPLEMENTATION OF THE GENERAL PLAN HOUSING ELEMENT

California Government Code Section 65400 requires that once an agency has adopted a general plan, it must provide to the state an annual report (**APR**) on progress made in implementing the plan.

“California Government Code Section 65400

*(a) After the legislative body has adopted all or part of a general plan, the planning agency shall do...the following:*

*⋮*

*(2) Provide by April 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development that includes all of the following:*

*(A) The status of the plan and progress in its implementation.*

*(B) The progress in meeting its share of regional housing needs....*

*The housing element portion of the annual report, as required by this paragraph, shall be prepared through the use of standards, forms, and definitions adopted by the Department of Housing and Community Development....The housing element portion of the annual report shall include a section that describes the actions taken by the local government towards completion of the programs and status of the local government’s compliance with the deadlines in its housing element.”*

California Government Code of Regulations Section 6203 lists the required components of annual progress reports evaluating housing elements. Below is a portion of that code.

California Government Code of Regulations, Title 25, Division 1, Chapter 6, Subchapter 2. §6203.

*“Each annual report shall contain the following information:*

*(e) For each program identified in the housing element...:*

*(4) Status of program implementation as of the end of the annual reporting period **listing dates of specific milestones or accomplishments, and quantified to the extent applicable and possible....”***

In addition, in its instructions to local agencies, the Department of Housing and Community Development mandates that local agencies “*detail the progress in implementing all specific programs and policies.*” In other words, state law requires a comprehensive and thorough assessment of the progress made toward implementing housing programs and policies.

The County’s 2015-2023 Housing Element contains 19 programs which are further divided into 63 “*objectives.*” These objectives are not goals; they are, instead, program tasks. For example, printed below is the first objective (program task) listed in the 2015-2023 Housing Element.

Housing H-1.1: “*The County of Fresno Public Works and Planning Department, with assistance of the Fresno COG, will take the lead in coordinating the Countywide Fifth Cycle Housing Element Committee meetings.*”

## Program Numbering

Although the 19 programs in the Housing Element are numbered 1 through 19, the 63 objectives within them are bulleted — not identified either by letter or number. Therefore, it has been necessary to assign each an identifying number as follows: the first objective of the first program in the Housing Element has been labeled *H-1.1*, the second objective in the first program *H-1.2* and so on.

To make reference quick and easy, each of the 63 objectives was assigned a number from 122 to 184, the numbers 1 – 121 having been applied to the 121 programs in the other six elements of the General Plan.

## Methodology for Assessing Implementation

As explained previously on page 25 of this report, to help focus attention on the essential features of individual objectives, each objective is rewritten as a *deliverable*. Doing so enables the reader to hone in on the degree to which the County has been able to implement all aspects of the various programs.

The example below shows Housing Program Objective H-8.3 rewritten as a set of deliverables. The original text from the General Plan is at the left; the set of deliverables at the right.

### Full Text of Housing Program Objective H-8.3

*“Annually monitor the status of farmworker housing as part of the County’s annual report to HCD on Housing Element progress and evaluate if County efforts are effective in facilitating the provision of farmworker housing. If appropriate, make necessary changes to enhance opportunities and incentives for farmworker housing development.”*

### Objective H-8.3 Expressed as Deliverables

1. Annual monitoring of the status of farmworker housing.
2. Annual evaluation of the effectiveness of the County’s efforts to facilitate the provision of farmworker housing.

Because the County’s 2015-2023 Housing Element is fairly new, the assessment of the success of program implementation is based on the most recent year, i.e., on implementation information provided by the County for calendar year 2017 alone.

## Content of the Annual Housing Report

Generally speaking, state law gives counties a great deal of latitude on how they format their APRs, but that’s not so for reporting on the implementation of housing elements. The housing section of the APR must be completed using five forms (tables) provided by the Department of Housing and Community Development. Below is a description of the content of each of these tables.

Table A Building activity summary of new construction for lower income residents.

Table A2 Building activity summary of the rehabilitation of existing housing units.

Table A3 Building activity summary of new construction for moderate income residents.

Table B Progress in meeting the County’s Regional Housing Needs Allocation (RHNA).

Table C Progress in implementing programs in the County’s Housing Element.

County planning staff completed the five tables and sent them to the state as part of its 2017 APR. The County’s completed tables for 2017 are reproduced below on pages 180 and 181. (The reader will note on page 181 that Table C is left blank. This is acceptable because the County prepared Appendix B in lieu of completing Table C.)

## Portion of the County's Housing Report Reviewed by the League of Women Voters of Fresno

The League did not check the accuracy of the housing data provided by the County for Tables A, A2, A3 and B, as there was no way to do so.

The League limited its evaluation to the information supplied by the County to Table C, which was a report of the progress made in implementing the 63 program objectives in the County's 2015-2023 Housing Element. (See Appendix B, pp. 137-181.)

### League's Report on Program Implementation

Once available information from the County's 2017 APR has been reviewed, each program objective was color tagged as follows:

-  Good evidence of successful implementation.
-  Poor evidence of successful implementation.  
Only partial evidence of implementation.
-  No evidence by which to confirm successful implementation.  
Evidence that implementation was delayed or not implemented per directives in the plan.

The League has created a four-column chart, titled *Appendix B*, which evaluates County progress toward implementing the 63 objectives in the Housing Element.

That chart, beginning on the next page, contains these four columns.

- Column 1: Individual numbering of each program objective from 122 to 184 with a color tag indicating the degree of successful implementation.
- Column 2: New identification labels applied to each program objective (e.g., H-1.1, H-1.2).
- Column 3: The success of implementation as described in the County's 2017 APR.
- Column 4: The success of implementation as described by the League.

It should be noted that the 121 implementation programs in the first six elements of the General Plan, unlike programs in the Housing Element, lack program objectives, which makes the evaluation of each of those 121 programs a somewhat simpler task.

The Housing Element is different. Each of the 19 programs in the Housing Element has as few as one or as many as eight objectives. Altogether, the Housing Element has 63 objectives.

Because the County's 2017 report on its Housing Element evaluated the 19 programs in the aggregate and did not comment individually on each objective, in reviewing the County's 2017 APR, it was difficult, at times, to determine with confidence the degree to which the County was able to report successful implementation of individual objectives.

Even so, it was possible to determine with near certainty that the County's 2017 APR did not comment at all on the implementation of these nine program objectives: H-3.5, H-5.2, H-7.2, H-8.3, H-17.2, H-17.3, H-18.3, H-18.5 and H-19.4.)

## APPENDIX B

### PROGRESS TOWARD IMPLEMENTATION OF THE 63 PROGRAM OBJECTIVES LISTED IN THE HOUSING ELEMENT

**2015 – 2023 HOUSING ELEMENT**

## Regional Collaboration

### Program 1: Regional Collaboration on Housing Opportunities

|     |                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 122 | H-1.1                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p><b>Deliverable:</b> Evidence of the Planning Department taking the lead in coordinating the Countywide Fifth Cycle Housing Element Committee meetings.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |
|     | <p><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 1.1 is printed in full below:</p> <p><i>“Staff of the local governments who participated in the Fifth-Cycle Update met biannually in 2017 to discuss implementation of the housing element and regional housing issues.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p><b>League Reporting</b></p> <p>The County's 2017 APR stated that the staffs of local governments participating in the Fifth-Cycle Update of the Multi-jurisdictional Housing Element met twice in 2017. The 2017 APR did not indicate that the County took the lead in coordinating those meetings.</p> <p>(It should be noted that there does not appear to be a County public record of the proceedings of those meetings.)</p> <hr style="width: 20%; margin-left: auto; margin-right: 0;"/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County has taken the lead in coordinating the Countywide Fifth Cycle Housing Element Committee meetings.</p> <p><b>Evidence of the successful implementation of Program H-1.1 during 2017:</b></p> <p>Poor.</p> |  |

|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 123 | H-1.2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Deliverable:</b> Ongoing collaboration on housing program implementation and regional issues as part of the Countywide Housing Element Technical Committee.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
|     | <b>County Reporting</b><br><br><b>2017 APR</b><br><br>The County's 2017 APR appraisal of the implementation of Program Objective 1.2 was identical to that for Program Objective 1.1.<br><br>The County's 2017 appraisal of the implementation of Program Objective 1.1 is reprinted in full below:<br><br><i>"Staff of the local governments who participated in the Fifth-Cycle Update met biannually in 2017 to discuss implementation of the housing element and regional housing issues."</i><br><br><b>Recommendations in the Draft 2017 Policy Document</b><br><br>None. | <b>League Reporting</b><br><br>At the time of the Board of Supervisors' adoption of the fifth cycle of the Housing Element on March 15, 2016, the Countywide Housing Element Technical Committee consisted of 19 people representing the County and 12 of the county's 15 cities.<br><br>The County's 2017 APR stated that the staffs of local governments participating in the Fifth-Cycle Update of the Multi-jurisdictional Housing Element met twice in 2017.<br><br>(It should be noted that there does not appear to be a County public record of the proceedings of those meetings.)<br><br><hr style="width: 20%; margin-left: auto; margin-right: auto;"/> <b>Conclusion:</b><br><br>Information provided by the County is insufficient to understand the extent to which the County has collaborated on housing program implementation and regional housing issues.<br><br><b>Evidence of the successful implementation of Program H-1.2 during 2017:</b><br><br>Poor. |  |
| 124 | H-1.3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Deliverable:</b> At least biannually, meetings of the Countywide Housing Element Technical Committee to evaluate the implementation of programs and to identify any additional housing needs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |
|     | <b>County Reporting</b><br><br><b>2017 APR</b><br><br>The County's 2017 APR appraisal of the implementation of Program Objective 1.3 was identical to that for Program Objective 1.1.<br><br>The County's 2017 appraisal of the implementation of Program Objective 1.1 is reprinted in full below:                                                                                                                                                                                                                                                                             | <b>League Reporting</b><br><br>At the time of the Board of Supervisors' adoption of the fifth cycle of the Housing Element on March 15, 2016, the Countywide Housing Element Technical Committee consisted of 19 people representing the County and 12 of the county's 15 cities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |

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|     |       | <p><i>“Staff of the local governments who participated in the Fifth-Cycle Update met biannually in 2017 to discuss implementation of the housing element and regional housing issues.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p>                                                                                                                                                                                                                                                   | <p>The County’s 2017 APR stated that the staffs of local governments participating in the Fifth-Cycle Update of the Multi-jurisdictional Housing Element met twice in 2017.</p> <p>(It should be noted that there does not appear to be a County public record of the proceedings of those meetings.)</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County has evaluated the implementation of housing programs and identified additional housing needs.</p> <p><b>Evidence of the successful implementation of Program H-1.3 during 2017:</b></p> <p>Poor.</p>                                                                                                                        |
| 125 | H-1.4 | <p><b>Deliverable:</b> Annual meeting of the Countywide Housing Element Technical Committee with the California Department of Housing and Community Development (HCD) and other agencies to discuss funding opportunities and challenges with program implementation.</p>                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|     |       | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County’s 2017 appraisal of the implementation of Program Objective 1.4 is printed in full below:</p> <p><i>“Staff of the participating local governments also met with representatives of the California Department of Housing and Community Development (HCD) to discuss funding opportunities and challenges in implementing their programs.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>At the time of the Board of Supervisors’ adoption of the fifth cycle of the Housing Element on March 15, 2016, the Countywide Housing Element Technical Committee consisted of 19 people representing the County and 12 of the county’s 15 cities.</p> <p>The County’s 2017 APR stated that the staffs of local governments participating in the Fifth-Cycle Update of the Multi-jurisdictional Housing Element met with the California Department of Housing and Community Development to discuss funding opportunities and challenges in implementing their programs.</p> <p>(It should be noted that there does not appear to be a County public record of the proceedings of such meetings.)</p> <hr/> |

|                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                            | <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County has discussed with the California Department of Housing and Development funding opportunities and the challenges of program implementation.</p> <p><b>Evidence of the successful implementation of Program H-1.4 during 2017:</b></p> <p>Poor.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                  |                  |                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| 126                                                                                                                                                                                                                                                                                                                                                                                               | H-1.5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p><b>Deliverable:</b> Periodic meetings of the Countywide Housing Element Technical Committee with Fair Housing of Central California to discuss fair housing issues and opportunities for education.</p> | <table border="1"> <thead> <tr> <th data-bbox="979 688 979 793">County Reporting</th> <th data-bbox="979 688 1534 793">League Reporting</th> </tr> </thead> <tbody> <tr> <td data-bbox="321 793 979 1906"> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 1.5 is printed in full below:</p> <p><i>“Staff of the participating local governments met with staff of Fair Housing of Central California to discuss fair housing issues and opportunities for education.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> </td> <td data-bbox="979 793 1534 1906"> <p>At the time of the Board of Supervisors' adoption of the fifth cycle of the Housing Element on March 15, 2016, the Countywide Housing Element Technical Committee consisted of 19 people representing the County and 12 of the county's 15 cities.</p> <p>The County's 2017 APR stated that the staffs of local governments participating in the Fifth-Cycle Update of the Multi-jurisdictional Housing Element met with the Fair Housing Council of Central California.</p> <p>(It should be noted that there does not appear to be a County public record of the proceedings of such meetings.)</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County has discussed fair housing issues and opportunities for education with the Fair Housing Council of Central California.</p> <p><b>Evidence of the successful implementation of Program H-1.5 during 2017:</b></p> <p>Poor.</p> </td> </tr> </tbody> </table> | County Reporting | League Reporting | <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 1.5 is printed in full below:</p> <p><i>“Staff of the participating local governments met with staff of Fair Housing of Central California to discuss fair housing issues and opportunities for education.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p>At the time of the Board of Supervisors' adoption of the fifth cycle of the Housing Element on March 15, 2016, the Countywide Housing Element Technical Committee consisted of 19 people representing the County and 12 of the county's 15 cities.</p> <p>The County's 2017 APR stated that the staffs of local governments participating in the Fifth-Cycle Update of the Multi-jurisdictional Housing Element met with the Fair Housing Council of Central California.</p> <p>(It should be noted that there does not appear to be a County public record of the proceedings of such meetings.)</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County has discussed fair housing issues and opportunities for education with the Fair Housing Council of Central California.</p> <p><b>Evidence of the successful implementation of Program H-1.5 during 2017:</b></p> <p>Poor.</p> |
| County Reporting                                                                                                                                                                                                                                                                                                                                                                                  | League Reporting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                  |                  |                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 1.5 is printed in full below:</p> <p><i>“Staff of the participating local governments met with staff of Fair Housing of Central California to discuss fair housing issues and opportunities for education.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p>At the time of the Board of Supervisors' adoption of the fifth cycle of the Housing Element on March 15, 2016, the Countywide Housing Element Technical Committee consisted of 19 people representing the County and 12 of the county's 15 cities.</p> <p>The County's 2017 APR stated that the staffs of local governments participating in the Fifth-Cycle Update of the Multi-jurisdictional Housing Element met with the Fair Housing Council of Central California.</p> <p>(It should be noted that there does not appear to be a County public record of the proceedings of such meetings.)</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County has discussed fair housing issues and opportunities for education with the Fair Housing Council of Central California.</p> <p><b>Evidence of the successful implementation of Program H-1.5 during 2017:</b></p> <p>Poor.</p> |                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                  |                  |                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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| 127 | H-1.6 | <p><b>Deliverable:</b> Evidence of the Countywide Housing Element Technical Committee advocating on behalf of the Fresno County region for grant funding for affordable housing and infrastructure improvements.</p>                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|     |       | <p><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County's 2017 APR appraisal of the implementation of Program Objective 1.6 was identical to that for Program Objective 1.4.</p> <p>The County's 2017 appraisal of the implementation of Program Objective 1.4 is reprinted in full below:</p> <p><i>"Staff of the participating local governments also met with representatives of the California Department of Housing and Community Development (HCD) to discuss funding opportunities and challenges in implementing their programs."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p><b>League Reporting</b></p> <p>At the time of the Board of Supervisors' adoption of the fifth cycle of the Housing Element on March 15, 2016, the Countywide Housing Element Technical Committee consisted of 19 people representing the County and 12 of the county's 15 cities.</p> <p>The County's 2017 APR stated that the staffs of participating of local governments met with the California Department of Housing and Community Development to discuss funding opportunities and challenges in implementing their programs.</p> <p>(It should be noted that there does not appear to be a County public record of the proceedings of such meetings.)</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County has advocated on behalf of the Fresno County region for grant funding for affordable housing and infrastructure improvements.</p> <p><b>Evidence of the successful implementation of Program H-1.6 during 2017:</b></p> <p>Poor.</p> |
| 128 | H-1.7 | <p><b>Deliverable:</b> Search for partnerships with other jurisdictions, agencies, housing developers, community stakeholders, and agricultural employers/employees to explore options for increasing the availability of farmworker housing.</p>                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|     |       | <p><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 1.7 is printed in full below:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p><b>League Reporting</b></p> <p>The County's 2017 APR stated that the staffs participating in the Fifth-Cycle Update of the Multi-jurisdictional Housing Element had</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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|  | <p><i>“Staff of the participating local governments seek opportunity to partner with other jurisdictions in the region and other agencies to explore viable options for increasing the availability of farmworker housing in suitable locations in the region on an ongoing basis.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p>engaged in a search for partnerships with other jurisdictions, agencies, housing developers, community stakeholders, and agricultural employers/employees to explore options for increasing the availability of farmworker housing.</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County has searched for partnerships with other jurisdictions, agencies, housing developers, community stakeholders, and agricultural employers/employees to explore options for increasing the availability of farmworker housing.</p> <p><b>Evidence of the successful implementation of Program H-1.7 during 2017:</b></p> <p>Poor.</p> |
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**Program 2: Review Annexation Standards in Memorandums of Understanding**

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| 129 | H-2.1 | <p><b>Deliverable:</b> Evidence that the County is working with the county’s 15 cities during the Housing Element planning period to review and revise the standards for annexation contained in the memorandums of understanding between the County and the cities.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|     |       | <p><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County’s 2017 appraisal of the implementation of Program Objective 2.1 is printed in full below:</p> <p><i>“In the calendar year of 2017, Fresno County and City of Reedley staff worked together and proposed an amendment to the MOU between the County and the City of Reedley which was approved by the Board of Supervisors on September 26, 2017. The amendment, among other things, revised Exhibit ‘A’ - Standards of Annexation of the MOU to include the following provision to the list of acceptable annexations:</i></p> <p><i>The annexation is to fulfill the City’s Regional Housing Needs Allocation (RHNA) obligation which otherwise cannot be accommodated on lands currently within the city’s incorporated boundary.</i></p> <p><i>The County will work with other cities in the County for any proposed revision to the Standards for Annexation</i></p> | <p><b>League Reporting</b></p> <p>The County’s 2017 APR stated that during 2017, the County worked to revise the County’s Memorandum of Understanding (<b>MOU</b>) with the City of Reedley to include provisions that would enable the city to meet its Regional Housing Needs Allocation.</p> <p>The APR also stated that the MOUs with the other 14 cities within the county would be similarly revised either at the time of MOU renewal or by special request from particular cities.</p> <p>The 2017 APR did not state which MOUs were in need of revision or when such revisions were likely to take place.</p> <hr/> |

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|  | <p>contained in the Memorandum of Understanding (MOU) either at the time of renewal of MOUs or upon a request by a city.”</p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p><b>Conclusion:</b></p> <p>The County is working with the county’s 15 cities to review and revise the standards for annexation contained in their respective MOUs.</p> <p><b>Evidence of the successful implementation of Program H-2.1 during 2017:</b></p> <p>Good.</p> |
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**Program 3: Adequate Sites Program**

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| 130 | H-3.1 | <p><b>Deliverable:</b> Completion of General Plan and Zoning Ordinance technical amendments in 2016 to achieve internal consistency.</p>                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|     |       | <p><b>County Reporting</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p><b>League Reporting</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|     |       | <p><b>2017 APR</b></p> <p>The County’s 2017 appraisal of the implementation of Program Objective 3.1 is printed in full below:</p> <p><i>“The General Plan Review and Zoning Ordinance Update projects are moving forward. The public review draft of the General Plan documents and the Zoning Ordinance have been released for public review and the project is anticipated to be completed in 2019.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p>With respect to allowable housing densities, the County’s 2015-2023 Housing Element stated that there were technical inconsistencies between the General Plan and the Zoning Ordinance.</p> <p>The 2015-2023 Housing Element also reported that technical inconsistencies existed between the General Plan and the Zoning Ordinance and that the County’s practice was to honor allowable densities in the Zoning Ordinance if requested by project applicants.</p> <p>The 2017 APR also stated that internal consistency would be achieved in 2019, although the County originally anticipated that the lack of internal consistency would be resolved by 2016.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County’s effort to make the Zoning Ordinance consistent with the 2000 update of the General Plan began in late 2005, and after 13 years, that work is still unfinished. The effort to bring the Zoning Ordinance into compliance with the 2015-2023 Housing was to have been completed by 2016, and it also unfinished.</p> |

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|     |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p><b>Evidence of the successful implementation of Program H-3.1 during 2017:</b></p> <p>Poor.</p>                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 131 | H-3.2 | <p><b>Deliverable:</b> Annual update of the inventory of residential land resources.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|     |       | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 3.2 is printed in full below:</p> <p><i>"The County monitors inventory of lands identified in the Housing Element to accommodate County's Fifth-Cycle RHNA allocations. County staff monitors database to ensure changes to land use designations , annexations, or other proposed removal of land identified in the inventory does not diminish land identifies [sic] in the inventory to accommodate County's Fifth-Cycle RHNA obligations."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2017 APR stated that the County was monitoring the inventory of lands identified in the Housing Element to accommodate the County's RHNA allocations.</p> <p>The 2017 APR contained an update of that inventory.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County annually updates its inventory of residential land resources.</p> <p><b>Evidence of the successful implementation of Program H-3.2 during 2017:</b></p> <p>Good.</p> |
| 132 | H-3.3 | <p><b>Deliverable:</b> Monitoring of changes in the inventory of residential land resources to ensure the County has remaining capacity consistent with its share of the regional housing needs.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|     |       | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 3.3 was identical to that for Program Objective 3.2.</p> <p>The County's 2017 appraisal of the implementation of Program Objective 3.2 is reprinted in full below:</p> <p><i>"The County monitors inventory of lands identified in the Housing Element to accommodate County's Fifth-Cycle RHNA allocations. County staff monitors database to ensure changes to land use designations , annexations, or other proposed removal of land identified in the inventory does not diminish land identifies [sic] in the</i></p>          | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2017 APR stated that the County was monitoring the inventory of lands identified in the Housing Element to accommodate the County's RHNA allocations.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County monitors changes in the inventory of residential land resources to ensure the County has remaining capacity</p>                                                                                                                 |

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|     |       | <p><i>inventory to accommodate County's Fifth-Cycle RHNA obligations."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p>                                                                                                                                                                                                                                   | <p>consistent with its share of the regional housing needs.</p> <p><b>Evidence of the successful implementation of Program H-3.3 during 2017:</b></p> <p>Good.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 133 | H-3.4 | <p><b>Deliverable:</b> Ongoing designation and zoning of adequate sites to meet special housing needs as specified in the County's Regional Housing Needs Allocation (HRNA).</p>                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|     |       | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 3.4 is printed in full below:</p> <p><i>"The County continues to designate and zone adequate sites to meet special housing needs as needed."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2017 APR stated that the County continued to designate and zone adequate sites to meet special housing needs as needed.</p> <p>Special needs groups include homeless persons, single-parent households, the elderly, persons with disabilities, farmworkers, and large families.</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County has been able to provide housing for special needs groups; however, Program H-3.4 only requires the County to designate and zone sites sufficient in number to meet the special housing needs allocation specified in the County's RHNA.</p> <p><b>Evidence of the successful implementation of Program H-3.4 during 2017:</b></p> <p>Good.</p> |
| 134 | H-3.5 | <p><b>Deliverable:</b> Ongoing encouragement of a variety of housing types for all income levels, as well as higher density housing through implementation of the General Plan and community plans, through mechanisms encouraging affordability and by promoting active transportation and access to services and amenities within existing communities.</p>                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|     |       | <p style="text-align: center;"><b>County Reporting</b></p>                                                                                                                                                                                                                                                                                                                                    | <p style="text-align: center;"><b>League Reporting</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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|     |       | <p><b>2017 APR</b></p> <p>The 2017 APR did not comment on Program Objective 3.5.</p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>The County's 2017 APR did not comment on this program objective.</p> <hr/> <p><b>Conclusion:</b></p> <p>Because the 2017 APR did not comment on this program objective, there is no information to indicate that the County encourages a variety of housing types for all income levels, as well as higher density housing.</p> <p><b>Evidence of the successful implementation of Program H-3.5 during 2017:</b></p> <p>None.</p>                                                                                                                                                                                                                                                                       |
| 135 | H-3.6 | <p><b>Deliverable:</b> Evidence of directing interested residential developers to community plan and specific plan areas where amenities are or can be located and where water and sewer service providers have or can provide capacity and potential for the expansion of infrastructure.</p>                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|     |       | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 3.6 is printed in full below:</p> <p><i>"The County continues to direct interested residential developers, especially affordable housing developers throughout the County, to Community Plan and Specific Plan areas where amenities are or can be located and where water and sewer service providers have or can provide capacity to accommodate developments."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2017 APR stated that the County was directing interested residential developers to community plan and specific plan areas where amenities were or could be located and where water and sewer service providers had or could provide infrastructure capacity.</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County has directed interested residential developers to areas where water and sewer services are located or can be located.</p> <p><b>Evidence of the successful implementation of Program H-3.6 during 2017:</b></p> <p>Poor.</p> |

|     |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| 136 | H-3.7 | <p><b>Deliverables:</b> Meeting(s) with developers to discuss constraints and opportunities on Trailer Park (TP) zoned sites.</p> <p>By 2017, the establishment of incentives, procedures or other mechanisms to promote development of TP zoned sites.</p>                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|     |       | <p><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 3.7 is printed in full below:</p> <p><i>"The County will meet with interested developers to discuss constraints and opportunities on TP zoned sites and address constraints and establish incentives, procedures or other mechanism on continual basis to promote development."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p><b>League Reporting</b></p> <p>The County's 2017 APR stated that the County would — at a future date — meet with developers to discuss constraints and opportunities on Trailer Park (TP) zoned sites and establish incentives, procedures or other mechanisms to promote development of TP zoned sites.</p> <p>(It should be noted that while the County's 2017 APR stated that the County would meet with "interested" developers, the program itself stated that the County would meet with developers generally, whether or not they had expressed an interest in TP zoning.)</p> <hr/> <p><b>Conclusion:</b></p> <p>The County's 2017 APR indicates that Program H-3.7 has not been initiated.</p> <p><b>Evidence of the successful implementation of Program H-3.7 during 2017:</b></p> <p>None.</p> |
| 137 | H-3.8 | <p><b>Deliverable:</b> Participation in the development of the next Regional Housing Needs Allocation (RHNA) Plan.</p>                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|     |       | <p><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 3.8 is printed in full below:</p> <p><i>"The County will participate in the development of the next RHNA Plan to ensure that the allocations are reflective of the County's General Plan policies and are realistic based on land use patterns in the unincorporated areas of the County."</i></p>                                                                   | <p><b>League Reporting</b></p> <p>The County's 2017 APR stated that the County would participate in the development of the next Regional Housing Needs Allocation (RHNA) Plan, which was expected to be approved sometime around 2023.</p> <hr/>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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|  |  | <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p><b>Conclusion:</b></p> <p>A revision of the County’s RHNA Plan is not due until 2023. The County will be a participant at that planning effort.</p> <p><b>Evidence of the successful implementation of Program H-3.8 during 2017:</b></p> <p>Good.</p> |
|--|--|------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Program 4: Monitoring of Residential Capacity (No Net Loss)**

|     |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| 138 | H-4.1 | <p><b>Deliverable:</b> By 2016, development and implementation of a formal evaluation procedure pursuant to Government Code Section 65863 to ensure sufficient residential capacity (at all times) to meet the County’s Regional Housing Needs Allocation (RHNA).</p>                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|     |       | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County’s 2017 appraisal of the implementation of Program Objective 4.1 is printed in full below:</p> <p><i>“The County monitor [sic] its inventory of vacant sites available for residential developments on an ongoing basis to ensure sufficient lands are available to accommodate the County’s share of the Fifth-Cycle RHNA allocations.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2017 APR stated that the County was monitoring its inventory of vacant sites available for residential development.</p> <p>Program H-4.1 required the County to develop a formal evaluation procedure pursuant to Government Code Section 65863 to ensure sufficient residential capacity to meet the County’s Regional Housing Needs Allocation (RHNA).</p> <hr/> <p><b>Conclusion:</b></p> <p>There is no information in the County’s 2017 APR to support a conclusion that the County has developed a formal evaluation procedure to ensure sufficient residential capacity to meet the County’s RHNA.</p> <p><b>Evidence of the successful implementation of Program H-4.1 during 2017:</b></p> <p>None.</p> |

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| 139 | H-4.2 | <p><b>Deliverable:</b> Annual monitoring of the effectiveness of non-residential zones to facilitate residential development.</p> |                         |
|     |       | <b>County Reporting</b>                                                                                                           | <b>League Reporting</b> |

|     |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|     |       | <p><b>2017 APR</b></p> <p>The 2017 APR appraisal of the implementation of Program Objective 4.2 was identical to that for Program Objective 4.1.</p> <p>The County's 2017 appraisal of the implementation of Program Objective 4.1 is reprinted in full below:</p> <p><i>"The County monitor [sic] its inventory of vacant sites available for residential developments on an ongoing basis to ensure sufficient lands are available to accommodate the County's share of the Fifth-Cycle RHNA allocations."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p>                                                            | <p>The County's 2017 APR stated that the County was monitoring its inventory of vacant sites available for residential development.</p> <p>Program H-4.2 required the County to monitor the "effectiveness" of non-residential zones to facilitate residential development.</p> <hr/> <p><b>Conclusion:</b></p> <p>There is no information in the County's 2017 APR to support a conclusion that the County monitored the "effectiveness" of non-residential zones to facilitate residential development.</p> <p><b>Evidence of the successful implementation of Program H-4.2 during 2017:</b></p> <p>None.</p> |
| 140 | H-4.3 | <p><b>Deliverable:</b> In the event that rezoning/upzoning is required to meet a Regional Housing Needs Allocation (RHNA) shortfall, the new sites shall be adequate in size to accommodate at least 16 units per site at a minimum density of 20 units per acre.</p>                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|     |       | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The 2017 APR appraisal of the implementation of Program Objective 4.3 was identical to that for Program Objective 4.1.</p> <p>The County's 2017 appraisal of the implementation of Program Objective 4.1 is reprinted in full below:</p> <p><i>"The County monitor [sic] its inventory of vacant sites available for residential developments on an ongoing basis to ensure sufficient lands are available to accommodate the County's share of the Fifth-Cycle RHNA allocations."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2017 APR stated that the County monitored its inventory of vacant sites available for residential development.</p> <hr/> <p><b>Conclusion:</b></p> <p>Overall, it appears the County has more than adequate capacity to accommodate its Fifth-Cycle RHNA allocation, although the County's 2017 APR did not provide a recalculation of remaining capacity.</p> <p><b>Evidence of the successful implementation of Program H-4.3 during 2017:</b></p> <p>Good.</p>                                                                     |

## Program 5: Lot Consolidation and Lot Splits

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| 141 | H-5.1 | <p><b>Deliverable:</b> Assistance to interested developers/property owners in identifying opportunities for lot consolidation or lot splitting.</p>                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|     |       | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 5.1 is printed in full below:</p> <p><i>"The County continues to facilitate lot consolidation and lot splits to promote the efficient use of land for residential development."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2017 APR stated that the County facilitated lot consolidation or lot splitting.</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County has assisted interested developers/property owners in identifying opportunities for lot consolidation or lot splitting.</p> <p><b>Evidence of the successful implementation of Program H-5.1 during 2017:</b></p> <p>Poor.</p> |
| 142 | H-5.2 | <p><b>Deliverable:</b> Ongoing streamlining of the processing of requests for lot consolidation and lot splitting concurrent with other development reviews.</p>                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|     |       | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The 2017 APR did not comment on Program Objective 5.2.</p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p>                                                                                                                                                                                                     | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2017 APR did not comment on this program objective.</p> <hr/> <p><b>Conclusion:</b></p> <p>Because the 2017 APR did not comment on this program objective, there is no information to indicate that the County streamlines the processing of requests for lot consolidation and lot splitting.</p> <p><b>Evidence of the successful implementation of Program H-5.2 during 2017:</b></p>                                                              |

|     |       |                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|     |       |                                                                                                                                                                                                                                                                                                                                                                                                           | None.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 143 | H-5.3 | <p><b>Deliverables:</b> Annual monitoring of lot consolidation activities.</p> <p>Evaluation of the effectiveness of the County's efforts to facilitate lot consolidation of small sites for residential development.</p>                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|     |       | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 5.3 is printed in full below:</p> <p><i>"There were no residential development project [sic] requiring lot consolidation or lot split process in 2017."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p>  | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2017 APR stated that no residential development projects required lot consolidation or lot split process in 2017.</p> <p>The County's 2017 APR provided no information to support a conclusion that the County evaluated the "effectiveness" of the County's efforts to facilitate lot consolidation of small sites for residential development.</p> <hr/> <p><b>Conclusion:</b></p> <p>There is no information in the County's 2017 APR to support a conclusion that the County evaluates the "effectiveness" of its efforts to facilitate lot consolidation of small sites for residential development.</p> <p><b>Evidence of the successful implementation of Program H-5.3 during 2017:</b></p> <p>None.</p> |
| 144 | H-5.4 | <p><b>Deliverable:</b> Encouragement of the use of master plans/specific plans to provide a cohesive development strategy for large lots.</p>                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|     |       | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 5.4 is printed in full below:</p> <p><i>"The County will encourage the use of master plans/specific plans to provide a cohesive development strategy for large lots."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2017 APR stated that, at a future time, the County would encourage the use of master plans/specific plans to provide a cohesive development strategy for large lots.</p> <p>(It should be noted that the Housing Element does not define the size of the "large lots" that</p>                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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|  | None. | <p>would benefit from having master or specific plans.)</p> <hr/> <p><b>Conclusion:</b></p> <p>There is no information in the County's 2017 APR to support a conclusion that the County encourages the use of master plans/specific plans to provide a cohesive development strategy for large lots.</p> <p><b>Evidence of the successful implementation of Program H-5.4 during 2017:</b></p> <p>None.</p> |
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**Program 6: Coordination of Infrastructure and Services**

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| 145 | H-6.1 | <p><b>Deliverable:</b> Communication, at least semi-annually (or as major development applications are received), with independent service providers to assess development trends, needs for infrastructure and services, and plans for expansion to ensure adequate infrastructure and services are available to meet the County's RHNA.</p>                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|     |       | <p><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 6.1 is printed in full below:</p> <p><i>"The County continues to coordinate with water and sewer service providers to assess development trends, needs for infrastructure and services, and plans for expansion of services to meet the county's RHNA allocations.</i></p> <p><i>No major development project was proposed during the calendar year 2017 in the unincorporated areas of the County."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p><b>League Reporting</b></p> <p>The County's 2017 APR stated that the County coordinated with water and sewer service providers to assess development trends, needs for infrastructure and services, and plans for expansion of services to meet the county's RHNA allocations.</p> <p>The APR did not report on the County's semi-annual communication with independent service providers.</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County communicates, at least semi-annually, with independent service providers to ensure adequate infrastructure and services are available to meet the County's RHNA.</p> |

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|     |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p><b>Evidence of the successful implementation of Program HS-6.1 during 2017:</b></p> <p>Poor.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 146 | H-6.2 | <p><b>Deliverable:</b> As appropriate, assistance to County Service Districts to encourage them to address infrastructure and service deficiencies.</p>                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|     |       | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 6.2 is printed in full below:</p> <p><i>"The County encourages water and sewer service providers to improve infrastructure improvements in communities with infrastructure and service deficiencies."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2017 APR stated that the County encouraged water and sewer service providers to improve infrastructure improvements in communities with infrastructure and service deficiencies.</p> <p>The APR did not state whether any County service districts had infrastructure and service deficiencies and, if so, the extent to which the County provided assistance to those districts.</p> <hr/> <p><b>Conclusion:</b></p> <p>There is no information in the County's 2017 APR to support a conclusion that the County assists County Service Districts in their efforts to address infrastructure and service deficiencies.</p> <p><b>Evidence of the successful implementation of Program H-6.2 during 2017:</b></p> <p>None.</p> |
| 147 | H-6.3 | <p><b>Deliverable:</b> At least annually, the search for funding for County Service Districts (CSDs) to expand infrastructure and services consistent with the County's General Plan and community plan policies.</p>                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|     |       | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The 2017 APR appraisal of the implementation of Program Objective 6.3 was identical to that for Program Objective 6.2.</p> <p>The County's 2017 appraisal of the implementation of Program Objective 6.2 is reprinted in full below:</p>                                                                                                                          | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2017 APR stated that the County encouraged water and sewer service providers to improve infrastructure improvements in communities with infrastructure and service deficiencies.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

|     |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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|     |       | <p><i>“The County encourages water and sewer service providers to improve infrastructure improvements in communities with infrastructure and service deficiencies.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p>                                                                                                                                                                                                                                                    | <hr/> <p><b>Conclusion:</b></p> <p>There is no information in the County’s 2017 APR to support a conclusion that in 2017 the County searched for funding for County Service Districts to expand infrastructure and services.</p> <p><b>Evidence of the successful implementation of Program H-6.3 during 2017:</b></p> <p>None.</p>                                                                                                                                                                                                                                                                                                                                                                   |
| 148 | H-6.4 | <p><b>Deliverable:</b> At least annually, meeting(s) with developers and community stakeholders to discuss, pursue or support funding sources, including CDBG and/or HOME funds, to reduce the costs of development (e.g., infrastructure improvements).</p>                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|     |       | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County’s 2017 appraisal of the implementation of Program Objective 6.4 is printed in full below:</p> <p><i>“As funding permits, the County continues consideration of CDBG and/or HOME funds as gap financing to affordable projects as a means to reducing the costs of development, including infrastructure improvements.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2017 APR stated that the County considered CDBG and/or HOME funds as gap financing to affordable housing projects as a means to reduce the costs of development, including infrastructure improvements.</p> <hr/> <p><b>Conclusion:</b></p> <p>There is no information in the County’s 2017 APR to support a conclusion that in 2017 the County met with developers and community stakeholders to discuss, pursue or support funding sources, including CDBG and/or HOME funds, to reduce the costs of development.</p> <p><b>Evidence of the successful implementation of Program H-6.4 during 2017:</b></p> <p>None.</p> |
| 149 | H-6.5 | <p><b>Deliverable:</b> Annual exploration and pursuit of funding opportunities for community plan updates, as necessary, to promote the development of active transportation and access to services and amenities within existing communities.</p>                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|     |       | <p style="text-align: center;"><b>County Reporting</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p style="text-align: center;"><b>League Reporting</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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|     |       | <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 6.5 is printed in full below:</p> <p><i>"The County Continues [sic] on an ongoing basis to explore and pursue funding opportunities for community plan updates."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p>                                                                                          | <p>The County's 2017 APR stated that the County continued to pursue funding opportunities for community plan updates.</p> <hr/> <p><b>Conclusion:</b></p> <p>There is no information in the County's 2017 APR to support a conclusion that in 2017 the County explored and pursued funding opportunities for community plan updates to promote the development of active transportation and access to services and amenities within existing communities.</p> <p><b>Evidence of the successful implementation of Program H-6.5 during 2017:</b></p> <p>None.</p>                                                                                                                  |
| 150 | H-6.6 | <p><b>Deliverable:</b> Distribution of a copy of the adopted Housing Element to service providers serving unincorporated communities.</p>                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|     |       | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 6.6 is printed in full below:</p> <p><i>"Copies of the adopted Fifth-Cycle Housing Element Update have been provided to the various service providers serving the unincorporated communities."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2017 APR stated that copies of the adopted Housing Element were provided to various service providers serving unincorporated communities.</p> <p>(It should be noted that the County's 2015-2023 Housing Element does not list the service providers that should receive copies of the most recent update of the Housing Element.)</p> <hr/> <p><b>Conclusion:</b></p> <p>The County distributes copies of the adopted Housing Element to service providers serving unincorporated communities.</p> <p><b>Evidence of the successful implementation of Program H-6.6 during 2017:</b></p> <p>Good.</p> |

# Affordable Housing Development and Preservation

## Program 7: Affordable Housing Incentives

|     |       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| 151 | H-7.1 | <p><b>Deliverable:</b> Ongoing offer of incentives such as gap financing, density bonus and streamlined processing to eligible affordable housing developers to facilitate the development of affordable housing opportunities for very-low and extremely-low income households, as well as special needs populations.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|     |       | <p><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County’s 2017 appraisal of the implementation of Program Objective 7.1 is printed in full below:</p> <p><i>“In 2017, Fresno County did not utilize any HOME Investment Partnerships Program (HOME) funds as gap financing loans for the development of affordable housing in the unincorporated area. The County completed two HOME-funded affordable housing projects during 2017 but both were in partner cities (Selma and Reedley). The County also had two HOME-funded affordable housing projects under construction as of the end of 2017 (not yet completed), but both were in partner cities (Sanger and Fowler).</i></p> <p><i>The County continues its efforts to provide HOME funds as gap financing to develop new affordable housing projects in the unincorporated area and its partner cities, as its Federal HOME funding permits.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p><b>League Reporting</b></p> <p>The County’s 2017 APR stated that in 2017 the County did not utilize any HOME Investment Partnerships Program funds as gap financing loans for the development of affordable housing in the unincorporated areas of the county, although such funding was used in 2017 for affordable housing projects in the cities of Selma, Reedley, Sanger and Fowler.</p> <hr/> <p><b>Conclusion:</b></p> <p>There is no information in the County’s 2017 APR to support a conclusion that in 2017 the County offered incentives such as gap financing, density bonus and streamlined processing to eligible developers to facilitate the development of affordable housing opportunities in unincorporated areas of the county.</p> <p><b>Evidence of the successful implementation of Program H-7.1 during 2017:</b></p> <p>None.</p> |
| 152 | H-7.2 | <p><b>Deliverable:</b> Ongoing search for partnerships and the regular meeting, at least annually, with agencies, housing developers, community stakeholders and employers to discuss and pursue opportunities for providing affordable housing.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|     |       | <p><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The 2017 APR did not comment on Program Objective 7.2.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p><b>League Reporting</b></p> <p>The County’s 2017 APR did not comment on this program objective.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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|     |       | <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <hr/> <p><b>Conclusion:</b></p> <p>Because the 2017 APR did not comment on this program objective, there is no information to indicate that in 2017 the County searched for partnerships and held regular meetings to discuss and pursue opportunities for providing affordable housing.</p> <p><b>Evidence of the successful implementation of Program H-7.2 during 2017:</b></p> <p>None.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 153 | H-7.3 | <p><b>Deliverable:</b> Monitoring of the California Department of Housing and Community Development (HCD) and HUD's websites for Notices of Funding Ability (NOFA) and, where appropriate, preparation or support of applications for funding for affordable housing for lower-income households.</p> <hr/> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 7.3 is printed in full below:</p> <p><i>"To [sic] County continues to monitor the State Department of Housing and Community Development's (HCD's) and HUD's websites for Notices of Funding Ability (NOFA) for affordable housing for lower-income households."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2017 APR stated that the County continued to monitor the State Department of Housing and Community Development's (HCD's) and HUD's websites for Notices of Funding Ability for affordable housing for lower-income households.</p> <p>The APR did not report the result of that monitoring and whether the County had prepared or supported applications for funding for affordable housing for lower-income households.</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County has been able to monitor HCD's website or capitalize on that monitoring to prepare or support applications for funding for affordable housing for lower-income households.</p> <p><b>Evidence of the successful implementation of Program H-7.3 during 2017:</b></p> <p>Poor.</p> |

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| 154 | H-7.4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p><b>Deliverable:</b> Ongoing support and encouragement of agencies and housing developers to apply for funds, including California HCD and USDA Rural Development loans and grants, that may become available.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |
|     | <p><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 7.4 is printed in full below:</p> <p><i>"The County supports the efforts of other agencies and housing developers, such as the Fresno Housing Authority and Self-Help Enterprises, in the application of funds, including State HCD and USDA Rural Development loans and grants and other funding sources that may become available."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p><b>League Reporting</b></p> <p>The County's 2017 APR stated that the County supported the efforts of other agencies and housing developers in the application of funds, including State HCD and USDA Rural Development loans and grants and other funding sources that may become available.</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County supports the efforts of other agencies and housing developers in their applications for the funding of affordable housing.</p> <p><b>Evidence of the successful implementation of Program H-7.4 during 2017:</b></p> <p>Poor.</p> |  |
| 155 | H-7.5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p><b>Deliverable:</b> Ongoing effort to streamline and improve efficiencies in planning and permit approval and building inspection service.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |
|     | <p><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 7.5 is printed in full below:</p> <p><i>"The County continues its efforts to streamline and improve efficiencies in planning and permit approval and building inspection service."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p>                                                                                                                                                    | <p><b>League Reporting</b></p> <p>The County's 2017 APR stated that the County continued to streamline and improve efficiencies in planning, permit approval and building inspection services for the construction of affordable housing.</p> <p>The County did not provide information in support of this claim.</p> <hr/> <p><b>Conclusion:</b></p>                                                                                                                                                                                                                                                                                                                    |  |

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|  |  |  | <p>Information provided by the County is insufficient to understand the extent to which the County has been able to streamline and improve efficiencies in planning and permit approval and building inspection services.</p> <p><b>Evidence of the successful implementation of Program H-7.5 during 2017:</b></p> <p>Poor.</p> |
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| 156 | H-7.6 | <p><b>Deliverable:</b> To the extent feasible, by 2020, establishment, via the Internet, of a program that accommodates submittal and issuance of permits pertaining to the development of affordable housing.</p>                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|     |       | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 7.6 is printed in full below:</p> <p><i>"The County continuously explores opportunities to accommodate submittal and issuance of certain permits via the Internet, where feasible."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2017 APR stated that the County continuously explored opportunities to accommodate submittal and issuance of certain permits via the Internet, where feasible.</p> <hr/> <p><b>Conclusion:</b></p> <p>Because the County's APR did not comment on the County's effort to establish a "program" to accommodate submittal and issuance of permits pertaining to the development of affordable housing, there is no information to indicate that the County is making progress in that regard.</p> <p><b>Evidence of the successful implementation of Program H-7.6 during 2017:</b></p> <p>Poor.</p> |

**Program 8: Farmworker Housing**

|     |       |                                                                                                                                                                                                                                                                        |                                                            |
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| 157 | H-8.1 | <p><b>Deliverable:</b> Ongoing search for partnerships and at least an annual meeting with agencies, housing developers, community stakeholders, and agricultural employers/employees to discuss opportunities and options for the location of farmworker housing.</p> |                                                            |
|     |       | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p>                                                                                                                                                                                      | <p style="text-align: center;"><b>League Reporting</b></p> |

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|     |       | <p>The County's 2017 appraisal of the implementation of Program Objective 8.1 is printed in full below:</p> <p><i>"The County continues to seek partnerships with other agencies to discuss opportunities for farmworker housing.</i></p> <p><i>The participating local governments plan on meeting with representatives of the Housing Authority and agricultural employers to discuss opportunities for farmworker housing."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p>                                                                                                                                                                                                                                                                                                                                                                                                              | <p>The County's 2017 APR stated that the County sought partnerships with other agencies to discuss opportunities for farmworker housing and that the County would, in the future, meet with representatives of the Housing Authority and agricultural employers to discuss opportunities for farmworker housing.</p> <hr/> <p><b>Conclusion:</b></p> <p>There is no information in the County's 2017 APR to support a conclusion that in 2017 the County met with agencies, housing developers, community stakeholders, and agricultural employers/employees to discuss opportunities and options for the location of farmworker housing.</p> <p><b>Evidence of the successful implementation of Program H-8.1 during 2017:</b></p> <p>None.</p> |
| 158 | H-8.2 | <p><b>Deliverable:</b> Ongoing support and encouragement of agencies and housing developers in the application of funds for farmworker housing, including California Housing and Community Development (HCD) and U.S. Department of Agriculture (USDA) Rural Development loans and grants.</p> <hr/> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 8.2 is printed in full below:</p> <p><i>"The County will continue to support and encourage other agencies and housing developers, such as the Fresno Housing Authority and Self-Help Enterprises, in the application of funds for farmworker housing, including State HCD and USDA Rural Development loans and grants and other funding sources that may become available.</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2017 APR stated that the County supported the efforts of other agencies and housing developers in the application of funds for farmworker housing.</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County supports the efforts of other agencies and housing developers in their applications for the funding of farmworker housing.</p> <p><b>Evidence of the successful implementation of Program H-8.2 during 2017:</b></p> <p>Poor.</p>                                                                                                                                           |

|     |                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 159 | H-8.3                                                                                                                                                                                            | <p><b>Deliverables:</b> Annual monitoring of the status of farmworker housing</p> <p>Evaluation of the effectiveness of the County's efforts to facilitate the provision of farmworker housing.</p>                                                                                                                                                                                                                                                                                                                               |  |
|     | <p><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The 2017 APR did not comment on Program Objective 8.3.</p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p><b>League Reporting</b></p> <p>The County's 2017 APR did not comment on this program objective.</p> <hr/> <p><b>Conclusion:</b></p> <p>Because the 2017 APR did not comment on this program objective, there is no information to indicate that in 2017 the County monitored the status of farmworker housing and evaluated the effectiveness of the County's efforts to facilitate the provision of farmworker housing.</p> <p><b>Evidence of the successful implementation of Program H8.3 during 2017:</b></p> <p>None.</p> |  |

**Program 9: Preserving Assisted Housing**

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| 160 | H-9.1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p><b>Deliverable:</b> Ongoing monitoring of the status of affordable housing projects (with financial assistance from federal, state and County programs) to determine if they are at risk of converting to market-rate housing, and if found to be at risk, engage in specified actions to address the situation.</p>                                                                                                                              |  |
|     | <p><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 9.1 is printed in full below:</p> <p><i>"The Housing Authority of Fresno County (HAFC) manages, monitors, improves, and creates assisted housing in the unincorporated area. No affordable housing rental projects in the unincorporated area are considered at risk of converting to market rate housing."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> | <p><b>League Reporting</b></p> <p>According to information in the County's 2015-2023 Housing Element, there are 196 assisted affordable housing units in 6 projects in unincorporated areas of the county, which are managed by the Housing Authority of Fresno County and none of which are at risk of losing their public assistance prior to 2025.</p> <p>(It should be noted that the County's 2017 APR did not indicate that the County had</p> |  |

|  |       |                                                                                                                                                                                                                                                                                                                                                                        |
|--|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | None. | <p>conducted monitoring in 2017 to see if the risk assessment from 2015 had changed.)</p> <hr/> <p><b>Conclusion:</b></p> <p>None of the 6 housing projects that receive federal, state and county assistance are at risk of converting to market rate housing.</p> <p><b>Evidence of the successful implementation of Program H-9.1 during 2017:</b></p> <p>Good.</p> |
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## Removal of Governmental Constraints

### Program 10: Zoning Ordinance Amendments

| 161                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | H-10.1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p><b>Deliverable:</b> Completion of the comprehensive Zoning Ordinance update in 2017 to address provisions for density bonuses and an increase the allowable density at R2, R2-A, R3, R3-A, R4, C4 and RP to 20 units per acre.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                  |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <table border="1" style="width: 100%;"> <thead> <tr> <th style="text-align: center;">County Reporting</th> <th style="text-align: center;">League Reporting</th> </tr> </thead> <tbody> <tr> <td> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 10.1 is printed in full below:</p> <p><i>"As part of the General Plan Review and the Zoning Ordinance Update that is underway, the County has addressed the density bonus, Single-Room Occupancy, multi-family housing in C-4 Zone , farm labor housing, and increasing density for R2, R2A, R3, R3A, R4, C4 and RP zones."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> </td> <td> <p>The County's 2017 APR indicated that a provision for density bonuses and in increase in allowable housing density would be addressed during the update of the Zoning Ordinance. That effort was begun in late 2005, and after 13 years, the work is still unfinished. According to information in the County's 2015-2023 Housing Element, internal consistency between the 2015-2023 Housing Element and the Zoning Ordinance was to have been achieved by 2016.</p> <hr/> <p><b>Conclusion:</b></p> <p>It is difficult to anticipate when the Zoning Ordinance will be amended to include a provision for density bonuses and an increase in allowable housing density.</p> <p><b>Evidence of the successful implementation of Program H-10.1 during 2017:</b></p> <p>Poor.</p> </td> </tr> </tbody> </table> | County Reporting | League Reporting | <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 10.1 is printed in full below:</p> <p><i>"As part of the General Plan Review and the Zoning Ordinance Update that is underway, the County has addressed the density bonus, Single-Room Occupancy, multi-family housing in C-4 Zone , farm labor housing, and increasing density for R2, R2A, R3, R3A, R4, C4 and RP zones."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p>The County's 2017 APR indicated that a provision for density bonuses and in increase in allowable housing density would be addressed during the update of the Zoning Ordinance. That effort was begun in late 2005, and after 13 years, the work is still unfinished. According to information in the County's 2015-2023 Housing Element, internal consistency between the 2015-2023 Housing Element and the Zoning Ordinance was to have been achieved by 2016.</p> <hr/> <p><b>Conclusion:</b></p> <p>It is difficult to anticipate when the Zoning Ordinance will be amended to include a provision for density bonuses and an increase in allowable housing density.</p> <p><b>Evidence of the successful implementation of Program H-10.1 during 2017:</b></p> <p>Poor.</p> |
| County Reporting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | League Reporting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                  |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 10.1 is printed in full below:</p> <p><i>"As part of the General Plan Review and the Zoning Ordinance Update that is underway, the County has addressed the density bonus, Single-Room Occupancy, multi-family housing in C-4 Zone , farm labor housing, and increasing density for R2, R2A, R3, R3A, R4, C4 and RP zones."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p>The County's 2017 APR indicated that a provision for density bonuses and in increase in allowable housing density would be addressed during the update of the Zoning Ordinance. That effort was begun in late 2005, and after 13 years, the work is still unfinished. According to information in the County's 2015-2023 Housing Element, internal consistency between the 2015-2023 Housing Element and the Zoning Ordinance was to have been achieved by 2016.</p> <hr/> <p><b>Conclusion:</b></p> <p>It is difficult to anticipate when the Zoning Ordinance will be amended to include a provision for density bonuses and an increase in allowable housing density.</p> <p><b>Evidence of the successful implementation of Program H-10.1 during 2017:</b></p> <p>Poor.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                  |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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| <b>162</b> | <b>H-10.2</b>           | <b>Deliverable:</b> Evidence of addressing the provision for Single-Room Occupancy (SRO) housing as part of the comprehensive Zoning Ordinance update in 2016.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|            | <b>County Reporting</b> | <b>League Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|            |                         | <p><b>2017 APR</b></p> <p>The County's 2017 APR appraisal of the implementation of Program Objective 10.2 was identical to that for Program Objective 10.1.</p> <p>The County's 2017 appraisal of the implementation of Program Objective 10.1 is reprinted in full below:</p> <p><i>"As part of the General Plan Review and the Zoning Ordinance Update that is underway, the County has addressed the density bonus, Single-Room Occupancy, multi-family housing in C-4 Zone , farm labor housing, and increasing density for R2, R2A, R3, R3A, R4, C4 and RP zones."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p>The County's 2017 APR indicated that a provision for Single-Room Occupancy (SRO) housing would be addressed during the update of the Zoning Ordinance. That effort was begun in late 2005, and after 13 years, the work is still unfinished. According to information in the County's 2015-2023 Housing Element, internal consistency between the 2015-2023 Housing Element and the Zoning Ordinance was to have been achieved by 2016.</p> <hr/> <p><b>Conclusion:</b></p> <p>It is difficult to anticipate when the Zoning Ordinance will be amended to include a provision Single-Room Occupancy (SRO) housing.</p> <p><b>Evidence of the successful implementation of Program H-10.2 during 2017:</b></p> <p>Poor.</p> |
| <b>163</b> | <b>H-10.3</b>           | <b>Deliverable:</b> In 2016, examination of alternatives to requiring discretionary approval for the development of multi-family housing in the C-4 Zone District and adoption of appropriate actions to expedite the review and processing of multi-family housing development applications.                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|            | <b>County Reporting</b> | <b>League Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|            |                         | <p><b>2017 APR</b></p> <p>The 2017 APR appraisal of the implementation of Program Objective 10.3 was identical to that for Program Objective 10.1.</p> <p>The County's 2017 appraisal of the implementation of Program Objective 10.1 is reprinted in full below:</p> <p><i>"As part of the General Plan Review and the Zoning Ordinance Update that is underway, the County has addressed the density bonus, Single-Room Occupancy, multi-family housing in C-4 Zone , farm labor housing,</i></p>                                                                                                                                                          | <p>The County's 2017 APR indicated that a provision for alternatives to requiring discretionary approval for the development of multi-family housing in the C-4 Zone District and adoption of appropriate actions to expedite the review and processing of multi-family housing development applications would be addressed during the update of the Zoning Ordinance. That effort was begun in late 2005, and after 13 years, the work is still unfinished. According to information in the County's 2015-2023 Housing Element,</p>                                                                                                                                                                                          |

|     |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |        | <p><i>and increasing density for R2, R2A, R3, R3A, R4, C4 and RP zones.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>internal consistency between the 2015-2023 Housing Element and the Zoning Ordinance was to have been achieved by 2016.</p> <hr/> <p><b>Conclusion:</b></p> <p>It is difficult to anticipate when the Zoning Ordinance will be amended to include a provision for alternatives to requiring discretionary approval for the development of multi-family housing and adoption of appropriate actions to expedite the review and processing of multi-family housing development applications.</p> <p><b>Evidence of the successful implementation of Program H-103.3 during 2017:</b></p> <p>Poor.</p>                                                                                                                                                                                                                                                                                    |
| 164 | H-10.4 | <p><b>Deliverable:</b> Consideration of the establishment of a discretionary permit requirement for new agricultural operations and farm labor housing in residential zones.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|     |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The 2017 APR appraisal of the implementation of Program Objective 10.4 was identical to that for Program Objective 10.1.</p> <p>The County's 2017 appraisal of the implementation of Program Objective 10.1 is reprinted in full below:</p> <p><i>“As part of the General Plan Review and the Zoning Ordinance Update that is underway, the County has addressed the density bonus, Single-Room Occupancy, multi-family housing in C-4 Zone , farm labor housing, and increasing density for R2, R2A, R3, R3A, R4, C4 and RP zones.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2017 APR indicated that a provision for the establishment of a discretionary permit requirement for new agricultural operations and farm labor housing in residential zones would be addressed during the update of the Zoning Ordinance. That effort was begun in late 2005, and after 13 years, the work is still unfinished. According to information in the County's 2015-2023 Housing Element, internal consistency between the 2015-2023 Housing Element and the Zoning Ordinance was to have been achieved by 2016.</p> <hr/> <p><b>Conclusion:</b></p> <p>It is difficult to anticipate when the Zoning Ordinance will be amended to include a provision for the establishment of a discretionary permit requirement for new agricultural operations and farm labor housing in residential zones.</p> |

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|     |        |                                                                                                                                                                                                                               | <b>Evidence of the successful implementation of Program H-10.4 during 2017:</b><br><br>Poor.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 165 | H-10.5 | <b>Deliverable:</b> Annual review of the effectiveness and appropriateness of the Zoning Ordinance and the amendment of the same to remove or mitigate potential constraints to the development of housing.                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|     |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The 2017 APR did not comment on Program Objective 10.5.</p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2017 APR did not comment on this program objective.</p> <hr/> <p><b>Conclusion:</b></p> <p>Because the 2017 APR did not comment on this program objective, there is no information to indicate that in 2017 the County reviewed the effectiveness and appropriateness of the Zoning Ordinance and the amendment of the same to remove or mitigate potential constraints to the development of housing.</p> <p><b>Evidence of the successful implementation of Program H-10.5 during 2017:</b></p> <p>None.</p> |

**Program 11: Monitoring of Planning and Development Fees**

|     |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| 166 | H-11.1 | <b>Deliverable:</b> Should the Board of Supervisors decide to reinstate public facilities impact fees, annual monitoring of the fees to ensure they do not unduly constrain housing development.                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                    |
|     |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 11.1 is printed in full below:</p> <p><i>"On May 19, 2015, the Board of Supervisors conducted a public hearing to consider an amendment to repeal the Public Facilities Impact Fees Ordinance in its entirety. At the conclusion of the hearing, the Board decided to continue suspension of the impact fees to November 9, 2017 and directed Staff to return to the Board with a workshop on the County's Facility Impact</i></p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2017 APR stated that on October 31, 2017, the Board of Supervisors decided to continue the suspension of public facilities impact fees.</p> <p>It is important to note that even though this program objective will not become effective until the Board reinstates the collection of fees, the suspension of fees was in violation</p> |

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|  | <p><i>Fees and provide options for the Board to consider. On October 31, 2017, the Board of Supervisors conducted the second public hearing to consider an amendment to the County Ordinance for Public Facilities Impact Fees. At the conclusion of the hearing, the Board decided to continue suspension of the impact fees to November 10, 2018.</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p><b>None.</b></p> | <p>of the General Plan Policy PF-B.1, which reads in full as follows:</p> <p><i>“The County shall require that new development pays its fair share of the cost of developing new facilities and services and upgrading existing public facilities and services; exceptions may be made when new development generates significant public benefits (e.g., low income housing) and when alternative sources of funding can be identified to offset foregone revenues.”</i></p> <p>(It should also be noted that there is no process for “suspending” General Plan programs other than amending the General Plan, which was not done.)</p> <hr/> <p><b>Conclusion:</b></p> <p>On October 9, 2018, the Board voted to discontinue the collection of the public facilities impact fees until a new Public Facilities Impact Report is prepared.</p> <p>Program H-11.1 will not go into effect until the Board of Supervisors decides to reinstate public facilities impact fees.</p> <p><b>Evidence of the successful implementation of Program H-11.1 during 2017:</b></p> <p>Good.</p> |
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## Housing Quality

### Program 12: Housing Assistance Rehabilitation Program (HARP)

|     |        |                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                           |
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| 167 | H-12.1 | <b>Deliverable:</b> Rehabilitation assistance to eight low-income households in the unincorporated areas during the planning period (2015 – 2023).                                                                                                                                                                                                       |                                                                                                                                                                                                                                           |
|     |        | <b>County Reporting</b>                                                                                                                                                                                                                                                                                                                                  | <b>League Reporting</b>                                                                                                                                                                                                                   |
|     |        | <p><b>2017 APR</b></p> <p>The County’s 2017 appraisal of the implementation of Program Objective 12.1 is printed in full below:</p> <p><i>“Fresno County provided a HARP loan to one very low income household in the unincorporated area during 2017. The County provided two HARP loans to one extremely low income household and one very low</i></p> | <p>The County’s 2017 APR stated that in 2017 the County provided one HARP loan to a low-income household located in an unincorporated area of the county and two HARP loans to low-income households located in participating cities.</p> |

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|  | <p><i>income household in participating cities during 2017. These loans are no-interest affordable payment loans for eligible housing rehabilitation.</i></p> <p><i>The County continues to market HARP to all unincorporated area homeowners, and continues to meet with community groups to provide information on the program.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p><b>Conclusion:</b></p> <p>In 2017 the County provided one HARP loan to an eligible household in an unincorporated area of the county. At a rate of one such loan per year, the County will likely meet the requirement to provide eight such loans by 2023.</p> <p><b>Evidence of the successful implementation of Program H-12.1 during 2017:</b></p> <p>Good.</p> |
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**Program 13: Rental Rehabilitation Program (RRP)**

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| 168 | H-13.1 | <p><b>Deliverable:</b> Assistance for the rehabilitation of four rental housing units during the planning period (2015 – 2023).</p>                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|     |        | <p><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 13.1 is printed in full below:</p> <p><i>“Fresno County did not provide any Rental Rehabilitation Program loans for housing rehabilitation projects in the unincorporated area during 2017.</i></p> <p><i>The County continues to market the Rental Rehabilitation Program.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p><b>League Reporting</b></p> <p>The County's 2017 APR stated that the County had not provided any Rental Rehabilitation Program loans for housing rehabilitation projects in unincorporated areas of the county during 2017.</p> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to show that the County is making progress toward providing assistance for the rehabilitation of four rental housing units.</p> <p><b>Evidence of the successful implementation of Program H-13.1 during 2017:</b></p> <p>Poor.</p> |

**Program 14: Code Enforcement**

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| 169 | H-14.1 | <p><b>Deliverable:</b> Ongoing enforcement of property maintenance standards and the abatement of substandard structures through code enforcement and various housing rehabilitation programs.</p> |  |
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|  |  | <b>County Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>League Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|  |  | <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 14.1 is printed in full below:</p> <p><i>"The County continues to enforce zoning and building codes to ensure compliance with land use regulations and safety codes. Code enforcement staff will respond to complaints and pursue each case to abate the violation. The County Ordinance includes fines and other punitive measures for those who do not abate the violations."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p>The County's 2017 APR stated that the County continued to enforce zoning and building codes.</p> <p>(It should be noted that the County provided no information on code enforcement activities during 2017, such as the number of complaints, the types of violations or the extent to which the County employed fines or other punitive measures.)</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County has been able to enforce property maintenance standards and the abatement of substandard structures through code enforcement and various housing rehabilitation programs.</p> <p><b>Evidence of the successful implementation of Program H-14.1 during 2017:</b></p> <p>Poor.</p> |

## Housing Assistance

### Program 15: Homebuyer Assistance Program (HAP)

|            |               |                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                           |
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| <b>170</b> | <b>H-15.1</b> | <p><b>Deliverable:</b> Assistance to 11 low-income households as part of an 11-unit affordable housing project in Riverdale during the planning period (2015 – 2023).</p>                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                           |
|            |               | <b>County Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                | <b>League Reporting</b>                                                                                                                                                                                                                                                                                                                                                   |
|            |               | <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 15.1 is printed in full below:</p> <p><i>"The County provided HAP loans to two low income homebuyers to purchase a home in the unincorporated area during 2017. An additional two HAP loans were made (one very low income homebuyer and one low income homebuyer) for purchases in participating cities during this period."</i></p> | <p>The County's 2017 APR stated that the County had provided HAP loans to two low-income homebuyers to purchase homes in unincorporated areas of the county. Even so, the one objective of this program was to provide assistance to 11 low-income households as part of an 11-unit affordable housing project in Riverdale during the planning period (2015 – 2023).</p> |

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|  | <p><i>The County continues to market HAP to eligible first time homebuyers, and works closely with lenders and the real estate community to ensure the program is made available whenever possible to qualified applicants.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p><b>Conclusion:</b></p> <p>There is no information in the County’s 2017 APR to support a conclusion that the County has provided assistance to 11 low-income households as part of an 11-unit affordable housing project in Riverdale.</p> <p><b>Evidence of the successful implementation of Program H-15.1 during 2017:</b></p> <p>None.</p> |
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**Program 16: First-Time Homebuyer Resources**

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| 171 | H-16.1 | <b>Deliverable:</b> Promotion of available homebuyer resources on the County website and at public counters.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|     |        | <p><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County’s 2017 appraisal of the implementation of Program Objective 16.1 is printed in full below:</p> <p><i>“The County continues to provide information on its Homebuyer Assistance Program to first time homebuyers via flyers and its website, as well as through meetings with lenders, realtors, and community groups, to ensure the program is made available whenever possible to qualified applicants. During meetings with lenders and community groups, other non-County sources of available financing are also discussed.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p><b>League Reporting</b></p> <p>The County’s 2017 APR stated that the County promoted available homebuyer resources on the County website and at public counters.</p> <p>The County has a webpage entitled “Affordable Housing Programs” where programs such as the Homebuyer Assistance Program are explained.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County promotes available homebuyer resources on the County’s website and at public counters.</p> <p><b>Evidence of the successful implementation of Program H-16.1 during 2017:</b></p> <p>Good.</p> |
| 172 | H-16.2 | <b>Deliverable:</b> Annual review of funding resources available at the state and federal levels and, as appropriate, pursuit of funding sources to provide homebuyer assistance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

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|  |  | <b>County Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>League Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|  |  | <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 16.2 is printed in full below:</p> <p><i>"The County continues to review funding resources available from the State and Federal government to pursue as appropriate to provide homebuyer assistance. There were no new funding sources available to the County from these or other sources during 2017."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p>The County's 2017 APR stated that the County continued to review funding resources available from the state and federal government during 2017 and that there were no "new" funding sources available to the County from state, federal or other sources.</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County, in 2017, conducted a review of funding resources and provided assistance to homebuyers through the pursuit of that funding.</p> <p><b>Evidence of the successful implementation of Program H-16.2 during 2017:</b></p> <p>Poor.</p> |

**Program 17: Housing Choice Voucher Rental Assistance**

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| 173 | H-17.1 | <p><b>Deliverable:</b> Ongoing support for and encouragement of the provision of Housing Choice Vouchers (HCVs) to qualifying Fresno County households.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                    |
|     |        | <b>County Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>League Reporting</b>                                                                                                                                                                                                                                                                                                                                                                                            |
|     |        | <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 17.1 is printed in full below:</p> <p><i>"The County supports the efforts of the Housing Authority of Fresno County (HAFC) in offering Section 8 and other rental assistance programs in the unincorporated area.</i></p> <p><i>The County reviews and certifies the HAFC's five-year and annual plans for consistency with the County's Consolidated Plan. The County does not provide rental assistance directly."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p>The County's 2017 APR stated that although the County does not administer Housing Choice Vouchers directly, it does certify the annual and five-year plans of the Housing Authority of Fresno County, which does provide the Section 8 vouchers.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County supports and encourages the provision of Housing Choice Vouchers to qualifying Fresno County households.</p> |

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|     |        |                                                                                                                                                                                                                                                                | <p><b>Evidence of the successful implementation of Program H-17.1 during 2017:</b></p> <p>Good.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 174 | H-17.2 | <p><b>Deliverable:</b> Ongoing referral of interested households and homeowners to the Fresno Housing Authority and encouragement of landlords to register their properties with the Housing Authority for accepting Housing Choice Vouchers (HCVs).</p>       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|     |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The 2017 APR did not comment on Program Objective 17.2.</p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p>                                  | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2017 APR did not comment on this program objective.</p> <hr/> <p><b>Conclusion:</b></p> <p>Because the 2017 APR did not comment on this program objective, there is no information to indicate that the County refers interested households and homeowners to the Fresno Housing Authority and encourages landlords to register their properties with the Housing Authority for accepting Housing Choice Vouchers.</p> <p><b>Evidence of the successful implementation of Program H-17.2 during 2017:</b></p> <p>None.</p> |
| 175 | H-17.3 | <p><b>Deliverable:</b> Evidence of working with the Housing Authority to disseminate information on incentives for participating in the Housing Choice Vouchers (HCV) program to promote housing opportunities for all unincorporated community residents.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|     |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The 2017 APR did not comment on Program Objective 17.3.</p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p>                                  | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2017 APR did not comment on this program objective.</p> <hr/> <p><b>Conclusion:</b></p> <p>Because the 2017 APR did not comment on this program objective, there is no information to indicate that the County works with the Housing Authority to disseminate information</p>                                                                                                                                                                                                                                             |

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|  |  | <p>on incentives for participating in the Housing Choice Vouchers program.</p> <p><b>Evidence of the successful implementation of Program H-17.3 during 2017:</b></p> <p>None.</p> |
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**Program 18: Energy Conservation**

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| 176 | H-18.1 | <b>Deliverable:</b> Ongoing promotion and implementation of the County's Go Green initiatives                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|     |        | <p><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 18.1 is printed in full below:</p> <p><i>"The County makes every effort to incorporate 'green building' and energy efficient components in housing being rehabilitated when practical and acceptable to the client. The County continues to promote and implement the County's Go Green initiatives."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p><b>League Reporting</b></p> <p>The County's 2017 APR stated that the County continued to promote and implement the County's Go Green initiatives.</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County promoted and implemented the County's Go Green initiatives.</p> <p><b>Evidence of the successful implementation of Program H-18.1 during 2017:</b></p> <p>Poor.</p> |

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| 177 | H-18.2 | <b>Deliverable:</b> To conserve energy and improve air quality, consideration of the inclusion of design standards for new development that encourage alternative transportation as a part of the update of the County Zoning Ordinance.                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                            |
|     |        | <p><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 18.2 is printed in full below:</p> <p><i>"[The County] is considering inclusion of design standards for new development that encourage alternative transportation (for example, bicycle lanes, bus turnouts, and direct pedestrian connections to transit lines) as a part of the update of the County</i></p> | <p><b>League Reporting</b></p> <p>The County's 2017 APR stated that the County was considering inclusion of design standards for new development that encouraged alternative transportation as part of the pending comprehensive update of the Zoning Ordinance.</p> <hr/> |

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|     |        | <p><i>Zoning Ordinance to conserve energy and improve air quality.”</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p>                                                                      | <p><b>Conclusion:</b></p> <p>Since program implementation only required “<i>consideration</i>” of the inclusion of design standards for new development that encourage alternative transportation as part of an effort to conserve energy and improve air quality, the program must be deemed fully implemented independent of whether or not the County actually adopted such design standards.</p> <p><b>Evidence of the successful implementation of Program H-18.2 during 2017:</b></p> <p>Good.</p>                                           |
| 178 | H-18.3 | <p><b>Deliverable:</b> Ongoing promotion and support for Pacific Gas and Electric Company programs that provide energy efficiency rebates for qualifying energy-efficient upgrades.</p>                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|     |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The 2017 APR did not comment on Program Objective 18.3.</p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County’s 2017 APR did not comment on this program objective.</p> <hr/> <p><b>Conclusion:</b></p> <p>Because the 2017 APR did not comment on this program objective, there is no information to indicate that the County promotes and supports Pacific Gas and Electric Company programs that provide energy efficiency rebates for qualifying energy-efficient upgrades.</p> <p><b>Evidence of the successful implementation of Program H-18.3 during 2017:</b></p> <p>None.</p> |
| 179 | H-18.4 | <p><b>Deliverable:</b> Ongoing incorporation of conservation measures into housing rehabilitation programs.</p>                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|     |        | <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p>                                                                                                                                             | <p style="text-align: center;"><b>League Reporting</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

|  |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|  |  | <p>The 2017 APR appraisal of the implementation of Program Objective 18.4 was identical to that for Program Objective 18.1.</p> <p>The County's 2017 appraisal of the implementation of Program Objective 18.1 is reprinted in full below:</p> <p><i>"The County continues to promote and implement the County's Go Green initiatives and....</i></p> <p><i>The County makes every effort to incorporate 'green building' and energy efficient components in housing being rehabilitated when practical and acceptable to the client."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p>The County's 2017 APR stated that the County continued to promote and implement the County's Go Green initiatives.</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County incorporates conservation measures into housing rehabilitation programs.</p> <p><b>Evidence of the successful implementation of Program H-18.4 during 2017:</b></p> <p>Poor.</p> |
|--|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|            |               |                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>180</b> | <b>H-18.5</b> | <b>Deliverable:</b> Evidence of the expeditious review and approval of residential alternative energy devices.                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|            |               | <p><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The 2017 APR did not comment on Program Objective 18.5.</p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p><b>League Reporting</b></p> <p>The County's 2017 APR did not comment on this program objective.</p> <hr/> <p><b>Conclusion:</b></p> <p>Because the 2017 APR did not comment on this program objective, there is no information to indicate that the County expeditiously reviews and approve residential alternative energy devices.</p> <p><b>Evidence of the successful implementation of Program H-18.5 during 2017:</b></p> <p>None.</p> |

**Program 19: Fair Housing**

|            |               |                                                                                                                                                                                                                                  |                         |
|------------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| <b>181</b> | <b>H-19.1</b> | <b>Deliverable:</b> At least annually, the presentation of outreach and education workshops regarding fair housing for lenders, real estate professionals, housing providers, community stakeholders and the community at large. |                         |
|            |               | <b>County Reporting</b>                                                                                                                                                                                                          | <b>League Reporting</b> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |        | <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 19.1 is printed in full below:</p> <p><i>"During 2017, nine outreach and education workshops were conducted on fair housing for lenders, real estate professionals, housing providers, community stakeholders and the community at large."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p>                                                                                                                                                                                                                                                               | <p>The County's 2017 APR stated that the County presented nine outreach and education workshops regarding fair housing to lenders, real estate professionals, housing providers, community stakeholders and the community at large.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County presented outreach and education workshops in 2017 regarding fair housing for lenders, real estate professionals, housing providers, community stakeholders and the community at large.</p> <p><b>Evidence of the successful implementation of Program H-19.1 during 2017:</b></p> <p>Good.</p> |
| 182                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | H-19.2 | <p><b>Deliverable:</b> Dissemination of information and written materials in English and Spanish on fair housing rights, available services, and responsible agencies at County libraries, at Community Services District (CSA) offices, at public counters and on the County's website.</p>                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 19.2 is printed in full below:</p> <p><i>"Fresno County focuses available resources toward mitigating obstacles through its affordable housing programs and services.</i></p> <p><i>Information on fair housing rights and responsibilities is available at public counters, and is provided during outreach efforts around the County."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> |        | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2017 APR stated that the information on fair housing rights was at public centers and was disseminated during outreach events.</p> <p>The APR did not state such information was available at County libraries, at Community Services District Offices or on the County's website.</p> <hr/> <p><b>Conclusion:</b></p> <p>Information provided by the County is insufficient to understand the extent to which the County disseminated information on fair housing rights, available services and responsible agencies at County libraries, at community services district offices and on the County's website.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

|     |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p><b>Evidence of the successful implementation of Program H-19.2 during 2017:</b></p> <p>Poor.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 183 | H-19.3 | <p><b>Deliverable:</b> Referral of fair housing complaints to the U.S. Department of Housing and Urban Development (HUD), the California Department of Fair Employment and Housing (DEFH), the Fair Housing Council of Central California (FHCCC) and other housing agencies.</p> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The County's 2017 appraisal of the implementation of Program Objective 19.3 is printed in full below:</p> <p><i>"No complaints were received regarding fair housing during 2017."</i></p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p> | <p style="text-align: center;"><b>League Reporting</b></p> <p>The County's 2017 APR stated that the County did not receive any complaints during 2017. As a result, Program H-19.3 did not take effect that year.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County did not receive any fair housing complaints during 2017. (Program H-19.3 becomes effective upon the County receiving one or more fair housing complaints.)</p> <p><b>Evidence of the successful implementation of Program H-19.3 during 2017:</b></p> <p>Good.</p> |
| 184 | H-19.4 | <p><b>Deliverable:</b> Every five years, a Fair Housing Assessment as required by the U.S. Department of Housing and Urban Development (HUD).</p> <p style="text-align: center;"><b>County Reporting</b></p> <p><b>2017 APR</b></p> <p>The 2017 APR did not comment on Program Objective 19.4.</p> <p><b>Recommendations in the Draft 2017 Policy Document</b></p> <p>None.</p>                                                                                                                                                                                                                                                               | <p style="text-align: center;"><b>Implementation</b></p> <p>The County's 2017 APR did not comment on this program objective.</p> <hr/> <p><b>Conclusion:</b></p> <p>The County's Analysis of Impediments (AI) to Fair Housing was last reviewed in May and will likely be done again in 2020.</p> <p><b>Evidence of the successful implementation of Program H-19.4 during 2017:</b></p> <p>Good.</p>                                                                                                                                  |

## Tables Submitted by the County As Part of its 2017 Annual Progress Report (APR)

(Tables A, A2, A3 and B below were not reviewed by the League.)

**Table A**  
**Annual Building Activity Report Summary - New Construction**  
**Very Low-, Low-, and Mixed-Income Multifamily Projects**

| Housing Development Information                                                              |               |                               |                                    |              |                  |                        | Housing with Financial Assistance and/or Deed Restrictions | Housing without Financial Assistance or Deed Restrictions |                                          |                       |                                                                                                                                                                                                               |
|----------------------------------------------------------------------------------------------|---------------|-------------------------------|------------------------------------|--------------|------------------|------------------------|------------------------------------------------------------|-----------------------------------------------------------|------------------------------------------|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1                                                                                            | 2             | 3                             | 4                                  |              |                  |                        | 5                                                          | 5a                                                        | 6                                        | 7                     | 8                                                                                                                                                                                                             |
| Project Identifier<br>(may be APN No., project name or address)                              | Unit Category | Tenure<br>R=Renter<br>O=Owner | Affordability by Household Incomes |              |                  |                        | Total Units per Project                                    | Est. # Infill Units*                                      | Assistance Programs for Each Development | Deed Restricted Units | Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions. |
|                                                                                              |               |                               | Very Low - Income                  | Low - Income | Moderate- Income | Above Moderate- Income |                                                            |                                                           | See Instructions                         | See Instructions      |                                                                                                                                                                                                               |
| APN 312-400-24; 130-920-30; 580-030-21s; 334-300-32; 335-240-35; 308-081-59s                 | MH            | O                             | 6                                  |              |                  |                        | 6                                                          |                                                           |                                          |                       |                                                                                                                                                                                                               |
| APN 553-052-19; 185-340-26s; 055-240-70s; 340-020-60; 313-082-39 & 309-340-02                | MH            | O                             | 6                                  |              |                  |                        | 6                                                          |                                                           |                                          |                       |                                                                                                                                                                                                               |
| APN 385-072-36; 138-371-12; 310-143-40; 334-400-16; 363-061-29; 363-280-04                   | SU            | O                             |                                    | 5            |                  |                        | 5                                                          |                                                           |                                          |                       |                                                                                                                                                                                                               |
| APN 335-170-12, 13, 335-140-23s; 332-200-21; 310-220-22; 333-120-61; 360-120-01, 360-010-11s | SU            | O                             |                                    | 5            |                  |                        | 5                                                          |                                                           |                                          |                       |                                                                                                                                                                                                               |
| APN 335-040-10; 348-180-28; 308-380-04s; 434-073-01; 327-150-20s, 21s; 055-450-20s           | SU            | O                             |                                    | 6            |                  |                        | 6                                                          |                                                           |                                          |                       |                                                                                                                                                                                                               |
| APN 150-081-22; 327-210-23; 340-160-26s; 334-250-47; 385-042-17s                             | SU            | O                             |                                    | 5            |                  |                        | 5                                                          |                                                           |                                          |                       |                                                                                                                                                                                                               |
| APN 553-030-26; 309-410-23; 566-021-19s; 042-061-15 & 393-121-31                             | SU            | O                             |                                    | 5            |                  |                        | 5                                                          |                                                           |                                          |                       |                                                                                                                                                                                                               |
| (9) Total of Moderate and Above Moderate from Table A3                                       |               |                               |                                    | 54           | 71               | 125                    |                                                            |                                                           |                                          |                       |                                                                                                                                                                                                               |
| (10) Total by income Table A/A3                                                              |               |                               | 12                                 | 26           | 54               | 71                     | 163                                                        |                                                           |                                          |                       |                                                                                                                                                                                                               |
| (11) Total Extremely Low-Income Units*                                                       |               |                               |                                    |              |                  |                        |                                                            |                                                           |                                          |                       |                                                                                                                                                                                                               |

\* Note: These fields are voluntary

**Table A2**  
**Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)**

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

| Activity Type                     | Affordability by Household Incomes |                   |              |             | (4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1             |
|-----------------------------------|------------------------------------|-------------------|--------------|-------------|---------------------------------------------------------------------------------------------------------------------------------------------|
|                                   | Extremely Low - Income*            | Very Low - Income | Low - Income | TOTAL UNITS |                                                                                                                                             |
| (1) Rehabilitation Activity       | 0                                  | 1                 | 0            | 1           | Owner-Occupied units receiving a Housing Assistance Rehabilitation Program (HARP) loan from the County of Fresno for housing rehabilitation |
| (2) Preservation of Units At-Risk | 0                                  | 0                 | 0            | 0           |                                                                                                                                             |
| (3) Acquisition of Units          | 0                                  | 0                 | 0            | 0           |                                                                                                                                             |
| (5) Total Units by Income         | 0                                  | 1                 | 0            | 1           |                                                                                                                                             |

\* Note: This field is voluntary

**Table A3**  
**Annual building Activity Report Summary for Above Moderate-Income Units**  
**(not including those units reported on Table A)**

|                                                     | 1.<br>Single Family | 2.<br>2 - 4 Units | 3.<br>5+ Units | 4.<br>Second Unit | 5.<br>Mobile Homes | 6.<br>Total | 7.<br>Number of<br>infill units* |
|-----------------------------------------------------|---------------------|-------------------|----------------|-------------------|--------------------|-------------|----------------------------------|
| No. of Units Permitted for<br><b>Moderate</b>       | 44                  | 0                 | 0              | 0                 | 10                 | 54          | NA                               |
| No. of Units Permitted for<br><b>Above Moderate</b> | 71                  | 0                 | 0              | 0                 | 0                  | 71          | NA                               |

\* Note: This field is voluntary

**Table B**  
**Regional Housing Needs Allocation Progress**

**Permitted Units Issued by Affordability**

| Enter Calendar Year starting with the first year of the RHNA allocation period. See Example. |                     |                                 |        |        |        |        |        |        |        |        |        | Total Units to Date (all years) | Total Remaining RHNA by Income Level |
|----------------------------------------------------------------------------------------------|---------------------|---------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------------------------------|--------------------------------------|
| Income Level                                                                                 |                     | RHNA Allocation by Income Level | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Year 6 | Year 7 | Year 8 | Year 9 |                                 |                                      |
| Very Low                                                                                     | Deed Restricted     | 460                             |        |        |        |        |        |        |        |        |        |                                 | 426                                  |
|                                                                                              | Non-deed restricted |                                 | 22     | 12     |        |        |        |        |        |        |        | 34                              |                                      |
| Low                                                                                          | Deed Restricted     | 527                             |        |        |        |        |        |        |        |        |        |                                 | 302                                  |
|                                                                                              | Non-deed restricted |                                 | 199    | 26     |        |        |        |        |        |        |        | 225                             |                                      |
| Moderate                                                                                     | Deed Restricted     | 547                             |        |        |        |        |        |        |        |        |        |                                 | -200                                 |
|                                                                                              | Non-deed restricted |                                 | 693    | 54     |        |        |        |        |        |        |        | 747                             |                                      |
| Above Moderate                                                                               |                     | 728                             | 1,418  | 71     |        |        |        |        |        |        |        | 1,489                           | -761                                 |
| Total RHNA by COG. Enter allocation number:                                                  |                     | 2,262                           |        |        |        |        |        |        |        |        |        |                                 |                                      |
| Total Units                                                                                  |                     |                                 | 2,332  | 163    |        |        |        |        |        |        |        | 2,495                           | -233                                 |
| Remaining Need for RHNA Period                                                               |                     |                                 |        |        |        |        |        |        |        |        |        |                                 |                                      |

Note: units serving extremely low -income households are included in the very low -income permitted units totals.

**Table C**  
**Program Implementation Status**

| Program Description<br>(By Housing Element Program Names) | Housing Programs Progress Report - Government Code Section 65583.<br>Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element. |           |                   |                                  |
|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-------------------|----------------------------------|
|                                                           | Name of Program                                                                                                                                                                                                                                                     | Objective | Timeframe in H.E. | Status of Program Implementation |
|                                                           |                                                                                                                                                                                                                                                                     |           |                   |                                  |
|                                                           |                                                                                                                                                                                                                                                                     |           |                   |                                  |
|                                                           |                                                                                                                                                                                                                                                                     |           |                   |                                  |
|                                                           |                                                                                                                                                                                                                                                                     |           |                   |                                  |
|                                                           |                                                                                                                                                                                                                                                                     |           |                   |                                  |
|                                                           |                                                                                                                                                                                                                                                                     |           |                   |                                  |
|                                                           |                                                                                                                                                                                                                                                                     |           |                   |                                  |

SEE ATTACHED

The information required for Table C above is found in Appendix B of this APR (pp. 137 – 181).<sup>494</sup>

# Appendix C

## List of General Plan Goals

Listed below are the 46 goals from the first six elements of the 2000 General Plan Policy Document and the 6 goals from the seventh element — the 2015-2023 Housing Element.

The County uses a system of letters or numbers to identify each of these 52 goals.

|      |                                      |                                                                  |
|------|--------------------------------------|------------------------------------------------------------------|
| ED   | - A, B, C                            | (for the 3 goals in the Economic Development Element)            |
| LU   | - A, B, C, D, E, F, G, H             | (for the 8 goals in the Agriculture and Land Use Element)        |
| TR   | - A, B, C, D, E, F                   | (for the 6 goals in the Transportation and Circulation Element)  |
| PF   | - A, B, C, D, E, F, G, H, I, J       | (for the 10 goals in the Public Facilities and Services Element) |
| OS   | - A, B, C, D, E, F, G, H, I, J, K, L | (for the 12 goals in the Open Space and Conservation Element)    |
| HS   | - A, B, C, D, E, F, G                | (for the 7 goals in the Health and Safety Element)               |
| Goal | 1, 2, 3, 4, 5, 6                     | (for the 6 goals in the Housing Element)                         |

For the sake of brevity, the 52 goals are abridged. To illustrate, printed below are both the full text of the first goal in the General Plan, Goal ED-A, and its abridged form.

### Goal ED-A.A

Full Text: *“To increase job creation through regional leadership, agricultural productivity, and development of high-value-added processing firms.”*

Abridged Form: Increase job creation.

For easy reference, the 52 goals are also numbered 1 - 52.

## Goals of the 2000 General Plan and the 2015-2023 Housing Element

- 1 Job Creation**  
ED-A Increase job creation.
- 2 Economic Base Diversification**  
ED-B Diversify the county’s economic base.
- 3 Labor Force Preparedness**  
ED-C Improve labor force preparedness.
- 4 Agriculture**  
LU-A Promote the long-term conservation of agricultural lands.
- 5 Westside Rangelands**  
LU-B Preserve the unique and sensitive character of the Westside rangelands.
- 6 River Influence Areas**  
LU-C Preserve, protect and enhance river environments as a multiple-use, open space resource.
- 7 Westside Freeway Corridor**  
LU-D Promote agricultural uses, protect scenic views and provide for commercial uses that cater to travelers.
- 8 Non-Agricultural Rural Development**  
LU-E Provide for the development of areas already designated for rural-residential development.
- 9 Urban Development Patterns**  
LU-F Encourage mixed-use pedestrian and transit-oriented development.

- 10 Urban, Fringe Area and Rural Community Development**  
LU-G Direct urban development within city spheres of influence to existing cities.
- 11 General and Administrative provisions**  
LU-H Provide for the development of mobile homes, home occupations and second dwellings.  
Provide for the effective and systematic implementation of the General Plan.
- 12 Streets and Highways**  
TR-A Plan and provide a unified, coordinated and cost-efficient countywide street and highway system.
- 13 Transit**  
TR-B Promote a safe and efficient mass transit system.
- 14 Transportation Systems Management**  
TR-C Reduce travel demand and maximize the efficiency of the County's transportation facilities.
- 15 Bicycle Facilities**  
TR-D Plan and provide a safe, continuous and easily accessible bikeway system.
- 16 Rail Transportation**  
TR-E Plan for a safe, efficient and environmentally-sound rail system.
- 17 Air Transportation**  
TR-F Promote the maintenance and improvement of general and commercial aviation facilities.
- 18 General Public Facilities and Services**  
PF-A Ensure the timely development of public facilities and maintain an adequate level of service.
- 19 Funding**  
PF-B Ensure that facility and service standards are achieved and maintained through equitable funding methods.
- 20 Water Supply and Delivery**  
PF-C Ensure the availability of an adequate and safe water supply.
- 21 Wastewater Collection, Treatment and Disposal**  
PF-D Ensure adequate wastewater collection and treatment and the safe disposal of wastewater.
- 22 Storm Drainage**  
PF-E Provide efficient, cost-effective drainage and flood control.
- 23 Landfills and Solid Waste Processing Facilities**  
PF-F Ensure the safe and efficient disposal or recycling of solid waste.
- 24 Law Enforcement**  
PF-G Protect life and property and ensure the prompt and efficient provision of law enforcement.
- 25 Fire Protection and Emergency Medical Services**  
PF-H Ensure the prompt and efficient provision of fire and emergency medical facilities and services.
- 26 School and Library Facilities**  
PF-I Provide for the educational needs of Fresno County, including the provision for libraries.
- 27 Utilities**  
PF-J Provide efficient and cost-effective utilities.
- 28 Water Resources**  
OS-A Protect and enhance the water quality/quantity of Fresno County's streams, creeks and groundwater basins.
- 29 Forest Resources**  
OS-B Preserve, protect and maintain healthy, sustainable forest resources and ecosystems.
- 30 Mineral Resources**  
OS-C Conserve areas containing significant mineral deposits and oil and gas resources.  
Promote the reasonable, safe and orderly extraction of mineral resources.
- 31 Wetland and Riparian Areas**  
OS-D Protect the aesthetics, water quality, floodplain, ecology, and recreation values of wetland and riparian areas.

- 32 Fish and Wildlife Habitat**  
OS-E Help protect, restore and enhance habitats that support fish and wildlife species.
- 33 Vegetation**  
OS-F Preserve and protect valuable vegetation resources.
- 34 Air Quality**  
OS-G Improve air quality and minimize the adverse effects of air pollution.
- 35 Parks and Recreation**  
OS-H Designate land for and promote the development and expansion of public and private recreational facilities.
- 36 Recreational Trails**  
OS-I Develop a system of hiking, riding and bicycling trails and paths.
- 37 Historical, Cultural and Geological Resources**  
OS-J Identify, protect and enhance historical, archeological, paleontological, geological and cultural sites.
- 38 Scenic Resources**  
OS-K Conserve, protect and maintain the scenic quality of Fresno County.
- 39 Scenic Roadways**  
OS-L Conserve, protect, and maintain the scenic quality of land and landscapes adjacent to scenic roads.
- 40 Emergency Management and Response**  
HS-A Protect public health and safety from the effects of natural or technological disasters.
- 41 Fire Hazards**  
HS-B Minimize loss of life, injury and damage to both property and natural resources from fire hazards.
- 42 Flood Hazards**  
HS-C Minimize the loss of life, injury and damage from flood hazards.
- 43 Seismic and Geological Hazards**  
HS-D Minimize the loss of life, injury and property damage from seismic and geologic hazards.
- 44 Airport Hazards**  
HS-E Minimize public exposure to high noise levels and safety hazards near airports.
- 45 Hazardous Materials**  
HS-F Minimize the loss of life, injury, illness and damage to property from the presence of hazardous materials.
- 46 Noise**  
HS-G Protect noise-sensitive uses from harmful or annoying noise levels.

## Goals in the 2015-2023 Housing Element

- 47 New Housing Development**  
Goal 1 Facilitate and encourage a range of housing types to meet the needs of residents.
- 48 Affordable Housing**  
Goal 2 Encourage and facilitate the development of affordable housing.
- 49 Housing and Neighborhood Conversion**  
Goal 3 Improve and maintain the quality of housing and residential neighborhoods.
- 50 Special Needs Housing**  
Goal 4 Provide a range of housing types and services for households with special needs.
- 51 Fair and Equal Housing Opportunities**  
Goal 5 Promote housing opportunities for all residents regardless of age, race, religion, sex, marital status, ancestry, national origin, disability or economic status.
- 52 Energy Conservation and Sustainable Development**  
Goal 6 Encourage energy efficiency in all new and existing housing.

## APPENDIX D

### List of Significant and Unavoidable Adverse Impacts Of the 2000 General Plan

The Environmental Impact Report for the adoption of the 2000 General Plan concluded that with the best mitigation available, the following impacts would nonetheless remain significant and unavoidable.

#### **Public Services**

- Inability to meet the demand for police and fire protection and other public services.
- Inability to meet the demand for recreation facilities (parks) and library services.

#### **Transportation and Circulation**

- Operation of roadway segments at unacceptable levels of service.
- Reduction in the ability to maintain adequate pavement conditions on rural roadways.
- Inability to meet the demand for transit services.
- Inability to meet the demand for bicycle facilities.

#### **Agricultural Resources**

- Permanent loss of important farmland.
- Significant reduction in agricultural production.

#### **Water Resources**

- Demand for water exceeding available supply, resulting in overdraft conditions.
- Demand for water exceeding available supply, resulting in adverse effects on groundwater recharge potential.
- Exacerbation of groundwater overdraft conditions, resulting in land subsidence.
- Alteration of the rate and direction of the flows of contaminated groundwater.

#### **Biological Resources**

- Degradation of riparian and aquatic habitat.
- Loss of wetland and grassland habitat.
- Loss of habitat for special-status wildlife and plant species.

#### **Mineral Resources**

- Reduction of the amount of land available for mineral resource extraction.

#### **Historical Resources**

- Devaluation, disturbance, or destruction of unidentified subsurface prehistoric resources and historic sites.

#### **Air Resources**

- Increase in air pollution caused by mobile and stationary sources.

#### **Wastewater and Hazardous materials**

- Demand for wastewater treatment beyond the capacities of existing facilities.
- Increase in the use of hazardous materials and an increase in the generation of hazardous waste.

#### **Storm Drainage and Flooding**

- Increase in stormwater runoff and the potential for downstream flooding.

#### **Noise**

- Permanent increase in ambient noise levels that could affect sensitive receptors.

#### **Esthetics**

- Permanent alteration of the existing visual character of the region and/or visual access to scenic resources.
- Introduction of new sources of light and glare into development areas and surrounding rural areas. 498

To lessen the adverse impacts listed above (but not to a level of insignificance), 304 policies in 31 sections of the 2000 Policy Document were adopted as environmental mitigation measures. There is no evidence in the County's APRs to show that the County has ever systematically monitored the implementation of these mitigation measures.

The 304 policies (listed below) are found in the following five General Plan elements: *Agriculture and Land Use Element, Transportation and Circulation Element, Public Facilities and Services Element, Open Space and Conservation Element, and Health and Safety Element.* (None of the policies in the *Economic Development Element* or the *Housing Element* serve as mitigation measures.)

**Section            Individual Policies Adopted as Environmental Mitigation Measures for the 2000 General Plan**

|      |                                                                                                               |
|------|---------------------------------------------------------------------------------------------------------------|
| LU-A | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20                                         |
| LU-B | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14                                                                 |
| LU-C | 2, 3, 4, 5                                                                                                    |
| LU-D | Ø                                                                                                             |
| LU-E | 9, 15, 17, 18, 22                                                                                             |
| LU-F | Ø                                                                                                             |
| LU-G | 1, 2, 4, 5, 6, 7, 8, 9, 13, 14, 15, 16                                                                        |
| LU-H | 9, 10                                                                                                         |
| TR-A | 2, 4, 5, 6, 7, 9, 10, 13, 14, 15, 17                                                                          |
| TR-B | 1, 2, 3, 4                                                                                                    |
| TR-C | Ø                                                                                                             |
| TR-D | 1, 2, 4, 5                                                                                                    |
| TR-E | Ø                                                                                                             |
| TR-F | Ø                                                                                                             |
| PF-A | 1, 2, 3                                                                                                       |
| PF-B | Ø                                                                                                             |
| PF-C | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 |
| PF-D | 1, 2, 3, 4, 5, 6, 7                                                                                           |
| PF-E | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21                                     |
| PF-F | Ø                                                                                                             |
| PF-G | 1, 2, 3, 4, 5                                                                                                 |
| PF-H | 1, 2, 3, 4, 5, 6, 9, 10                                                                                       |
| PF-I | Ø                                                                                                             |
| PF-J | Ø                                                                                                             |
| OS-A | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28         |
| OS-B | 2                                                                                                             |
| OS-C | 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20                                            |
| OS-D | 1, 2, 3, 4, 5, 6, 7, 8                                                                                        |
| OS-E | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19                                                     |
| OS-F | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10                                                                                 |
| OS-G | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16                                                         |
| OS-H | 2, 3, 4                                                                                                       |
| OS-I | Ø                                                                                                             |
| OS-J | 1, 2, 3, 4, 5, 6, 7, 8                                                                                        |
| OS-K | 1, 2, 3, 4                                                                                                    |
| OS-L | 4                                                                                                             |
| HS-A | 1, 2, 3                                                                                                       |
| HS-B | Ø                                                                                                             |
| HS-C | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13                                                                     |
| HS-D | 6, 9, 10, 11, 12, 14                                                                                          |
| HS-E | Ø                                                                                                             |
| HS-F | 1, 2, 3, 4, 5, 6, 7, 8                                                                                        |
| HS-G | 1, 2, 3, 4, 5, 6, 7, 8, 9                                                                                     |

## APPENDIX E

### List of Program Deliverables and Calculation of Successful Implementation

Below is a list of the deliverables for the 121 sections of the first 6 elements of the General Plan and the 63 subcomponents (objectives) in the 19 programs in the Housing Element.

The list of programs is color coded per the explanations provided on pages 25 and 139.

| <b>2000 ECONOMIC DEVELOPMENT ELEMENT</b> |        |                                                                                                                                                                                                  |
|------------------------------------------|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| No.                                      | ID No. | Deliverable(s)                                                                                                                                                                                   |
| 1                                        | ED-A.A | Creation of a staff position to coordinate countywide economic development.                                                                                                                      |
| 2                                        | ED-A.B | Creation of an Action Team to coordinate countywide economic development.                                                                                                                        |
| 3                                        | ED-A.C | 5-year evaluations of the success of the County's Comprehensive Economic Development Strategy.                                                                                                   |
| 4                                        | ED-A.D | Creation of criteria for the location of value-added agricultural facilities.                                                                                                                    |
| 5                                        | ED-A.E | Establishment of a set of guidelines for the analysis of economic impacts within staff reports.                                                                                                  |
| 6                                        | ED-A.F | Contract with the Economic Development Corporation for the marketing of county produce.                                                                                                          |
| 7                                        | ED-A.G | Determination of the existence of capital deficiencies for farmers shifting to production modes that create greater employment; redirection of existing funds should such deficiencies be found. |
| 8                                        | ED-B.A | Assemblage of a group of service providers to assess telecommunications infrastructure.                                                                                                          |
| 9                                        | ED-B.B | Delivery to businesses of a comprehensive package of assistance regarding available technologies.                                                                                                |
| 10                                       | ED-B.C | Creation of a roundtable of financial institutions to improve access to capital for non-agricultural businesses.                                                                                 |
| 11                                       | ED-B.D | Creation of a planning process to identify additional recreational opportunities countywide.                                                                                                     |
| 12                                       | ED-B.E | Evaluation of business marketing programs and funding of the Visitor and Convention Bureau.                                                                                                      |
| 13                                       | ED-C.A | Development of a countywide workforce preparation system.                                                                                                                                        |
| 14                                       | ED-C.B | Development of a CalWORKs labor pool skills inventory.                                                                                                                                           |
| 15                                       | ED-C.C | Improvement of an employment and retention tracking system for CalWORKs recipients.                                                                                                              |
| 16                                       | ED-C.D | Assistance to the Fresno Economic Development Corporation, placement agencies and businesses for the assessment of the work availability and readiness of CalWORKs recipients.                   |
| 17                                       | ED-C.E | Collaboration with various agencies and institutions to plan and fund a wide variety of services designed to promote employment.                                                                 |
| 18                                       | ED-C.F | Identification of employee skills required by the business clusters and industries targeted for expansion, attraction and development.                                                           |

## 2000 AGRICULTURE AND LAND USE ELEMENT

| No. | ID No. | Deliverable(s)                                                                                                                                                                    |
|-----|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 19  | LU-A.A | Amendment of the Zoning Ordinance to ensure conformity with the Agriculture and Land Use Element of the 2000 update of the General Plan.                                          |
| 20  | LU-A.B | Evaluation of parcel sizes necessary for sustained agriculture and subsequent amendment of the Zoning Ordinance.                                                                  |
| 21  | LU-A.C | Creation of a set of guidelines for agricultural buffers.                                                                                                                         |
| 22  | LU-A.D | Assessments of agricultural land preservation programs.                                                                                                                           |
| 23  | LU-A.E | Implementation of the County's Right-to-Farm Ordinance; dissemination of information to the real estate industry.                                                                 |
| 24  | LU-A.F | Development and implementation of a public outreach program for agricultural land conservation.                                                                                   |
| 25  | LU-A.G | Active search for grants for conservation easements.                                                                                                                              |
| 26  | LU-A.H | Creation of a program to establish criteria for prioritizing funding for agricultural easements.                                                                                  |
| 27  | LU-A.I | Assessment of agricultural land values; creation of an agricultural quality scale system.                                                                                         |
| 28  | LU-A.J | Annual inventory of lot size exceptions for agricultural areas.                                                                                                                   |
| 29  | LU-B.A | Annual inventory of lot size exceptions for Westside rangelands.                                                                                                                  |
| 30  | LU-C.A | Update of the Kings River Regional Plan.                                                                                                                                          |
| 31  | LU-C.B | Assistance with the implement the San Joaquin River Parkway Master Plan.                                                                                                          |
| 32  | LU-D.A | Amendment of the Zoning Ordinance to implement provisions in the 2000 update of the General Plan regarding the Westside Freeway Corridor.                                         |
| 33  | LU-F.A | Adoption of incentives/disincentives to support compact urban development and infill.                                                                                             |
| 34  | LU-F.B | Amendment of the Zoning Ordinance and Subdivision Ordinance to implement provisions in the 2000 update of the General Plan regarding pedestrian and transit-oriented development. |
| 35  | LU-G.A | Amendment of the Zoning Ordinance to facilitate moderate increases in housing density.                                                                                            |
| 36  | LU-G.B | Review of all annexation proposals, including formal County protests when annexations are inconsistent with either the cities' general plans or the County's General Plan.        |
| 37  | LU-H.A | Adoption of a Friant-Millerton Regional Plan.                                                                                                                                     |
| 38  | LU-H.B | Annual reports of meetings with the county's 15 cities regarding planning and growth issues.                                                                                      |
| 39  | LU-H.C | Creation of a set of guidelines for creating or updating land use plans.                                                                                                          |
| 40  | LU-H.D | Annual reviews of the General Plan.                                                                                                                                               |
| 41  | LU-H.E | 5-year reviews the General Plan.                                                                                                                                                  |
| 42  | LU-H.F | Comprehensive amendment of the Zoning Ordinance to ensure conformity with the 2000 update of the General Plan.                                                                    |

## 2000 TRANSPORTATION AND CIRCULATION ELEMENT

| No. | ID No. | Deliverable(s)                                                                                                                                                                                                                 |
|-----|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 43  | TR-A.A | 5-year updates of the County's Road Improvement program (RIP).                                                                                                                                                                 |
| 44  | TR-A.B | Consideration of the adoption of a traffic fee ordinance.                                                                                                                                                                      |
| 45  | TR-A.C | Pursuit of new funding sources for transportation improvements.                                                                                                                                                                |
| 46  | TR-A.D | Coordination of transportation planning with LAFCo, Caltrans, the cities and neighboring counties.                                                                                                                             |
| 47  | TR-A.E | Update of Improvement Standards for County development projects, including private roads dedicated to public use.                                                                                                              |
| 48  | TR-B.A | Periodic update of short-range transit plans.                                                                                                                                                                                  |
| 49  | TR-B.B | Encouragement to transit providers and the Fresno Council of Governments to prepare, adopt and implement a long-range strategic transit master plan for the county or subareas of the county.                                  |
| 50  | TR-B.C | Pursuit of transit funding through the Fresno Council of Governments and the Fresno County Rural Transit Agency.                                                                                                               |
| 51  | TR-B.D | Identification of/acquisition of rail right-of-way needs in designated transit corridors.                                                                                                                                      |
| 52  | TR-B.E | Preparation and adoption of land use and design standards that promote transit accessibility and use within designated urban transit corridors.                                                                                |
| 53  | TR-B.F | Identification of the need for additional or expanded park-and-ride lots.                                                                                                                                                      |
| 54  | TR-D.A | Update of the County's Regional Bikeways Plan to ensure conformity with the Circulation Diagram and Standards section of the 2000 update of the General Plan.                                                                  |
| 55  | TR-D.B | Encouragement of the use of bikeways and the search for funding for their maintenance.                                                                                                                                         |
| 56  | TR-D.C | Design of road construction projects to incorporate bikeways.                                                                                                                                                                  |
| 57  | TR-D.D | Use of Caltrans standards for the construction of bike lanes.                                                                                                                                                                  |
| 58  | TR-D.E | Provision for facilities that link bicycle use with other modes of transportation, including the provision of bicycle racks or bicycle space on buses, as well as parking or lockers for bicycles at transportation terminals. |
| 59  | TR-E.A | Preservation of railroad rights-of-way for future rail expansion or other transportation facilities.                                                                                                                           |
| 60  | TR-E.B | Use of appropriate zoning in designated rail corridors to ensure preservation of rail facilities for future rail use.                                                                                                          |
| 61  | TR-E.C | Participation on the Fresno Council of Governments Rail Committee.                                                                                                                                                             |

## 2000 PUBLIC FACILITIES AND SERVICES ELEMENT

| No. | ID No. | Deliverable(s)                                                                                                                                                   |
|-----|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 62  | PF-A.A | Preparation of infrastructure plans or area facility plans for new or expanded community or specific plans.                                                      |
| 63  | PF-B.A | Adoption of a Capital Improvement Program (CIP) for the design and construction of County facilities.                                                            |
| 64  | PF-B.B | Adoption of ordinances specifying methods for new development paying for new capital facilities and expanded services.                                           |
| 65  | PF-C.A | Development of a process for resolving water supply problems.                                                                                                    |
| 66  | PF-C.B | Adoption of a well construction/deconstruction ordinance.                                                                                                        |
| 67  | PF-C.C | Preparation of water master plans for areas undergoing urban growth.                                                                                             |
| 68  | PF-C.D | Creation of a tiered water pricing structure for County Service Areas and Waterworks Districts.                                                                  |
| 69  | PF-C.E | Establishment of water demand standards for new development.                                                                                                     |
| 70  | PF-C.F | Establishment of a regulatory process for transferring surface water out of the county and substituting groundwater for the transferred surface water.           |
| 71  | PF-C.G | Development and update of a list of technologies and methods to maximize the beneficial use of water resources.                                                  |
| 72  | PF-D.A | Preparation of sewer master plans for urban growth areas.                                                                                                        |
| 73  | PF-E.A | Adoption of regulations and programs to implement required state and federal stormwater quality programs.                                                        |
| 74  | PF-F.A | Accommodation of the required collection and storage of recyclables by new commercial, industrial and multi-family residential development.                      |
| 75  | PF-G.A | Adoption of a master plan for the location of sheriff substations.                                                                                               |
| 76  | PF-H.A | Adoption of fire protection master plans or fire facilities for discretionary development projects.                                                              |
| 77  | PF-H.B | In cooperation with the California Department of Forestry and local fire protection agencies, the consolidation and standardization of fire protection services. |
| 78  | PF-I.A | Identification of the location for new or expanded school facilities as regional, community and specific plans are updated.                                      |
| 79  | PF-I.B | Identification of the need for new or expanded library facilities as regional, community and specific plans are updated.                                         |

## 2000 OPEN SPACE AND CONSERVATION ELEMENT

| No. | ID No. | Deliverable(s)                                                                                                                                                                                                                                               |
|-----|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 80  | OS-A.A | Development of a water sustainability plan.                                                                                                                                                                                                                  |
| 81  | OS-A.B | Development of a surface water and groundwater database.                                                                                                                                                                                                     |
| 82  | OS-A.C | Development of a groundwater monitoring program with annual reporting to the Board of Supervisors.                                                                                                                                                           |
| 83  | OS-A.D | Development of land use plans to identify and preserve groundwater recharge areas.                                                                                                                                                                           |
| 84  | OS-B.A | Evaluation of Forest Practice Rules regarding clearcutting, prescribed burning and the protection of various resources: soil, water and biological, including the protection of old growth forests.                                                          |
| 85  | OS-B.B | Encouragement to the U.S. Forest Service and the California Department of Forestry and Fire Protection to complete an inventory of old growth forests in Fresno County.                                                                                      |
| 86  | OS-B.C | Encouragement to the U.S. Forest Service and the California Department of Forestry and Fire Protection to identify potential impacts on, and the need for preservation of, old growth forests.                                                               |
| 87  | OS-B.D | Request to the California Department of Forestry and Fire Protection to include in its Notices of Intent to Harvest Timber educational materials for residents on the Forest Practice Act, Forest Practice Rules and the Timber Harvest Plan review process. |
| 88  | OS-D.A | Assistance to various agencies and non-profit conservation organizations in their acquisition of creek corridors, wetlands and areas rich in wildlife or of fragile ecological structure.                                                                    |
| 89  | OS-D.B | Adoption of an ordinance identifying riparian protection zones and allowable activities therein.                                                                                                                                                             |
| 90  | OS-E.A | Compilation and regular update of ecological inventories for areas of environmental significance.                                                                                                                                                            |
| 91  | OS-E.B | Maintenance of maps identifying significant habitat for important fish and game species.                                                                                                                                                                     |
| 92  | OS-F.A | Compilation and regular updates of lists of state and federal rare, threatened and endangered plant species.                                                                                                                                                 |
| 93  | OS-F.B | Dissemination of the Fresno County Oak Management Guidelines to landowners with oak woodland habitat.                                                                                                                                                        |
| 94  | OS-G.A | Adoption of procedures for performing air quality impact analyses based on a review of the <i>Guide for Assessing and Mitigating Air Quality Impacts</i> published by the Air Pollution Control District.                                                    |
| 95  | OS-G.B | Adoption of a package of programs to reduce County employee work-related vehicular trips.                                                                                                                                                                    |
| 96  | OS-G.C | Amendment of the Subdivision and Grading Ordinances and Development Standards to address dust control.                                                                                                                                                       |
| 97  | OS-H.A | Inventory of recreation areas in the county; possible design of a parks and recreation master plan.                                                                                                                                                          |
| 98  | OS-H.B | Consideration of contracting with existing entities or forming new County Service Areas for the development and maintenance of parks.                                                                                                                        |
| 99  | OS-I.A | Preparation of a Recreation Trails Master Plan.                                                                                                                                                                                                              |
| 100 | OS-I.B | Identification of potential land use controls to reserve areas for trails.                                                                                                                                                                                   |

|     |        |                                                                                                                     |
|-----|--------|---------------------------------------------------------------------------------------------------------------------|
| 101 | OS-I.C | Adoption of an ordinance to regulate the use of multi-purpose trails.                                               |
| 102 | OS-J.A | Adoption of an ordinance to protect archaeological, historical and geographical sites.                              |
| 103 | OS-L.A | Preparation of a landscape master plan for the Highway 99 corridor.                                                 |
| 104 | OS-L.B | Application for scenic highway designation for eligible segments of state highways (in consultation with Caltrans). |

## 2000 HEALTH AND SAFETY ELEMENT

| No. | ID No. | Deliverable(s)                                                                                                                                                          |
|-----|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 105 | HS-A.A | Maintenance of local, state and federal agreements coordinating disaster relief.                                                                                        |
| 106 | HS-A.B | Monitoring and evaluation of County emergency planning, operations and training capabilities.                                                                           |
| 107 | HS-A.C | Evaluation of County-owned safety and emergency management facilities and public utility systems for susceptibility to flood damage.                                    |
| 108 | HS-A.D | Implementation of programs that inform the general public of emergency and disaster response procedures.                                                                |
| 109 | HS-B.A | Review of the design of all new buildings and structures to ensure that they are constructed to state and local standards.                                              |
| 110 | HS-C.A | Participation in the Federal Flood Insurance Program and the update of flood hazard maps.                                                                               |
| 111 | HS-C.B | Implementation of the County's Floodplain Management Ordinance.                                                                                                         |
| 112 | HS-C.C | Review of dam failure evacuation plans; dissemination of information on dam failure preparedness.                                                                       |
| 113 | HS-D.A | Regular review of information published by the California Division of Mines and Geology for the purpose of updating County maps and the General Plan Background Report. |
| 114 | HS-D.B | Inventory of unreinforced masonry structures constructed prior to 1948.                                                                                                 |
| 115 | HS-D.C | Development of a public awareness program to aid in the identification and mitigation of unreinforced masonry structures.                                               |
| 116 | HS-E.A | Referral of projects within the Airport Review Area to the Fresno County Airport Land Use Commission.                                                                   |
| 117 | HS-F.A | Review of discretionary uses which involve hazardous materials or generate hazardous wastes.                                                                            |
| 118 | HS-F.B | Investigation of funding for site acquisition for a permanent household waste facility.                                                                                 |
| 119 | HS-F.C | Review of plans to mitigate soil or groundwater contamination for redevelopment or infill projects.                                                                     |
| 120 | HS-G.A | Amendment of the Noise Ordinance to ensure conformity with the General Plan.                                                                                            |
| 121 | HS-G.B | Development of a noise control program that includes an ordinance on effective noise control.                                                                           |

## 2015-2023 HOUSING ELEMENT

| No. | ID No. | Deliverable(s)                                                                                                                                                                                                                           |
|-----|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 122 | H-1.1  | Department of Public Works and Planning coordination of the Countywide Fifth Cycle Housing Element Committee meetings.                                                                                                                   |
| 123 | H-1.2  | Countywide collaboration on housing program implementation and regional housing issues.                                                                                                                                                  |
| 124 | H-1.3  | Biannual meetings of the Countywide Housing Element Technical Committee to evaluate the implementation of Housing Element programs and the identification of additional housing needs.                                                   |
| 125 | H-1.4  | Annual meeting of the Countywide Housing Element Technical Committee with the California Department of Housing and Community Development and other agencies to discuss funding opportunities and challenges with program implementation. |
| 126 | H-1.5  | Periodic meetings of the Countywide Housing Element Technical Committee with Fair Housing of Central California to discuss fair housing issues and opportunities to educate the public.                                                  |
| 127 | H-1.6  | Advocacy of the Countywide Housing Element Technical Committee in support of grant funding for affordable housing and infrastructure improvements.                                                                                       |
| 128 | H-1.7  | Search for partnerships with agencies, housing developers, community stakeholders, and agricultural employers to explore options for increasing the availability of farmworker housing.                                                  |
| 129 | H-2.1  | Review and revision of the standards for annexation contained in Memorandums of Understanding between the County and the cities during the Housing Element planning period.                                                              |
| 130 | H-3.1  | Completion of technical amendments to the Zoning Ordinance to achieve internal consistency with the General Plan.                                                                                                                        |
| 131 | H-3.2  | Annual update of the inventory of residential land resources.                                                                                                                                                                            |
| 132 | H-3.3  | Monitoring the inventory of residential land resources to ensure that the County has residential land resource capacity consistent with its share of the region's housing needs.                                                         |
| 133 | H-3.4  | Designation and zoning of sites adequate to meet the special housing needs specified in the County's Regional Housing Needs Allocation (RHNA).                                                                                           |
| 134 | H-3.5  | Encouragement of a variety of housing types through implementation of the General Plan and through mechanisms encouraging housing affordability.                                                                                         |
| 135 | H-3.6  | Directing interested residential developers to community plan and specific plan areas that have water and sewer capacity or where water and sewer providers can provide capacity.                                                        |
| 136 | H-3.7  | Meeting(s) with developers to discuss constraints and opportunities on Trailer Park (TP) zoned sites; establishment of incentives and procedures to promote development of such sites.                                                   |
| 137 | H-3.8  | Participation in the development of the next Regional Housing Needs Allocation Plan.                                                                                                                                                     |
| 138 | H-4.1  | Development and implementation of a formal evaluation procedure to ensure sufficient residential capacity to meet the County's Regional Housing Needs Allocation.                                                                        |
| 139 | H-4.2  | Annual monitoring of the effectiveness of non-residential zones to facilitate residential development.                                                                                                                                   |
| 140 | H-4.3  | Accommodation of housing facilities at least 16 units in size (at densities of least 20 units per acre) — in the event that rezoning/upzoning is required to meet a RHNA shortfall.                                                      |

|     |        |                                                                                                                                                                                                                                         |
|-----|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 141 | H-5.1  | Assistance to interested developers/property owners to identify opportunities for lot consolidation or lot splitting.                                                                                                                   |
| 142 | H-5.2  | Streamlining of the processing of requests for lot consolidation and lot splitting.                                                                                                                                                     |
| 143 | H-5.3  | Annual evaluation of the effectiveness of the County's efforts to facilitate lot consolidation of small sites for residential development.                                                                                              |
| 144 | H-5.4  | Encouragement of the use of master plans/specific plans to provide a cohesive development strategy for large lots.                                                                                                                      |
| 145 | H-6.1  | At least semi-annual coordination with independent service providers to assess development trends, needs for infrastructure and services and plans to meet the County's RHNA.                                                           |
| 146 | H-6.2  | Assistance to County Service Districts to address infrastructure and service deficiencies.                                                                                                                                              |
| 147 | H-6.3  | Search for funding for County Service Districts to expand infrastructure and services consistent with the County's General Plan and community plan policies.                                                                            |
| 148 | H-6.4  | Meeting(s) with developers and community stakeholders in support of funding sources, including CDBG and/or HOME funds, to reduce the costs of development (i.e., infrastructure improvements).                                          |
| 149 | H-6.5  | Annual pursuit of funding opportunities for community plan updates to promote the development of active transportation and access to services and amenities within existing communities.                                                |
| 150 | H-6.6  | Distribution of adopted Housing Element to service providers serving unincorporated communities.                                                                                                                                        |
| 151 | H-7.1  | Offer of incentives to facilitate the development of affordable housing opportunities for very-low and extremely-low income households, as well as special needs populations.                                                           |
| 152 | H-7.2  | Search for partnerships and regular meetings with agencies, housing developers, community stakeholders and employers to pursue opportunities for providing affordable housing.                                                          |
| 153 | H-7.3  | Monitoring the websites of the California Department of Housing and Community Development and HUD for Notices of Funding Ability and preparation or support of applications for funding affordable housing for lower-income households. |
| 154 | H-7.4  | Encouragement to agencies and housing developers to apply for USDA Rural Development loans and grants and funding from the California Department of Housing and Community Development.                                                  |
| 155 | H-7.5  | Streamlining and improving efficiencies in planning, permit approval and building inspection.                                                                                                                                           |
| 156 | H-7.6  | Establishment of a program via the Internet that accommodates submittal and issuance of permits pertaining to the development of affordable housing.                                                                                    |
| 157 | H-8.1  | Search for partnerships with agencies, housing developers, community stakeholders and agricultural employers to explore options for the location of farmworker housing.                                                                 |
| 158 | H-8.2  | Encouragement to agencies and housing developers to apply for funding for farmworker housing.                                                                                                                                           |
| 159 | H-8.3  | Annual monitoring of the status of farmworker housing and evaluation of the effectiveness of the County's efforts to facilitate the provision of farmworker housing.                                                                    |
| 160 | H-9.1  | Monitoring affordable housing projects to determine if they are at risk of converting to market-rate housing, and if found to be at risk, engagement in a set of actions to address the situation.                                      |
| 161 | H-10.1 | Completion of a comprehensive Zoning Ordinance update to increase allowable densities to 20 units per acre in R2, R2-A, R3, R3-A, R4, C4 and RP Districts.                                                                              |
| 162 | H-10.2 | Addressing the provision of Single-Room Occupancy (SRO) housing as part of a comprehensive Zoning Ordinance update.                                                                                                                     |

|     |        |                                                                                                                                                                                                                                   |
|-----|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 163 | H-10.3 | Examination of alternatives to requiring discretionary approval for the development of multi-family housing in the C-4 Zone District; expediting the review and processing of multi-family housing development applications.      |
| 164 | H-10.4 | Consideration of the establishment of a discretionary permit requirement for new agricultural operations and farm labor housing in residential zones.                                                                             |
| 165 | H-10.5 | Annual review of the effectiveness of the Zoning Ordinance; amendment of the Zoning Ordinance to remove or mitigate potential constraints to the development of housing.                                                          |
| 166 | H-11.1 | Annual monitoring of public facilities impact fees to ensure they do not unduly constrain housing development (should the Board of Supervisors decide to reinstate the fees).                                                     |
| 167 | H-12.1 | Rehabilitation assistance to 8 low-income households during the planning period (2015 – 2023).                                                                                                                                    |
| 168 | H-13.1 | Assistance for the rehabilitation of 4 rental housing units during the planning period (2015 – 2023).                                                                                                                             |
| 169 | H-14.1 | Enforcement of property maintenance standards; abatement of substandard structures through code enforcement and housing rehabilitation programs.                                                                                  |
| 170 | H-15.1 | Assistance to 11 low-income households as part of the 11-unit affordable housing project in Riverdale during the planning period (2015 – 2023).                                                                                   |
| 171 | H-16.1 | Promotion of available homebuyer resources on the County's website and at public counters.                                                                                                                                        |
| 172 | H-16.2 | Annual review and pursuit of funding resources to provide assistance to homebuyers.                                                                                                                                               |
| 173 | H-17.1 | Ongoing support for and encouragement of the provision of Housing Choice Vouchers.                                                                                                                                                |
| 174 | H-17.2 | Encouragement of landlords to accept Housing Choice Vouchers by registering their properties with the Housing Authority; referral of households/homeowners to the Fresno Housing Authority.                                       |
| 175 | H-17.3 | Dissemination of information regarding participation in the Housing Choice Vouchers program.                                                                                                                                      |
| 176 | H-18.1 | Ongoing promotion and implementation of the County's Go Green initiatives.                                                                                                                                                        |
| 177 | H-18.2 | Consideration of the inclusion of design standards for new development that encourage alternative transportation as part of an update of the Zoning Ordinance.                                                                    |
| 178 | H-18.3 | Promotion and support for Pacific Gas and Electric Company programs that provide energy efficiency rebates.                                                                                                                       |
| 179 | H-18.4 | Incorporation of conservation measures into housing rehabilitation programs.                                                                                                                                                      |
| 180 | H-18.5 | Expeditious review and approval of residential alternative energy devices.                                                                                                                                                        |
| 181 | H-19.1 | Annual presentation of outreach and education workshops regarding fair housing for lenders, real estate professionals, housing providers, community stakeholders and the community at large.                                      |
| 182 | H-19.2 | Distribution of information on fair housing rights, available services and responsible agencies to libraries, community services districts offices and public counters; posting of the same on the County's website.              |
| 183 | H-19.3 | Referral of fair housing complaints to the U.S. Department of Housing and Urban Development, the California Department of Fair Employment and Housing, the Fair Housing Council of Central California and other housing agencies. |
| 184 | H-19.4 | Every 5 years, a Fair Housing Assessment.                                                                                                                                                                                         |

# Calculation of the Success of Program Implementation

## For the 2015-2023 General Plan Housing Element

Below is the data used to calculate the County’s success in implementing each of the 19 programs in its 2015-2023 Housing Element. The data, based on information gleaned from the County’s 2017 Annual Progress Report (APR), was obtained from Appendix B — Progress toward Implementing the Programs and Objectives of the Housing Element — pages 137 through 181 above.

To arrive at a calculation of the overall success of the implementation of each of the 19 Housing Element programs, it was necessary to average the County’s success in implementing the objectives within each program. For example, the overall success of the implementation of Program H-3 — with its 8 objectives distributed across row 3 below — was determined to be poor because the County’s 2017 APR reported good implementation for 4 of the objectives, poor implementation for 2 objectives and no implementation for the other 2 objectives. Therefore, the report of the success for Program H-3 was determined to be, on average, poor.

| Color Codes                                                                                                                                                                                                                                  | Programs                                                                                                                                                  | Green | Orange | Red | Overall Success |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-------|--------|-----|-----------------|
|                                                                                                                                                                                                                                              |  <b>Green</b><br>Good evidence of successful implementation during 2017. | H-1   | 0      | 7   | 0               |
|  <b>Orange</b><br>Poor evidence of successful implementation during 2017 or only partial success in implementation.                                       | H-2                                                                                                                                                       | 1     | 0      | 0   | Good            |
|                                                                                                                                                                                                                                              | H-3                                                                                                                                                       | 4     | 2      | 2   | Poor            |
|  <b>Red</b><br>No evidence by which to confirm successful implementation during 2017 or evidence that implementation was not successful or not initiated. | H-4                                                                                                                                                       | 1     | 0      | 2   | Poor            |
|                                                                                                                                                                                                                                              | H-5                                                                                                                                                       | 0     | 1      | 3   | None            |
|                                                                                                                                                                                                                                              | H-6                                                                                                                                                       | 1     | 1      | 4   | Poor            |
|                                                                                                                                                                                                                                              | H-7                                                                                                                                                       | 0     | 4      | 2   | Poor            |
|                                                                                                                                                                                                                                              | H-8                                                                                                                                                       | 0     | 1      | 2   | None            |
|                                                                                                                                                                                                                                              | H-9                                                                                                                                                       | 1     | 0      | 0   | Good            |
|                                                                                                                                                                                                                                              | H-10                                                                                                                                                      | 0     | 4      | 1   | Poor            |
|                                                                                                                                                                                                                                              | H-11                                                                                                                                                      | 1     | 0      | 0   | Good            |
|                                                                                                                                                                                                                                              | H-12                                                                                                                                                      | 1     | 0      | 0   | Good            |
|                                                                                                                                                                                                                                              | H-13                                                                                                                                                      | 0     | 1      | 0   | Poor            |
|                                                                                                                                                                                                                                              | H-14                                                                                                                                                      | 0     | 1      | 0   | Poor            |
|                                                                                                                                                                                                                                              | H-15                                                                                                                                                      | 0     | 0      | 1   | None            |
|                                                                                                                                                                                                                                              | H-16                                                                                                                                                      | 1     | 1      | 0   | Poor            |
|                                                                                                                                                                                                                                              | H-17                                                                                                                                                      | 1     | 0      | 2   | Poor            |
|                                                                                                                                                                                                                                              | H-18                                                                                                                                                      | 1     | 2      | 2   | Poor            |
|                                                                                                                                                                                                                                              | H-19                                                                                                                                                      | 3     | 1      | 0   | Good            |
|                                                                                                                                                                                                                                              | Totals                                                                                                                                                    | 16    | 26     | 21  | 63 Objectives   |

## For All Seven General Plan Elements (Including the Housing Element)

The League of Women Voters of Fresno (**League**) evaluated Fresno County's 2017 APR, coming to conclusions very different for those offered by the County.

With an aim to improve transparency and accuracy, the League decided to prepare its own APR for 2017. The League found that the County's 2017 report of a 90% \* success rate for the implementation of General Plan programs was far from accurate. The rate of success was closer to 33%. More specifically, the League found, through very careful analyses, that the County's 2017 APR had demonstrated good implementation of 46 programs (33%), poor implementation of 44 programs (31%) and no implementation or failed implementation of 50 programs (36%).

Listed below are tabulations based on information taken from Appendix A (*Implementation of the First Six Elements in the General Plan*, pp. 24-136 above) and Appendix B (*Implementation of the General Plan Housing Element*, pp. 137-181 above). (See pages 25 and 139 for explanations of the color coding.)

| Tabulation of the County's Success<br>In Implementing 140 General Plan Programs During 2017 |       |        |     |                                       |
|---------------------------------------------------------------------------------------------|-------|--------|-----|---------------------------------------|
|                                                                                             | Green | Orange | Red | Number of Programs<br>in Each Element |
| Economic Development Element                                                                | 3     | 4      | 11  | 18                                    |
| Agriculture and Land Use Element                                                            | 6     | 9      | 9   | 24                                    |
| Transportation and Circulation Element                                                      | 8     | 10     | 1   | 19                                    |
| Public Facilities and Services Element                                                      | 7     | 5      | 6   | 18                                    |
| Open Space and Conservation Element                                                         | 4     | 3      | 18  | 25                                    |
| Health and Safety Element                                                                   | 13    | 2      | 2   | 17                                    |
| Housing Element                                                                             | 5     | 11     | 3   | 19                                    |
| Totals                                                                                      | 46    | 44     | 50  | 140                                   |

### Calculations

| Color Code | Degree of Success | Number of Programs | Percent  |
|------------|-------------------|--------------------|----------|
| Green      | Good              | 46 out of 140      | 32.86 %  |
| Orange     | Poor              | 44 out of 140      | 31.43 %  |
| Red        | None              | 50 out of 140      | 35.71 %  |
|            |                   |                    | 100.00 % |

\* The County's 2017 APR identified only 14 of 140 programs (10%) as being unsatisfactorily implemented. They were Programs ED-B.A, LU-A.I, LU-C.A, LU-H.A, TR-A.B, PF-B.A, PF-B.B, PF-C.E, PF-G.A, OS-D.B, OS-F.B, OS-H.A, OS-J.A and HS-G.B. (The County did not report any deficiencies in the implementation of the Housing Element.)

## Letter 29

**COMMENTER:** Radley Reep

**DATE:** June 27, 2023

### **Response 29.1**

*The commenter summarizes information related to the prior Final EIR and expresses concern about protection of agricultural resources.*

The comment is noted. Please refer to Master Response GPR/ZOU for additional information regarding comments related to the GPR/ZOU.

### **Response 29.2**

*The commenter states that they have had difficulty participating effectively in the General Plan revision process. The commenter states that they will assess changes that, from their point of view, both directly and indirectly affect conservation of agricultural lands.*

This comment is noted. Please refer to Master Response GPR/ZOU for additional information regarding comments related to the GPR/ZOU.

### **Response 29.3**

*The commenter expresses concerns regarding Policy LU-A.1 and the potential for development in areas where infrastructure does not currently exist but could be provided.*

This comment has been noted. Please refer to Master Response GPR/ZOU for additional information regarding comments related to the GPR/ZOU. This comment does not pertain to the analysis or conclusions in the Draft EIR.

### **Response 29.4**

*The commenter expresses concerns regarding Policy LU-A.23 and Policy LU-A.24 and the conservation of agricultural land.*

This comment has been noted. See Response 22.2 regarding revisions made to Policy LU-A.23. Please refer to Master Response GPR/ZOU for additional information regarding comments related to the GPR/ZOU. This comment does not pertain to the analysis or conclusions in the Draft EIR.

### **Response 29.5**

*The commenter suggests changes and deletions regarding various programs and policies and questions if new Policy LU-A.23 is needed.*

This comment has been noted. See Response 22.2 regarding revisions made to Policy LU-A.23. Please refer to Master Response GPR/ZOU for additional information regarding comments related to the GPR/ZOU. This comment does not pertain to the analysis or conclusions in the Draft EIR.

### **Response 29.6**

*The commenter expresses concerns regarding farmland conservation. The commenter states that the County has not and will not create a program to monitor the implementation of mitigation measures. The commenter states that self-mitigation has not worked. The commenter cites a comment submitted by the League of Women Voters of Fresno regarding the NOP.*

This comment has been noted. Pursuant to *CEQA Guidelines*, §15126.4, subd. (a)(2) mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design. The County is including a Mitigation Monitoring or Reporting Program (MMRP) for the proposed project pursuant to *CEQA Guidelines*, §15097. A copy of the MMRP is available on the County's website located here: <https://www.fresnocountyca.gov/gpr>

### **Response 29.7**

*The commenter expresses concerns regarding the protection of riparian areas and states that the County's Annual Progress Report on the implementation of the General Plan for the calendar year 2019 reported that the County had not adopted the riparian ordinance required by Program OS-D.B.*

This comment has been noted. Please refer to response 29.6.

### **Response 29.8**

*The commenter recommends that the County evaluate potential barriers to implementing mitigation measures adopted for the 2000-2020 General Plan, ensure that mitigation measures are implemented, determine funding needed to guarantee implementation, and determine conditions under which self-mitigation will be effective.*

This comment has been noted. Pursuant to *CEQA Guidelines*, §15126.4, subd. (a)(2). mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design. The County is including a Mitigation Monitoring or Reporting Program (MMRP) for the proposed project pursuant to *CEQA Guidelines*, §15097. A copy of the MMRP is available on the County's website located here: <https://www.fresnocountyca.gov/gpr>

### **Response 29.9**

*The commenter states that they believe there is an error in Table ES-1 of the DEIR and that it fails to include a significant and unavoidable impact to agricultural lands.*

This impact is included in Table ES-1 of the DEIR under Impact AG-1 which states "...buildout of the GPR/ZOU could result in the conversion of Farmland or forestland to nonagricultural use. Therefore, impacts would be significant and unavoidable."

### **Response 29.10**

*The commenter suggests a no-net loss policy for agriculture. The commenter requests that the 2023 EIR include an explanation as to why a No-Harm Alternative is not suitable for the project.*

This comment has been noted and will be passed along to decision makers. CEQA establishes no categorical legal imperative as to the scope of alternatives to be analyzed in an EIR. Each case must

be evaluated on its facts, which in turn must be reviewed in light of the statutory purpose. Informed by that purpose, we here reaffirm the principle that an EIR for any project subject to CEQA review must consider a reasonable range of alternatives to the project, *or to the location of the project*, which: (1) offer substantial environmental advantages over the project proposal (Pub. Resources Code, § 21002); and (2) may be “feasibly accomplished in a successful manner” considering the economic, environmental, social and technological factors involved. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553,566 *citing* Pub. Resources Code, § 21061.1; Guidelines, § 15364). It is not feasible that growth in the County over the next 20 years would have no environmental impacts at all; therefore, this alternative was not selected for analysis in the EIR.

### **Response 29.11**

*The commenter recommends that the County develop an indicators program.*

This comment has been noted and will be passed along to decision makers.

### **Response 29.12**

*The commenter requests the County to include an analysis of the funding needed to implement the pending revision, and discusses implementation of the General Plan.*

This comment has been noted and will be passed along to decision makers. This comment does not pertain to the analysis and conclusions of the EIR. Pursuant to CEQA Guidelines Section 15131, economic or social effects of a project shall not be treated as a significant effect on the environment. As such, formal analysis of economic or social impacts is not required, which includes the potential for future development consistent with the project to meet the County’s economic goals.

Implementation of General Plan policies that serve as mitigation in the EIR is required. It is speculative to assume that the County would not implement required goals and policies.



June 27, 2023

Chris Motta  
Principal Planner  
County of Fresno, Department of Public Works and Planning  
2220 Tulare Street, Sixth Floor  
Fresno, California 93721

**Re: Draft PEIR on Fresno County General Plan Review and Zoning Ordinance Update**

Dear Mr. Motta:

I am writing on behalf of Sequoia Riverlands Trust (SRT) to comment on the Draft Programmatic Environmental Impact Report (“Draft PEIR”) regarding the Fresno County General Plan Review and Zoning Ordinance Update, including the Public Review Draft of the General Plan Policy Document (“Draft Policy Document”) released for review in April 2023. SRT is a regional, accredited land trust that has partnered with willing landowners to conserve over 44,000 acres of habitat and agricultural land, including multiple properties in Fresno County and elsewhere in the Southern San Joaquin Valley. Our land protection work includes holding mitigation easements, and we have extensive experience helping local jurisdictions to develop and implement farmland mitigation programs.

As the Draft Policy Document notes, Fresno County “has been the leading agricultural county in the United States in the value of farm products” since the mid-20<sup>th</sup> Century, but “most of the [C]ounty’s highly productive agricultural soils could be easily developed by urban, rural residential, and other non-agricultural uses.”<sup>1</sup> SRT shares the County’s view that “careful land use decision-making is essential” to prevent this from happening.<sup>2</sup> We also recognize the importance of achieving long-term sustainability in the use of water resources on which farms, cities and habitat alike depend. To that end, we are grateful to see policies supporting water conservation, including commitments to “ensure that new development does not limit the capacity or function of groundwater recharge areas,” to inventory those areas and direct available

<sup>1</sup> Draft Policy Document, 2-27.

<sup>2</sup> Draft Policy Document, 2-27.

water resources to them, and to consult with Groundwater Sustainability Agencies prior to significant General Plan Amendments.<sup>3</sup>

But as noted in our comments on the 2021 Draft, we are concerned about the proposal to alter General Plan Policy LU-A.1, which calls for “direct[ing] urban growth away from valuable agricultural land to cities, unincorporated communities, and other areas planned for such development where public facilities and infrastructure are available.”<sup>4</sup> In both the 2021 and 2023 Draft Policy Documents, the last clause now reads “other areas planned for such development where public facilities and infrastructure are available *or can be provided consistent with the adopted General or Community Plan*”<sup>5</sup>—a change that could significantly expand the areas where urban development is permitted. If the General Plan is going to call for new infrastructure, it should distinguish between existing communities (including disadvantaged communities) where such infrastructure is needed, and new towns, which are inconsistent with the goal of directing growth away from agricultural land.

30.1  
cont.

We are also concerned about the potential weakening of the County’s commitment to accept Williamson Act contracts, which can help to reduce the economic pressure on farmers to sell viable agricultural land to developers. In the 2000 General Plan, Policy LU-A.17 states that “[t]he County *shall* accept California Land Conservation [Williamson Act] contracts on all designated agricultural land subject to location, acreage, and use limitations. . .”<sup>6</sup> The 2023 Draft Policy Document states that the County “should” accept such contracts subject to the same limitations, provided that the County receives subvention payments for foregone property tax revenue.<sup>7</sup> While we do not object to the language on subvention payments, we would respectfully recommend restoring mandatory language (“shall” rather than “should”) to this policy.

We are encouraged by the addition of Policy LU-A.23 (included within Draft PEIR Mitigation Measure AG-1), which takes a step toward establishing a county-level farmland mitigation program.<sup>8</sup> But given the County’s stated concern that “most of the [C]ounty’s highly productive agricultural soils could be easily developed by . . . non-agricultural uses,”<sup>9</sup> we believe that Policy LU-A.23 needs to be strengthened considerably. Other agricultural mitigation programs (both in the San Joaquin Valley and around the state) provide examples worth following. The City of Tulare’s highly successful Farmland Mitigation Ordinance, for example, protects more of the agricultural land vulnerable to development by setting a threshold of one acre (rather than forty

30.2

<sup>3</sup> Draft Policy Document, Policies OS-A.6 - OS-A.8; Policy OS-A.10.

<sup>4</sup> 2000 Policy Document, Policy LU-A.1.

<sup>5</sup> Draft Policy Document, Policy LU-A.1 (emphasis added).

<sup>6</sup> 2000 Policy Document, Policy LU-A.17 (emphasis added).

<sup>7</sup> Draft Policy Document, Policy LU-A.17.

<sup>8</sup> Draft Policy Document, Policy LU-A.23.

<sup>9</sup> Draft Policy Document, 2-27.

acres).<sup>10</sup> At the same time, it protects a wider range of land types, requiring mitigation not only for prime farmland, but also for farmland of statewide importance, unique farmland and grazing land.<sup>11</sup> Many jurisdictions set a specific ratio of acres to be conserved for each acre converted (generally at least 1:1),<sup>12</sup> and most make mitigation mandatory, rather than permissive. With these changes, Policy LU-A.23 could play a significant role in mitigating impacts to Fresno County’s agricultural land. As a regional, accredited land trust with extensive experience informing and implementing agricultural mitigation programs, SRT would welcome the chance to assist in this effort.

We appreciate the opportunity to comment, and look forward to your response.

Sincerely,



Adam J. Livingston  
 Director of Planning and Policy  
 Sequoia Riverlands Trust

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<sup>10</sup> City of Tulare Municipal Code § 10.222.050(F) (setting the threshold for the mitigation requirement at one acre).

<sup>11</sup> City of Tulare Municipal Code § 10.222.040 (defining “Critical Farmland” subject to the Tulare Farmland Mitigation Ordinance to include areas designated by the California Department of Conservation as prime farmland, farmland of statewide importance, unique farmland and grazing land).

<sup>12</sup> See, e.g., Yolo County Zoning Code § 8-2.404(c)(1) (3:1 ratio for prime farmland and 2:1 ratio for non-prime farmland); City of Davis Municipal Code § 40A.03.025 (2:1 ratio); City of Tulare Municipal Code § 10.222.050(A) (1:1 ratio); City of Visalia Ordinance 2023-02, to be codified at Municipal Code § 18.04.070(A) (1:1 ratio). See also Stanislaus LAFCO Policy 22(A)(2) (requiring any municipality seeking a sphere of influence expansion to prepare a Plan for Agricultural Preservation, and stating that one acceptable strategy for such plans is “[a]n adopted policy or condition requiring agricultural mitigation at a ratio of at least 1:1”).

## Letter 30

**COMMENTER:** Adam J. Livingston, Director of Planning and Policy, Sequoia Riverlands Trust

**DATE:** June 27, 2023

### Response 30.1

*The commenter expresses gratitude regarding the inclusion of policies supporting water conservation and consultation with Groundwater Sustainability Agencies prior to General Plan Amendments. The commenter expresses concerns about proposed changes to Policy LU-A.1 in the 2021 and 2023 General Plan Draft Policy Document. The commenter expresses concerns about language in Policy LU-A.17 in the 2023 General Plan Draft Policy Document and recommends using the word “shall” rather than “should.”*

This comment has been noted and passed to decision makers for consideration. Please refer to Master Response GPR/ZOU for additional information regarding comments related to the GPR/ZOU. This comment does not pertain to the analysis or conclusions in the Draft EIR.

### Response 30.2

*The commenter expresses support for the addition of Policy LU-A.23 in Mitigation Measure AG-1 and makes recommendations to strengthen Policy LU-A.23. The commenter notes that Sequoia Riverlands Trust would welcome the opportunity to assist making changes to Policy LU-A.23.*

This comment has been noted. Please refer to Master Response GPR/ZOU for additional information regarding comments related to the GPR/ZOU. See Response 22.2 for information regarding revisions made to Policy LU-A.23.



June 27, 2023

Chris Motta, Principal Planner  
 Department of Public Works and Planning  
 2220 Tulare St., 6th Floor  
 Fresno CA 93721  
 Email: [gpr@fresnocountyca.gov](mailto:gpr@fresnocountyca.gov)

RE: **Comment on the draft EIR for the General Plan Review/Zoning Ordinance Update**

Dear Mr. Motta,

Please accept this letter, sent on behalf of the Tehipite Chapter of the Sierra Club, providing comments on the Draft Environmental Impact Report (EIR) for the 2023 General Plan Review and Zoning Ordinance Update (GPR/ZOU), dated April 28, 2023.

While the EIR is an expansive document, these comments will focus on the Air Quality, Greenhouse Gases, and Transportation Policies set forth in the EIR, as well as the inadequate discussion and reasoning for rejecting Environmentally Superior Alternatives to the proposed GPR/ZOU.

**1. Air Quality (Section 4.3):**

The EIR notes Fresno County is part of the San Joaquin Valley Air Basin (SJVAB), and “is highly susceptible to pollutant accumulation.” (EIR at p. 4.3-1) Fresno County suffers from some of the worst air quality in the Nation, specifically with respect to Ozone and Fine Particulate Matter. (EIR at pp. 4.3-6 4.3-9.) Despite these concerns, the EIR indicates the proposed GPR/ZOU would make our air quality demonstrably worse. Even with the feeble mitigation measures set forth, the EIR indicates in “IMPACT AQ-1 through 3” that “[t]he GPR/ZOU [is] inconsistent with applicable air quality plans, and impacts would be significant and unavoidable.” (EIR at p. 4.3-19, 21, 25-26.)

Several of the included tables are instructive. Table 4.3-6 titled the “Total Unmitigated Operational Emissions” indicates that besides sulfur oxides, all other measured pollutants generated under the GPR/ZOU would exceed the SJVAPCD significance thresholds by nearly a full order of magnitude. (EIR at p. 4-3-20.) Mitigating measures are inadequate and do not take into consideration best construction practices including electrification of construction equipment, increased material efficiency and design standards, and the use of low-carbon or recycled materials. Likewise, the operational impacts to air quality would have long lasting negative

31.1

implications for the County. Allowing for development spread throughout the County will not overcome my mitigation measures that are not practicable. The plan states it will rely on mitigation measures such as a reduction to VMT (EIR at p. 4.3-20), but as discussed below, the transportation portion of the plan does not actually reduce VMT in the manner required under California law. The continued air pollution created from dispersed development in Fresno County will cause air pollution on a scale that will dwarf the impact of any realistic mitigation measures.

31.1  
cont.

As set forth, the GPR/ZOU will result in deleterious effects on our already bad air quality and admits as such. “The GPR/ZOU may cumulatively increase the potential for impacts resulting from increased air pollutant emissions.” (EIR 4.3-27.) The EIR fails to adequately set forth or analyze feasible mitigation measures to minimize the impact of the GPR/ZOU on air quality.

## **2. Greenhouse Gas Emissions (Section 4.8):**

The EIR likewise contains an inadequate discussion as regarding the manner it seeks to reduce greenhouse gas emissions as the GPR/ZOU is dependent on the preparation of a Climate Action Plan that does not exist. “[U]ntil the County prepares a [Climate Action Plan] in accordance with Mitigation Measure GHG-1 and GHG-2, impacts from GHG emissions would remain significant and unavoidable.” (EIR at p. 4.8-18.) Table 4.8-3 of the EIR explains the combined annual GHG emissions under the GPR/ZOU would exceed the 2042 threshold of .8 metric tons of carbon dioxide per person by four-fold at 3.2 metric tons per person. (EIR at p. 4/8-17.)

31.2

Planning to initiate a Climate Action Plan in two years, without any defined criteria or guarantee the plan will be implemented all is inadequate and provides at best illusory mitigation efforts to ensure for the reduction of greenhouse gas emissions. Continued delay is untenable; the Climate Action Plan should be part of the planning document.

## **3. Transportation (Section 4.8):**

The EIR states the GPR/ZOU, even with the implementation of mitigation measures, will not comply with California Vehicle Miles Traveled (VMT) laws, enacted under Senate Bill 743. Rather, the GPR/ZOU fails to decrease VMT to below the average rate of 87% of VMT per capita. Information contained in Table 4.15-4, VMT Results Summary, illustrates the point. While Impact T-2 lists many potential mitigation measures, based on the information contained in Appendix TIS - Vehicles Miles Traveled Technical Memorandum, the County is aware the mitigation measures are not likely to be adequate to reach compliance with State standards.

31.3

While the mitigation measures are welcome, the TIS study makes clear the measures would be insufficient to make more than marginal improvements to the VMT rate. For example, “[B]oth bicycle infrastructure and pedestrian network improvements *would make marginal improvements* to otherwise short vehicle trips between future workplaces and nearby destinations (for purposes of errands, dining, and the like), as well as between future residences and nearby destinations, *but their effects on VMT reduction would be dependent on the availability of nearby transit and largely limited in the absence of nearby transit service.*” (Appx. TIS at 10.) (Emphasis added.) Likewise, “the effectiveness of constrained parking supply or alternatively priced parking is context sensitive, and the availability of parking off site will be a limiting factor in its overall effectiveness in managing transportation demand; *and may result in unwanted consequences such as ‘spillover’ parking into surrounding residential areas, particularly if there is a lack of transit options.*” (*Ibid.*) (Emphasis added.)

The traffic engineers conducting the survey concluded the mitigation measures are nearly certain to be inadequate. They explain:

Even with policies aimed to reduce VMT, some significant unavoidable impacts considering excessive VMT will occur. VMT deficiencies will translate into deficiencies in transportation performance along several local and regional roadways and intersections in Fresno County, as a result of future housing and population growth. Roadway widenings are not anticipated due to funding and other constraints associated with state or federal monies per statewide policies. *It is anticipated that even with implementation of the Project with mitigations, significant VMT deficiencies will occur; therefore, this impact with mitigation would be considered significant and unavoidable.*

31.3  
cont.

(Appx. TIS at 10.) (Emphasis added.) The inability of the GPR/ZOU to meet VMT standards is contingent on the failure of the County to properly address reasonable alternatives, as set forth in the next section.

#### **4. Reasonable Alternatives to the Proposed GPR/ZOU (Section 6):**

The GPR/ZOU fails to provide substantial evidence why either of the proposed alternative measures involving denser growth around the Fresno and Clovis metropolitan area were infeasible. The County speculates Alternative 2 is infeasible as it relies on the fact the City of Fresno for the “annexation process, and projects within these areas would likely be dependent on urban services from the cities of Fresno and Clovis; therefore, Alternative 2 may be infeasible.” (EIR at p. 6-21.) This is not a sufficient showing. Further, based on many of the same laws, the City of Fresno, like the County is incentivized to engage in smart growth, including increasing density. There is little reason to think the City of Fresno would not be amenable to such modes of growth. The fact is that without implementation of GPR/ZOU more akin to Alternative 2, the County will be unable to comply with state and local air quality and environmental standards. The conclusory assertions the alternatives are infeasible are inadequate, fail to provide substantial evidence to support the ultimate determination, and accordingly do not comply with the requirements of CEQA.

31.4

Thank you for your time and attention to this matter.

Sincerely,

/s/

Jeremy Clar  
Chair, Executive Committee,  
Tehipite Chapter of the Sierra Club  
Email: jclar440@gmail.com

## Letter 31

**COMMENTER:** Jeremy Clar, Chair, Executive Committee, Tehipite Chapter of the Sierra Club

**DATE:** June 27, 2023

### Response 31.1

*The commenter expresses concerns about air quality and suggests that mitigation measures do not consider best construction practices or adequately achieve VMT reduction. The commenter suggests that the DPEIR does not adequately analyze mitigation measures to minimize air quality impacts.*

The DPEIR analyses the GPR/ZOU, which is a programmatic document intended to guide development within the County. The SJVAPCD does not have specific thresholds for plan-level environmental analysis, so individual project-level thresholds were used to conservatively determine significant impacts. Impacts of buildout of a programmatic document will ultimately exceed these thresholds because the thresholds are designed to evaluate individual projects, not the future buildout of an entire County. As the future individual projects and exact locations within the County are unknown, mitigation to address and reduce the impacts of this specific future projects is speculative. Given this the mitigation measures in the PEIR were designed to be flexible and to be able adjust to the individual projects in the most effective ways possible to reduce impacts.

Furthermore, as detailed in Response to Comment 32.1, Mitigation Measure AQ-3 has been revised to provide that future individual discretionary projects are required to evaluate emissions and for those projects to determine significance levels and reduce significant impacts through more specific reduction measures. These measures include reducing emission from construction equipment, energy consumption, water use reduction, and transportation. With the revisions to the mitigation measures, potential impacts from future individual projects would be reduced; however, the extent of these reductions cannot be quantified without knowing the exact nature of these future individual projects. Therefore, the EIR conservatively discloses that GHG impacts will be significant and unavoidable.

The adequacy of reductions in VMT from the project are discussed in detail in Response to Comment 28.13.

### Response 31.2

*The commenter expresses concerns about greenhouse gas emissions and states that the Climate Action Plan should be included in the planning document.*

This comment has been noted. Section 4.8, *Greenhouse Gas Emissions*, acknowledges and discloses the GHG emissions-related impacts of the project. Please refer to Response 10.1, 10.2, and 10.3 regarding the Climate Action Plan. With regard to the suggestion to include a Climate Action Plan in the GPR/ZOU, please see Master Response GPR/ZOU.

### **Response 31.3**

*The commenter expresses concerns about transportation, summarizes analysis in the EIR, and suggests that the mitigation measures are inadequate to reduce VMT to meet VMT standards.*

The commenter is correct that the project would have significant and unavoidable impacts related to VMT, which are analyzed and disclosed under Impact T-2 in Section 4.15, *Transportation and Traffic*, of the EIR. As stated therein, mitigation measures would not be able to reduce impacts to a less than significant level. Under Impact T-2, the EIR states “Although the above mitigation measure would implement a new policy into the 2042 General Plan that would require projects to demonstrate a reduction of both VMT per capita and VMT per employee in unincorporated Fresno County to at least 13 percent below the baseline conditions countywide, the implementation of project-level VMT-reducing strategies may not be feasible for each project, and a reduction consistent with at least 13 percent below baseline conditions cannot be guaranteed on a project-by-project basis. Similarly, implementation of regional VMT-reducing strategies, such as extending transit services, may not be feasible as there are currently no procedures or policies in place to establish such actions. Therefore, it is speculative to assume every project would meet such a requirement, and this impact would remain significant and unavoidable. No additional mitigation measures to reduce this impact to a less-than-significant level are feasible.” The commenter does not suggest any additional mitigation measures. No changes to the EIR are warranted.

### **Response 31.4**

*The commenter expresses concerns about the alternatives included in the DPEIR and states that the alternatives seem to be feasible.*

As stated in Section 6.2.1 of the EIR, Alternative 2 involves eventual annexation of the SOI area for the City of Fresno. However, annexation of lands is not within County control, and therefore the feasibility of Alternative 2 may be affected.



June 27, 2023

Chris Motta  
 County of Fresno  
 Department of Public Works and Planning  
 2220 Tulare Street, Sixth Floor  
 Fresno, CA 93721

**Project: Draft Program Environmental Impact Review for the Fresno County General Plan Review and Zoning Ordinance Update**

**District CEQA Reference No: 20230390**

Dear Mr. Motta:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Draft Program Environmental Impact Report (DPEIR) from the County of Fresno (County) for the Fresno County General Plan Review and Zoning Ordinance Update (GPR/ZOU). Per the DPEIR, the project is a general plan review and zoning ordinance update consisting of changes to the land use designations and land use maps from the existing 2000 General Plan; revisions to goals, polices, and implementation programs for the General Plan; addressing laws affecting the General Plan, including the addition of an Environmental Justice Element to the General Plan Policy Document (Project). The Project area covers Fresno County (see Figure 1 below) and includes one of the communities in the state selected by the California Air Resources Board (CARB) for investment of additional air quality resources and attention under Assembly Bill (AB) 617 (Garcia) in an effort to reduce air pollution exposure in impacted disadvantaged communities.

32.1

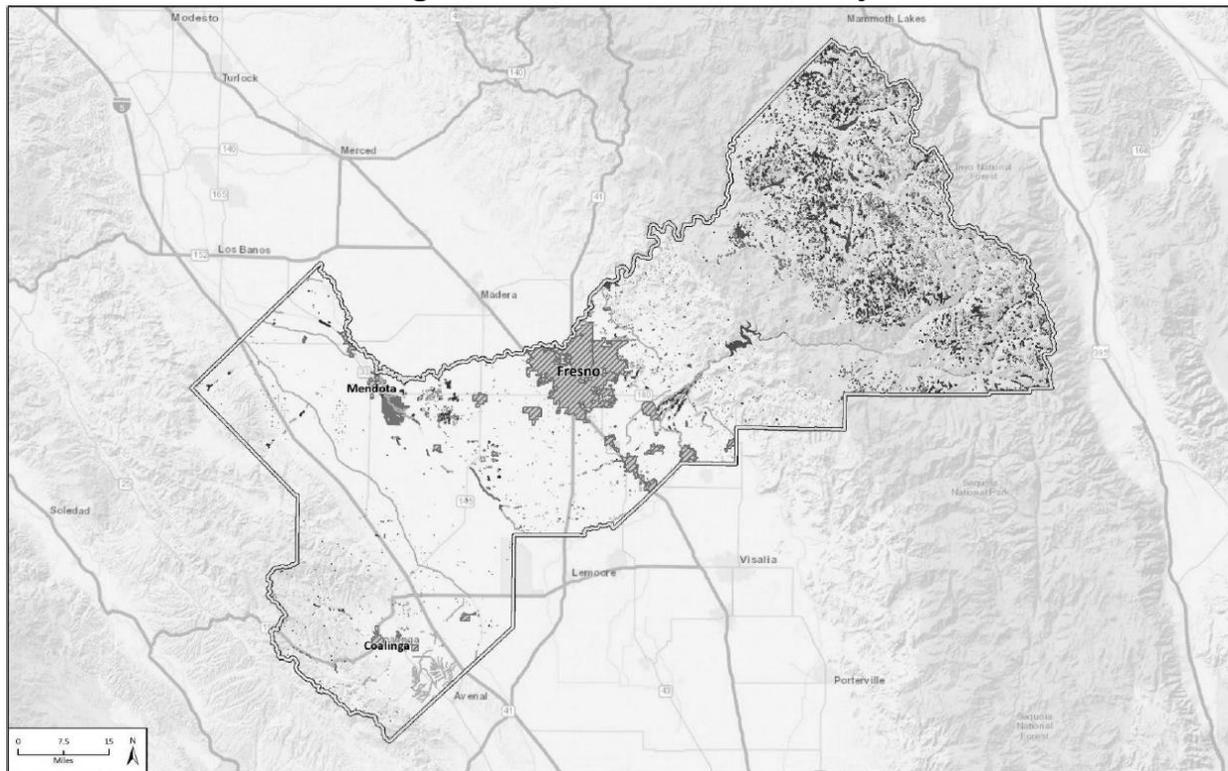
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 Executive Director/Air Pollution Control Officer

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**Figure 1: Boundaries of the Project**



The Project is a program level project and, while project-specific data may not be available until specific approvals are being granted, the DPEIR should include a discussion of policies, which when implemented, will reduce or mitigate impacts on air quality at the individual project level.

The District offers the following comments regarding the Project:

**1) Land Use Planning**

Nearly all development projects within the San Joaquin Valley Air Basin, from general plan updates to individual projects, have the potential to generate air pollutants, making it more difficult to attain state and federal ambient air quality standards. Land use decisions are critical to improving air quality within the San Joaquin Valley Air Basin because land use patterns greatly influence transportation needs, and motor vehicle emissions are the largest source of air pollution in the Valley. Land use decisions and project design elements such as preventing urban sprawl, encouraging mix-use development, and project design elements that reduce vehicle miles traveled (VMT) have proven to be beneficial for air quality.

More specifically, the DPEIR concludes Project air quality emission impacts will exceed District significance thresholds and thus result in significant and unavoidable

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cont.

impacts. As such, the District recommends that the DPEIR incorporate strategies that reduce VMTs and require the cleanest available heavy duty trucks, vehicles, and off-road equipment, including zero and near-zero technologies. VMTs can be reduced through encouragement of mix-use development, walkable communities, etc. Additional design element options can be found at:

<https://ww2.valleyair.org/media/ob0pweru/clean-air-measures.pdf>

In addition, the District recommends that the Project incorporate strategies that will advance implementation of the best practices listed in Tables 5 and 6 of California Air Resource Board's (CARB's) Freight Handbook Concept Paper. This document compiles best practices designed to address air pollution impacts as "practices" which may apply to the siting, design, construction, and operation of freight facilities to minimize health impacts on nearby communities. The concept paper is available at: [https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook\\_1.pdf](https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook_1.pdf)

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cont.

## 2) **Project Siting**

The Project is the blueprint for future growth and provides guidance for the community's development. Without appropriate mitigation and associated policy, future development projects within the County may contribute to negative impacts on air quality due to increased traffic and ongoing operational emissions. Appropriate project siting helps ensure there is adequate distance between differing land uses, which can prevent or reduce localized and cumulative air pollution impacts from business operations that are in close proximity to receptors (e.g., residences, schools, health care facilities, etc.). The Project siting-related goals, policies, and objectives should include measures and concepts outlined in the following resources:

- CARB's Air Quality and Land Use Handbook: A Community Health Perspective. The document includes tables with recommended buffer distances associated with various types of common sources (e.g., distribution centers, chrome platers, gasoline dispensing facilities, etc.), and can be found at: <https://ww2.arb.ca.gov/our-work/programs/resource-center/strategy-development/land-use-resources>
- CARB's Freight Handbook Concept Paper: This document compiles best practices designed to address air pollution impacts, which may apply to the siting, design, construction, and operation of freight facilities to minimize health impacts on nearby communities, and can be found at: [https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook\\_1.pdf](https://ww2.arb.ca.gov/sites/default/files/2020-03/2019.12.12%20-%20Concept%20Paper%20for%20the%20Freight%20Handbook_1.pdf)

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### **3) Assembly Bill 617**

Assembly Bill 617 requires CARB and air districts to develop and implement Community Emission Reduction Programs (CERPs) in an effort to reduce air pollution exposure in impacted disadvantage communities. The Project lies near one of the impacted communities in the State selected by the California Air Resources Board (CARB) under the Assembly Bill (AB) 617 (2017, Garcia) and has the potential to expose sensitive receptors to increased air pollution within the nearby impacted community. The South Central Fresno CERP was adopted by the District's Governing Board in September of 2019 and identifies a wide range of measures designed to reduce air pollution exposure. Therefore, in an effort to reduce air pollution exposure to the impacted disadvantaged community, the District recommends the County incorporate mitigation measures outlined in the South Central Fresno CERP for the Project. For more information regarding the CERP approved for South Central Fresno, please visit the District's website at: <http://community.valleyair.org/selected-communities/south-central-fresno>

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### **4) Project Related Emissions**

The District recommends that the DPEIR stipulate that future development projects within the Project identify and characterize project construction and operational air emissions. The District recommends the air emissions be compared to the District significance thresholds as identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts: <https://www.valleyair.org/transportation/GAMAQI.pdf>. The District recommends that future projects be mitigated to the extent feasible, and that future projects with air emissions above the aforementioned thresholds be mitigated to below these thresholds.

The District understands that the Project is a program-level project where future individual project-specific data may not be available at this time. As such, the DPEIR should include a discussion of policies, which when implemented, will require assessment and characterization of future individual project-level emissions, and subsequently require mitigation of air quality impacts to the extent feasible at the individual project-specific level. Environmental reviews of potential impacts on air quality should incorporate the following items:

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#### **4a) Construction Emissions**

The District recommends, to reduce impacts from construction-related diesel exhaust emissions, the Project should include requirement that future development projects utilize the cleanest available off-road construction equipment, including the latest tier equipment.

#### **4b) Operational Emissions**

Operational (ongoing) air emissions from mobile sources and stationary sources should be analyzed separately. For reference, the District's significance thresholds are identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts:

<https://www.valleyair.org/transportation/GAMAQI.pdf>.

*Recommended Mitigation Measure:* At a minimum, project related impacts on air quality should be reduced to levels of significance through incorporation of design elements such as the use of cleaner Heavy Heavy-Duty (HHD) trucks and vehicles, measures that reduce Vehicle Miles Traveled (VMTs), and measures that increase energy efficiency. More information on transportation mitigation measures can be found at:

<https://ww2.valleyair.org/media/ob0pweru/clean-air-measures.pdf>

#### **4c) Project Trip Length for HHD Truck Travel**

The District understands that the Project is a program-level project where future individual project-specific data may not be available at this time. However, on page 4.3-26 the DPEIR states "...the GPR/ZOU would increase light and heavy duty industrial land uses in the county." As a result, the County should include policies that require environmental review for future development projects, such as those located in light and heavy industrial areas (e.g. warehouse/distribution). Since these projects have the potential to generate a high volume of heavy-duty truck trips at further distances, the environmental review should adequately characterize and justify an appropriate trip length distance for off-site HHD truck travel to and from the project site as well as the estimated number of trips supported by project-specific factors.

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cont.

#### **4d) Recommended Model for Quantifying Air Emissions**

Project-related criteria pollutant emissions from construction and operational sources should be identified and quantified. Emissions analysis should be performed using the California Emission Estimator Model (CalEEMod), which uses the most recent CARB-approved version of relevant emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: [www.caleemod.com](http://www.caleemod.com).

## 5) Health Risk Screening/Assessment

The District understands that the Project is a program-level project where future individual project-specific data may not be available at this time. As such, the County should incorporate a requirement for future development projects to evaluate the risk on sensitive receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) in the area and mitigate any potentially significant risk to help limit exposure of sensitive receptors to emissions.

To determine potential health impacts on surrounding receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) a Prioritization and/or a Health Risk Assessment (HRA) should be performed for future development projects. These health risk determinations should quantify and characterize potential Toxic Air Contaminants (TACs) identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard to human health.

Health risk analyses should include all potential air emissions from the project, which include emissions from construction of the project, including multi-year construction, as well as ongoing operational activities of the project. Note, two common sources of TACs can be attributed to diesel exhaust emitted from heavy-duty off-road earth moving equipment during construction, and from ongoing operation of heavy-duty on-road trucks.

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### Prioritization (Screening Health Risk Assessment):

A "Prioritization" is the recommended method for a conservative screening-level health risk assessment. The Prioritization should be performed using the California Air Pollution Control Officers Association's (CAPCOA) methodology.

The District recommends that a more refined analysis, in the form of an HRA, be performed for any project resulting in a Prioritization score of 10 or greater. This is because the prioritization results are a conservative health risk representation, while the detailed HRA provides a more accurate health risk evaluation.

To assist land use agencies and project proponents with Prioritization analyses, the District has created a prioritization calculator based on the aforementioned CAPCOA guidelines, which can be found here:

[http://www.valleyair.org/busind/pto/emission\\_factors/Criteria/Toxics/Utilities/PRIORITIZATION-CALCULATOR.xls](http://www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION-CALCULATOR.xls)

### Health Risk Assessment:

Prior to performing an HRA, it is strongly recommended that land use agencies/project proponents develop and submit for District review a health risk modeling protocol that outlines the sources and methodologies that will be used to perform the HRA. This step will ensure all components are addressed when performing the

## HRA.

A development project would be considered to have a potentially significant health risk if the HRA demonstrates that health impacts would exceed the District's established risk thresholds, which can be found here:

[http://www.valleyair.org/transportation/ceqa\\_idx.htm](http://www.valleyair.org/transportation/ceqa_idx.htm).

A project with a significant health risk would trigger all feasible mitigation measures. The District strongly recommends that development projects that result in a significant health risk not be approved by the land use agency.

The District is available to review HRA protocols and analyses. For HRA submittals please provide the following information electronically to the District for review:

- HRA (AERMOD) modeling files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodologies.

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For assistance, please contact the District's Technical Services Department by:

- E-Mailing inquiries to: [hramodeler@valleyair.org](mailto:hramodeler@valleyair.org)
- Calling (559) 230-5900

*Recommended Measure:* Development projects resulting in TAC emissions should be located an adequate distance from residential areas and other sensitive receptors in accordance to CARB's Air Quality and Land Use Handbook: A Community Health Perspective located at <https://ww2.arb.ca.gov/our-work/programs/resource-center/strategy-development/land-use-resources>.

## 6) **Ambient Air Quality Analysis**

An Ambient Air Quality Analysis (AAQA) uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. The District understands that the Project is a program-level project where future individual project specific data may not be available at this time. The District recommends an AAQA be performed for any future development projects with emissions that exceed 100 pounds per day of any pollutant.

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An acceptable analysis would include emissions from both project-specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.

Specific information for assessing significance, including screening tools and modeling guidance, is available online at the District's website:  
[www.valleyair.org/ceqa](http://www.valleyair.org/ceqa).

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## 7) **Voluntary Emission Reduction Agreement**

The District understands that the Project is a program-level project where future individual project specific data may not be available at this time. However, future development projects could have a significant impact on air quality. The District recommends the DPEIR include a feasibility discussion on implementing a Voluntary Emission Reduction Agreement (VERA) as a mitigation measure for future development projects that are determined to exceed the District's CEQA significance thresholds.

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's incentives programs. The funds are disbursed by the District in the form of grants for projects that achieve emission reductions. Thus, project-related impacts on air quality can be mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of agricultural equipment with the latest generation technologies.

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In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. After the project is mitigated, the District certifies to the Lead Agency that the mitigation is completed, providing the Lead Agency with an enforceable mitigation measure demonstrating that project-related emissions have been mitigated. To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the environmental document includes an assessment of the feasibility of implementing a VERA.

## **8) Allowed Uses Not Requiring Project-Specific Discretionary Approval**

In the event that the County determines that a project be approved as an allowed use not requiring a project-specific discretionary approval, the District recommends the DPEIR include language requiring such projects to prepare a technical assessment, in consultation with the District, to determine if additional analysis and/or mitigation is required.

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## **9) Future Industrial/Warehouse Development Emission Reduction Strategies**

On page 4.3-26 the DPEIR states, "...the GPR/ZOU would increase light and heavy duty industrial land uses in the county." The District recommends the County consider the feasibility of incorporating emission reduction strategies that can reduce potential harmful health impacts, such as those listed below:

- Ensure solid screen buffering trees, solid decorative walls, and/or other natural ground landscaping techniques are implemented along the property line of adjacent sensitive receptors
- Ensure all landscaping be drought tolerant
- Orient loading docks away from sensitive receptors unless physically impossible
- Locate loading docks a minimum of 300 feet away from the property line of sensitive receptor unless dock is exclusively used for electric trucks
- Incorporate signage and "pavement markings" to clearly identify on-site circulation patterns to minimize unnecessary on-site vehicle travel
- Locate truck entries on streets of a higher commercial classification
- Ensure all building roofs are solar-ready
- Ensure all portions of roof tops that are not covered with solar panels are constructed to have light colored roofing material with a solar reflective index of greater than 78
- Ensure rooftop solar panels are installed and operated to supply 100% of the power needed to operate all non-refrigerated portions of the development project
- Ensure power sources at loading docks for all refrigerated trucks have "plugin" capacity, which will eliminate prolonged idling while loading and unloading goods
- Incorporate bicycle racks and electric bike plug-ins
- Require the use of low volatile organic compounds (VOC) architectural and industrial maintenance coatings
- Designate an area during construction to charge electric powered construction vehicles and equipment, if temporary power is available
- Prohibit the use of non-emergency diesel-powered generators during construction
- Inform the project proponent of the incentive programs (e.g., Carl Moyer

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Program and Voucher Incentive Program) offered to reduce air emissions from the Project

### **10)Truck Routing**

Truck routing involves the assessment of which roads HHD trucks take to and from their destination, and the emissions impact that the HHD trucks may have on sensitive receptors (e.g. residential communities).

The Project is expected to result in future development (e.g. commercial, industrial, etc.), as such, the District recommends the County evaluate HHD truck routing patterns, with the aim of limiting exposure of residential communities and sensitive receptors to emissions. This evaluation would consider the current truck routes, the quantity and type of each truck (e.g., Medium Heavy-Duty, HHD, etc.), the destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall Vehicle Miles Traveled (VMT), and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT and air quality.

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### **11)Cleanest Available Heavy-Duty Trucks**

The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from HHD trucks, the single largest source of NOx emissions in the San Joaquin Valley. The District's CARB-approved 2018 PM2.5 Plan includes significant new reductions from HHD trucks, including emissions reductions by 2023 through the implementation of CARB's Statewide Truck and Bus Regulation, which requires truck fleets operating in California to meet the 2010 standard of 0.2 g-NOx/bhp-hr by 2023. Additionally, to meet federal air quality attainment standards, the District's Plan relies on a significant and rapid transition of HHD fleets to zero or near-zero emissions technologies.

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The Project is expected to result in future development (e.g. commercial, industrial, etc.), as such, the District recommends that the following measures be considered by the County to reduce Project-related operational emissions:

- *Recommended Measure:* Fleets associated with operational activities utilize the cleanest available HHD trucks, including zero and near-zero technologies.
- *Recommended Measure:* All on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) utilize zero-emissions technologies.

## **12)Reduce Idling of Heavy-Duty Trucks**

The goal of this strategy is to limit the potential for localized PM<sub>2.5</sub> and toxic air contaminant impacts associated with the idling of Heavy-Duty trucks. The diesel exhaust from idling has the potential to impose significant adverse health and environmental impacts.

The Project is expected to result in future development (e.g. commercial, industrial, etc.), that have the ability to result in HHD truck trips, the District recommends the County include measures to ensure compliance of the state anti-idling regulation (13 CCR § 2485 and 13 CCR § 2480) and discuss the importance of limiting the amount of idling, especially near sensitive receptors. In addition, the District recommends the County consider the feasibility of implementing a more stringent 3-minute idling restriction and requiring appropriate signage and enforcement of idling restrictions.

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## **13)Electric On-Site Off-Road and On-Road Equipment and Associated Fueling Infrastructure**

The Project is expected to result in future development (e.g. commercial, industrial, etc.) that may have the potential to result in increased use of off-road equipment (e.g., forklifts) and on-road equipment (e.g., mobile yard trucks with the ability to move materials). The District recommends that the DPEIR include requirements for project proponents to utilize electric or zero emission off-road and on-road equipment.

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## **14)Under-fired Charbroilers**

Future development projects (e.g. commercial) have the potential to include restaurants with under-fired charbroilers. Such charbroilers may pose the potential for immediate health risk, particularly when located in densely populated areas or near sensitive receptors.

Since the cooking of meat can release carcinogenic PM<sub>2.5</sub> species, such as polycyclic aromatic hydrocarbons, controlling emissions from new under-fired charbroilers will have a substantial positive impact on public health. The air quality impacts on neighborhoods near restaurants with under-fired charbroilers can be significant on days when meteorological conditions are stable, when dispersion is limited and emissions are trapped near the surface within the surrounding neighborhoods. This potential for neighborhood-level concentration of emissions during evening or multi-day stagnation events raises air quality concerns.

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Furthermore, reducing commercial charbroiling emissions is essential to achieving attainment of multiple federal PM<sub>2.5</sub> standards. Therefore, the District recommends that the DPEIR include a measure requiring the assessment and potential installation, as technologically feasible, of particulate matter emission control

systems for new large restaurants operating under-fired charbroilers.

The District is available to assist the County and project proponents with this assessment. Additionally, the District is currently offering substantial incentive funding that covers the full cost of purchasing, installing, and maintaining the system during a demonstration period covering two years of operation. Please contact the District at (559) 230-5800 or [technology@valleyair.org](mailto:technology@valleyair.org) for more information, or visit: <http://valleyair.org/grants/rctp.htm>

32.14  
cont.

### **15)Vegetative Barriers and Urban Greening**

The Project is expected to result in future development (e.g. commercial, industrial, etc.). As such, the District suggests the County incorporate vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors (e.g., residences, schools, healthcare facilities).

While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, vegetative barriers have been shown to be an additional measure to potentially reduce a population's exposure to air pollution through the interception of airborne particles and the uptake of gaseous pollutants. Examples of vegetative barriers include, but are not limited to the following: trees, bushes, shrubs, or a mix of these. Generally, a higher and thicker vegetative barrier with full coverage will result in greater reductions in downwind pollutant concentrations. In the same manner, urban greening is also a way to help improve air quality and public health in addition to enhancing the overall beautification of a community with drought tolerant, low-maintenance greenery.

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### **16)Clean Lawn and Garden Equipment in the Community**

Gas-powered lawn and garden equipment have the potential to result in an increase of NOx and PM2.5 emissions. Utilizing electric lawn care equipment can provide residents with immediate economic, environmental, and health benefits. The District recommends the Project proponent consider the District's Clean Green Yard Machines (CGYM) program which provides incentive funding for replacement of existing gas powered lawn and garden equipment. More information on the District CGYM program and funding can be found at: <http://www.valleyair.org/grants/cgym.htm> and <http://valleyair.org/grants/cgym-commercial.htm>.

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### **17)On-Site Solar Deployment**

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources,

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the production of solar energy is contributing to improving air quality and public health. The District suggests that the County consider incorporating solar power systems as an emission reduction strategy for future development projects.

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### **18) Electric Vehicle Chargers**

To support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of the District's Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District recommends that the County and project proponents install electric vehicle chargers at project sites, and at strategic locations.

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Please visit [www.valleyair.org/grants/chargeup.htm](http://www.valleyair.org/grants/chargeup.htm) for more information.

### **19) Nuisance Odors**

While offensive odors rarely cause any physical harm, they can be unpleasant, leading to considerable distress among the public and often resulting in citizen complaints.

The County should consider all available pertinent information to determine if future development projects could have a significant impact related to nuisance odors. Nuisance odors may be assessed qualitatively taking into consideration the proposed business or industry type and its potential to create odors, as well as proximity to off-site receptors that potentially would be exposed to objectionable odors. The intensity of an odor source's operations and its proximity to receptors influences the potential significance of malodorous emissions. Any project with the potential to frequently expose members of the public to objectionable odors should be deemed to have a significant impact.

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According to the District Guidance for Assessing and Mitigating air Quality Impacts (GAMAQI), a significant odor impact is defined as more than one confirmed complaint per year averaged over a three-year period, or three unconfirmed complaints per year averaged over a three-year period. An unconfirmed complaint means that either the odor or air contaminant release could not be detected, or the source of the odor could not be determined.

As the future development projects that will fall within the Project do not yet exist the County should and stipulate odor mitigation measures in the DPEIR as conditions of approval for those business and industry types. An example would be for a project proponent whose project is determined to have a potentially significant odor impact to draft and implement an odor management plan as a mitigation measure in the

DPEIR.

## **20) District Rules and Regulations**

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm). To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

### **20a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources**

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Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

Future development projects may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, project proponents shall obtain an ATC permit from the District for equipment/activities subject to District permitting requirements.

*Recommended Mitigation Measure:* For projects subject to permitting by the San Joaquin Valley Air Pollution Control District, demonstration of compliance with District Rule 2201 (obtain ATC permit from the District) shall be provided to the County before issuance of the first building permit.

For further information or assistance, project proponents may contact the District's SBA Office at (559) 230-5888.

## 20b) District Rule 9510 - Indirect Source Review (ISR)

The purpose of District Rule 9510 is to reduce the growth in both NOx and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The ISR Rule requires developers to mitigate their NOx and PM emissions by incorporating clean air design elements into their projects. Should the proposed development project clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.

Accordingly, future development projects within the Project may be subject to District Rule 9510 if upon full buildout, the project would equal or exceed any of the following applicability thresholds, depending on the type of development and public agency approval mechanism:

**Table 1: ISR Applicability Thresholds**

| <b>Development Type</b> | <b>Discretionary Approval Threshold</b> | <b>Ministerial Approval / Allowed Use / By Right Thresholds</b> |
|-------------------------|-----------------------------------------|-----------------------------------------------------------------|
| Residential             | 50 dwelling units                       | 250 dwelling units                                              |
| Commercial              | 2,000 square feet                       | 10,000 square feet                                              |
| Light Industrial        | 25,000 square feet                      | 125,000 square feet                                             |
| Heavy Industrial        | 100,000 square feet                     | 500,000 square feet                                             |
| Medical Office          | 20,000 square feet                      | 100,000 square feet                                             |
| General Office          | 39,000 square feet                      | 195,000 square feet                                             |
| Educational Office      | 9,000 square feet                       | 45,000 square feet                                              |
| Government              | 10,00 square feet                       | 50,000 square feet                                              |
| Recreational            | 20,000 square feet                      | 100,000 square feet                                             |
| Other                   | 9,000 square feet                       | 45,000 square feet                                              |

District Rule 9510 also applies to any transportation or transit development projects where construction exhaust emissions equal or exceed two tons of NOx or two tons of PM.

The purpose of District Rule 9510 is to reduce the growth in both NOx and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The Rule requires developers to mitigate their NOx and PM emissions by incorporating clean air design elements into their projects. Should the proposed development project

32.21

clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.

In the case the individual development project is subject to District Rule 9510, per Section 5.0 of the rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency so that proper mitigation and clean air design under ISR can be incorporated into the public agency's analysis.

Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

The AIA application form can be found online at: <http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>.

District staff is available to provide assistance with determining if a future development project is subject to Rule 9510, and can be reached by phone at (559) 230-5900 or by email at [ISR@valleyair.org](mailto:ISR@valleyair.org).

### **20c) District Rule 9410 (Employer Based Trip Reduction)**

Future development projects may be subject to District Rule 9410 (Employer Based Trip Reduction) if the project would result in employment of 100 or more "eligible" employees. District Rule 9410 requires employers with 100 or more "eligible" employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees.

Information about District Rule 9410 can be found online at: [www.valleyair.org/tripreduction.htm](http://www.valleyair.org/tripreduction.htm).

For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at [etrip@valleyair.org](mailto:etrip@valleyair.org)

### **20d) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)**

In the event an existing building will be renovated, partially demolished or removed, future development projects may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at:

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cont.

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<http://www.valleyair.org/busind/comply/asbestosbultn.htm>.

### **20e) District Rule 4601 (Architectural Coatings)**

Future development projects may be subject to District Rule 4601 since it may utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at:  
<http://www.valleyair.org/rules/currentrules/r4601.pdf>

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### **20f) District Regulation VIII (Fugitive PM10 Prohibitions)**

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

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The application for both the Construction Notification and Dust Control Plan can be found online at:

<https://www.valleyair.org/busind/comply/PM10/forms/DCP-Form.docx>

Information about District Regulation VIII can be found online at:

[http://www.valleyair.org/busind/comply/pm10/compliance\\_pm10.htm](http://www.valleyair.org/busind/comply/pm10/compliance_pm10.htm)

## 20g) District Rule 4901 - Wood Burning Fireplaces and Heaters

The purpose of this rule is to limit emissions of carbon monoxide and particulate matter from wood burning fireplaces, wood burning heaters, and outdoor wood burning devices. This rule establishes limitations on the installation of new wood burning fireplaces and wood burning heaters. Specifically, at elevations below 3,000 feet in areas with natural gas service, no person shall install a wood burning fireplace, low mass fireplace, masonry heater, or wood burning heater.

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Information about District Rule 4901 can be found online at:  
<http://valleyair.org/rule4901/>

## 20h) Other District Rules and Regulations

Future development projects may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

The following rules are specific to confined animal operations:

- Rule 4102 (Nuisance) – This rule applies to any source operation that emits or may emit air contaminants or other materials. In the event that the Project or construction of the Project creates a public nuisance, it could be in violation and be subject to District enforcement action.
- Rule 4550 (Conservation Management Practices) – The purpose of this rule is to limit fugitive dust emissions from agricultural operation sites. These sites include areas of crop production, animal feeding operations and unpaved roads/equipment areas. The District's CMP handbook can be found online at the District's website at: [http://www.valleyair.org/farmpermits/updates/cmp\\_handbook.pdf](http://www.valleyair.org/farmpermits/updates/cmp_handbook.pdf).
- Rule 4570 (Confined Animal Facilities) – District Rule 4570 was adopted by the District's Governing Board on June 15, 2006. Dairies with greater than or equal to 500 milk cows are subject to the requirements of District Rule 4570. Therefore, a Rule 4570 application shall also be submitted to the District.

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## **21)Future Projects / Land Use Agency Referral Documents**

Future development projects may require an environmental review and air emissions mitigation. A project's referral documents and environmental review documents provided to the District for review should include a project summary, the land use designation, project size, air emissions quantifications and impacts, and proximity to sensitive receptors and existing emission sources, and air emissions mitigation measures. For reference and guidance, more information can be found in the District's Guidance for Assessing and Mitigating Air Quality Impacts at: <https://www.valleyair.org/transportation/GAMAQI.pdf>

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## **22)District Comment Letter**

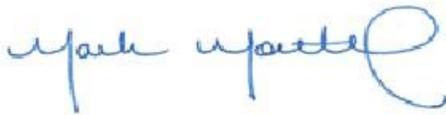
The District recommends that a copy of the District's comments be provided to the Project proponent.

32.28

If you have any questions or require further information, please contact Michael Corder by e-mail at [Michael.Corder@valleyair.org](mailto:Michael.Corder@valleyair.org) or by phone at (559) 230-5818.

Sincerely,

Brian Clements  
Director of Permit Services



Mark Montelongo  
Program Manager

## Letter 32

**COMMENTER:** Brian Clements, Director of Permit Services, San Joaquin Valley Air Pollution Control District

**DATE:** June 27, 2023

### Response 32.1

*The commenter identifies the project and states that the DPEIR should include a discussion of policies that will reduce or mitigate air quality impacts from individual projects when implemented. Specifically, the commenter states that as the DPEIR concludes the air quality emissions impacts will exceed District significance thresholds and result in significant and unavoidable impacts that the commentor suggested incorporating strategies that reduce VMTs and require the cleanest heavy-duty trucks, vehicles, and off-road equipment, including zero and near-zero technologies. In addition, the commentor suggests incorporating strategies to advance implementation of the best practices listed in table 5 and 6 of the California Air Resources Board's (CARB's) Freight Handbook Concept Paper.*

As stated in the Draft EIR on page 4.3-21, "It is speculative to determine whether project-level emissions associated with reasonably foreseeable development under the GPU/ZOU would be reduced below the SJVAPCD project-level significance thresholds because the nature and intensity of future projects is not known at this time. Therefore, impacts would remain significant and unavoidable. Individual development projects would be reviewed for project-specific impacts during any required environmental review. If project-specific significant impacts are identified, applicable mitigation measures will be placed on the project as conditions of approval." However, in response to this comment, the DEIR mitigation measures have been revised to account for the specific suggestions made by the commenter to provide for additional reductions from construction and operational activities. All mitigation measures are provided as suggested measures that may be incorporated as needed by individual projects to reduce emissions. For projects that exceed regulatory thresholds, other mitigation measures may be substituted for the ones listed below as long as needed reductions are achieved. Regardless of the revisions to the mitigation measures, the significance finding of Significant and Unavoidable is not altered as the extent of implementation and reductions achieved by individual projects cannot be determined at this time.

However, in response to suggestions from commenters, mitigation measures in the EIR have been revised clarified with the goal of being more protective. None of the changes warrant recirculation of the Draft EIR.

Page 4.3-21 of the Draft EIR has been revised with the following correction (changes shown in ~~strikeout~~/underline):

#### **Mitigation Measures**

~~The County shall incorporate the following policies into the 2042 General Plan.~~

Mitigation Measure AQ-1 Architectural Coating ROG Content Limits

The County shall incorporate the following policy into the 2042 General Plan.

**Policy OS-G.12: Architectural Coating Reactive Organic Gases Content Limits**

The County shall ~~review-require~~ future development projects under the GPR/ZOU, to the maximum extent feasible, to and encourage the use of architectural coating materials, as defined in the San Joaquin Valley Air Pollution Control District's (SJVAPCD) Rule 4601, that are zero-emission or have a low-ROG content (below 10 grams per liter). Where such ROG coatings are not available, or feasible, the coating with the lowest ROG rating available shall be used. These measures shall be noted on all construction plans, and the County shall perform periodic site inspections during construction to verify compliance.

Mitigation Measure AQ-2 Diesel Engine Tier Requirements Construction Equipment Emissions Reduction:

The County shall require future development projects under the GPR/ZOU to incorporate the following construction equipment emission control measures to the maximum extent possible, provided they are technologically and economically feasible:

- Implement the use of diesel construction equipment meeting California Air Resources Board (CARB) Tier 4 or equivalent emission standards for off-road heavy-duty diesel engines. If use of Tier 4 equipment is not feasible, due to availability, diesel construction equipment meeting Tier 3 emission standards shall be used. Tier 3 equipment shall use a Level 3 Diesel Particulate Filter. These measures shall be noted on all construction plans, and the County shall perform periodic site inspections during construction to verify compliance.
- Use alternative fueled or catalyst equipped diesel construction equipment
- All construction vehicles shall be prohibited from idling in excess of 5 minutes, both on and off site. Individual pieces of diesel-powered off-road diesel equipment shall be prohibited from being in the "on" position for more than 10 hours per day. Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use
- Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set)
- Curtail construction during periods of high-ambient-pollutant concentrations; this may include limiting of construction activity during the peak-hour vehicular traffic on adjacent roadways
- Implement activity management (e.g., rescheduling activities to reduce short-term impacts)
- Electric hook-ups to the power grid shall be used rather than temporary diesel- or gasoline-powered generators for electric construction tools whenever feasible. Mobile off-road construction equipment of less than 50 horsepower shall be electric, including but not limited to: air compressors, concrete/industrial saws, welders and plate compactors. Mobile off-road construction equipment with a power rating of 19 kilowatts or less shall be battery powered. If generators need to be used to reach remote portions of the site, non-diesel generators shall be used.
- If temporary power (power from the grid supplied to the site during construction activities before permanent utilities are implemented and turned on) is available to the site, prohibit the use of non-emergency diesel-powered generators during construction.
- Contractors shall conduct routine inspections to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts. Inspection reports shall be maintained on site throughout the construction period.

- Project contractors shall provide information on transit and ride sharing programs and services to construction employees. As feasible, provide for meal options on site, or shuttle buses between the site and nearby meal destinations for use by construction contractors.
- Implementation of a Voluntary Emissions Reduction Agreement (VERA) with the SJVAPCD for projects where emissions exceed SJVAPCD thresholds

~~**Policy OS-G.13: Diesel Engine Tier Requirements.** The County shall require future development projects to implement diesel construction equipment meeting Tier 4 emission standards for off-road heavy-duty diesel engines. If use of Tier 4 equipment is not feasible, possible due to availability, diesel construction equipment meeting Tier 3 emission standards shall be used. Tier 3 equipment shall use a Level 3 Diesel Particulate Filter.~~

Pages 4.3-25 of the Draft EIR has been revised with the following correction (changes shown in ~~strikeout~~/underline):

## Mitigation Measures

The County shall incorporate the following policies into the 2042 General Plan.

*Mitigation Measure AQ-3 ~~Sensitive Receptor Setbacks~~ Community Protections.*

~~**Sensitive Receptor Setbacks.** Consistent with the provisions contained in the California Air Resources Board (CARB) Air Quality and Land Use Handbook, project applicants shall identify appropriate measures for projects with sensitive uses located within 500 feet of freeways, heavily traveled arterials (daily vehicle trips of 10,000 or more), railways, and other sources of diesel particulate matter (DPM) and other known carcinogens. The County shall require development projects that are located within 500 feet of freeways, heavily traveled arterials (daily vehicle trips of 10,000 or more), railways, and other sources of DPM and other known carcinogens to retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the California Environmental Protection Agency's Office of Environmental Health and Hazard Assessment requirements to determine the exposure of nearby sensitive receptors to emission sources resulting from the project. Measures identified in the HRA shall be enforced by the County.~~

Future development projects that require discretionary approval shall identify and characterize project construction and operational air emissions. These project's air emissions shall be compared to the SJVAPCD significance thresholds. Where thresholds are exceeded, future projects shall be mitigated, to the extent feasible, and/or to below SJVAPCD thresholds.

As applicable to individual discretionary projects, mitigation measures that are economically and technically feasible may include, but are not limited to:

- Assess and potentially install, as technologically feasible, particulate matter emission control systems for new large restaurants operating under-fired charbroilers.
- Contracting with companies that use clean lawn and gardening equipment, or consider participation in the SJVAPCD's Clean Green Yard Machines (CGYM) program for individual development projects that would have their own lawn and gardening equipment.

- Where criteria air pollutants exceed 100 lbs per day, an Ambient Air Quality Analysis shall be conducted to determine if emissions increases from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. The analysis should include emissions from both permitted and non-permitted equipment and activities.
- Implementation of a Voluntary Emissions Reduction Agreement (VERA) with the SJVAPCD for projects where emissions exceed SJVAPCD thresholds.
- Implementation of applicable measures in Tables 5 and 6 of the CARB’s Concept Paper for The Freight Handbook for new industrial/warehousing facilities to reduce impacts to existing and potential nearby sensitive receptors. Additional measures to reduce emissions include but are not limited to:
  - Ensure solid screen buffering trees, solid decorative walls, and/or other natural ground landscaping techniques are implemented along the property line of adjacent sensitive receptors
  - Ensure all landscaping be drought tolerant
  - Orient loading docks away from sensitive receptors unless physically impossible
  - Locate loading docks a minimum of 300 feet away from the property line of sensitive receptor unless dock is exclusively used for electric trucks
  - Incorporate signage and “pavement markings” to clearly identify on-site circulation patterns to minimize unnecessary on-site vehicle travel
  - Locate truck entries on classified streets
  - Building roofs are solar-ready
  - A portion of roof tops that are not covered with solar panels are constructed to have light colored roofing material with a solar reflective index of greater than 78
  - Rooftop solar panels are installed and operated to supply 100% of the power needed to operate all non-refrigerated portions of the development project
  - Ensure power sources at loading docks for all refrigerated trucks have “plugin” capacity, which will eliminate prolonged idling while loading and unloading goods
  - Incorporate bicycle racks and electric bike plug-ins
  - Require the use of low volatile organic compounds (VOC) architectural and industrial maintenance coatings
  - Inform the project proponent of the incentive programs (e.g., Carl Moyer Program and Voucher Incentive Program) offered to reduce air emissions from the Project
  - Evaluate and incorporate truck routes that minimize impacts to sensitive receptors and sensitive communities.
  - Incorporate the use of the cleanest available heavy-duty trucks into facility owned fleets.
  - Incorporate the use of zero-emissions technologies for all on-site service equipment (cargo handling, yard holsters, forklifts, pallet jacks, etc.) as is applicable and feasible to the individual project.
  - Reduce idling of heavy-duty trucks to a maximum of 3-minutes at any one location or at any given time unless required for operation of said vehicle, other than the use of a transportation refrigeration unit.

- Project applicants shall maintain buffer distances for siting new sensitive receptors as well as new TAC sources as identified in the County’s Environmental Justice Policies or CARB’s Air Quality and Land Use Handbook: A Community Health Perspective (CARB Handbook), (whichever is more restrictive) unless a project specific health risk assessment determines that a project will not result in health risks to either onsite or offsite sensitive receptors.
- Project applicants shall retain a qualified air quality consultant to prepare a health risk assessment in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements. The analysis will be conducted to determine the exposure of nearby sensitive receptors to emission sources resulting from construction and/or operation of the project. The health risk assessment shall be submitted to the County of Fresno for review and approval. Project applicants shall implement the approved health risk assessment recommendations to any nearby sensitive receptor, if any.
  - Such measures Measures for reducing impacts to new sensitive receptors due to locating receptors near existing TAC sources may include, but are not limited to:
    - Install, operate, and maintain in good working order a central heating and ventilation system or other air take system in the building of a sensitive receptor that would be impacted by the project, or in each individual residential unit, that meets the efficiency standard of the minimum efficiency reporting value of 13. The heating and ventilation system should include the following features: installation of a high-efficiency filter and/or carbon filter to minimize particulate and other airborne chemical matter from entering the building. Either high-efficiency particulate absorption filters or American Society of Heating, Refrigeration, and Air-Conditioning Engineers 85 percent supply filters should be used.
    - Ensure that positive pressure occurs in the building.
    - Achieve a performance standard of at least one air exchange per hour of fresh outside filtered air.
    - Achieve a performance standard of at least four air exchanges per hour of recirculation.
    - Achieve a performance standard of 0.25 air exchanges per hour of unfiltered infiltration if the building is not positively pressurized.
    - Install vegetative barriers and/or urban greening
  - Measures for reducing impacts to existing sensitive receptors due to location of existing sources near active construction sites may include, but are not limited to:
    - Implementation of Tier 4 and/or alternative fueled construction equipment.
    - Incorporation of DPM Level 3 CARB filters.
  - Where operations of new onsite permitted or unpermitted toxic air contaminants (TAC) sources result in significant impacts to nearby sensitive receptors, the applicant shall work with either a qualified air quality consultant or the SJVAPCD to implement measures applicable to reducing emissions from the new TAC sources to below regulatory thresholds.
  - Where setbacks identified in the CARB Handbook are not implemented, the results of a Prioritization Analysis for new TAC sources exceeds a score of 10, and/or construction will occur within 1,000 feet.

- Evaluate the potential for on-site operational activities to result in objectionable and/or nuisance odors affecting nearby sensitive receptors and implement the appropriate odor control Systems as applicable.
- The County shall require future discretionary development projects under the GPR/ZOU to implement measures to reduce energy consumption, water use, solid waste generation, and VMT. Measures include, but are not limited to:
  - Require new residential and commercial construction to install renewable energy systems (e.g. solar) on, or off-site that will offset 100% of the project's electrical consumption, or to the greatest extent feasible.
  - Require new development to surpass the applicable Title 24 energy-efficiency requirements.
  - Require new residential development to be fully electric, and non-residential development to eliminate natural gas consumption to the extent feasible, and at a minimum to eliminate natural gas usage for heating purposes.
  - Project shall incorporate outdoor electrical outlets such that 10 percent of outdoor landscaping equipment can be electrically powered.
  - All dock doors shall be equipped with electric plugs for electric TRUs.
  - All fixtures used for lighting of exterior common areas shall be regulated by automatic devices to turn off lights when they are not needed, but a minimum level of lighting should be provided for safety
  - Implement applicable measures from the SJVAPCD's Emissions Reduction Clean Air Measures
- As discussed in Section 4.14, Transportation, Mitigation Measure T-1 would contribute to a 13 percent reduction in VMT, which would subsequently reduce transportation-related GHG emissions. In addition to Mitigation Measure T-1, the County shall require future development projects under the GPR/ZOU to evaluate the operational GHG emissions from the individual projects and incorporate the most recent GHG emission reduction measures and/or technologies for reducing VMT and associated transportation related GHG emissions. Current GHG-reducing measures include, but are not limited to, the following:
  - Installation of electric vehicle charging stations consistent with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.
  - Require new development to implement circulation design elements in parking lots for no-residential uses to reduce vehicle queuing and improve the pedestrian environment
  - Utilization of electric vehicles and/or alternatively fueled vehicles in company fleet
  - Provision of dedicated parking for carpools, vanpool, and clean air vehicles
  - Provision of vanpool and/or shuttle service for employees
  - Implementation of reduced parking minimum requirements
  - Provision of bicycle parking facilities consistent with State standards
  - Provision of a bicycle-share program
  - Expansion of bicycle routes/lanes along the project site frontage
  - Provision of new or improved transit amenities (e.g., covered turnouts, bicycle racks, covered benches, signage, lighting) if project site is located along an existing transit route

- Expansion of sidewalk infrastructure along the project site frontage
  - Provision of safe, pedestrian-friendly, and interconnected sidewalks and streetscapes
  - Provision of employee lockers and showers
  - Provision of on-site services that reduce the need for off-site travel (e.g., childcare facilities, automatic teller machines, postal machines, food services)
  - Provision of alternative work schedule options, such as telework or reduced schedule (e.g., 9/80 or 10/40 schedules), for employees whenever feasible
  - Implementation of transportation demand management programs to educate and incentivize residents and/or employees to use transit, smart commute, and alternative transportation options
  - As applicable all industrial uses shall be required to enroll in U.S. EPA's SmartWay program and shall use carriers that are SmartWay carriers.
- Implement applicable measures from the SJVAPCD's Emissions Reduction Clean Air Measures.

*Mitigation Measure AQ-4 Valley Fever*

~~**Policy OS-G.13: Valley Fever Mitigation.** The County shall continue to promote public awareness of Valley Fever risks relating to ground disturbing activities through the provision of educational materials, webpages and resource contact information. For projects involving ground disturbance on unpaved areas left undisturbed for 6 months or more, the County shall require developers to provide project-specific Valley Fever training and training materials.~~

Prior to ground disturbance activities, the County shall require project applicants to develop and provide a "Valley Fever Training Handout" and schedule of sessions for education to be provided to all construction personnel. All evidence of the training session(s) and handout(s) shall be kept on site for review by the County or Air District as requested. Multiple training sessions may be conducted if different work crews come to the site for different stages of construction; however, all construction personnel shall be provided training prior to beginning work. Training Session(s) shall include the following:

- A sign-in sheet (to include the printed employee names, signature, and date) for all employees who attended the training session.
- Distribution of a written flier or brochure that includes educational information regarding:
  1. The health effects of exposure to Valley Fever,
  2. Recognition of symptoms and when to seek treatment,
  3. Methods that may help prevent Valley Fever release,
  4. Methods that may help prevent Valley Fever exposure.
- A demonstration to employees on how to use personal protective equipment, such as masks, to reduce exposure to spores. Though use of masks is not mandatory during work, they shall be readily available and shall be provided to employees as requested.

Pages 4.8-17 of the Draft EIR has been revised with the following correction (changes shown in ~~strikeout~~/underline):

### **Mitigation Measures**

The County shall incorporate Mitigation Measures AQ-2 and AQ-3 as well as add the following policies to the 2042 General Plan to reduce, minimize, or avoid significant adverse environmental impacts related to GHG emissions.

### **Response 32.2**

*The commenter states that without appropriate mitigation and policies future development projects within the County may contribute to negative impacts on air quality, and states that appropriate project siting helps ensure adequate distances between different land uses. The commenter states that siting-related goals and policies should include measures and concepts outlined in CARB's Air Quality and Land Use Handbook: A Community Perspective, and CARB's Freight Handbook Concept Paper:*

As stated in the Draft EIR on page 4.3-21, and detailed in Response to Comment 32.1, it is speculative to determine whether project-level emissions associated with the GPU/ZOU would be reduced below the SJVAPCD project-level significance thresholds. Regardless, applying buffer distances between differing land uses can reduce potential impacts to those nearby uses. Mitigation Measure AQ-3 from the DEIR has been revised as documented in Response to Comment 32.1 above to include the use of commentors stipulated resources when considering project locations and undertaking appropriate analysis to adequately address impacts from individual development projects under the GPU/ZOU. No additional analysis or revisions to the DEIR are required.

### **Response 32.3**

*The commenter identifies Assembly Bill 617 which requires CARB and the air districts to develop and implement Community Emission Reduction Programs (CEPRs) to reduce air pollution exposure in impacted, disadvantaged communities, and suggests the DEIR incorporate mitigation measures outlined in the South Central Fresno CERP into the DEIR.*

As stated in the Draft EIR on page 4.3-21, and detailed in Response to Comment 32.1, it is speculative to determine whether project-level emissions associated with the GPU/ZOU would be reduced below the SJVAPCD project-level significance thresholds. However, the mitigation measures, as revised in Response to Comment 32.1, incorporate applicable measures or incorporate reductions to similar sources as identified in the South Central Fresno CERP. No additional analysis or revisions to the DEIR are required.

### **Response 32.4**

*The commenter recommends that the DPEIR stipulate that future development projects identify and characterize construction and operational air emissions and be compared to air district thresholds. Future projects should be mitigated to the extent feasible when emissions exceed regulatory thresholds. Environmental reviews should incorporate discussion and/or analysis of construction emissions; operational emissions, project trip lengths for heavy heavy duty truck travel, and recommends using the California Emissions Estimator Model (CalEEMod) to estimate emissions.*

As detailed in Response to Comment 32.1, Mitigation Measure AQ-3, incorporates language to require the estimation of construction and operational emissions as well as mitigating emissions

that exceed regulatory thresholds for all projects requiring discretionary approval. No additional analysis or revisions to the DEIR are required.

### **Response 32.5**

*The commenter recommends that the DPEIR incorporate a requirement for future development projects to evaluate risk to sensitive receptors and to mitigate potentially significant risks to these receptors. The comment indicates that a prioritization and/or health risk assessment should be performed for future development projects.*

As detailed in Response to Comment 32.1, revisions to Mitigation Measure AQ-3, incorporates language to require an evaluation of risk to sensitive receptors for discretionary projects under the GUP/ZOU. No additional analysis or revisions to the DEIR are required.

### **Response 32.6**

*The commenter discusses the requirements for an ambient air quality analysis based on the daily project level emissions and suggests future development projects use the 100 pounds per day screening level to determine if an Ambient Air Quality Analysis is required.*

As detailed in Response to Comment 32.1, revisions to Mitigation Measure AQ-3, incorporates language to require the estimation of construction and operational emissions as well as mitigating emissions that exceed regulatory thresholds for discretionary projects, as SJVAPCD's thresholds include the 100 pounds per day screening level, this analysis is identified and projects would determine the need for an ambient air quality analysis through this mitigation measure. No additional analysis or revisions to the DEIR are required.

### **Response 32.7**

*The commenter discusses the potential for offsetting ROG and NO<sub>x</sub> emissions that exceed regulatory thresholds by implementing a pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects. The Voluntary Emissions Reduction Agreement (VERA) is implemented and verified through the air district.*

As detailed in Response to Comment 32.1, revisions to Mitigation Measure AQ-2 and AQ-3, incorporates language to require identifying the feasibility of implementing a VERA for all discretionary individual development projects where ROG or NO<sub>x</sub> exceed regulatory thresholds. No additional analysis or revisions to the DEIR are required.

### **Response 32.8**

*The commenter suggests that projects that do not require project-specific discretionary approval under the DEIR are required to prepare a technical assessment to determine if additional analysis and/or mitigation is required.*

Nondiscretionary projects are required to meet Air District and County ordinances but cannot be otherwise conditioned to provide additional technical assessment or mitigation.

### **Response 32.9**

*The commenter provides emissions reductions strategies that can be used to reduce potential harmful health impacts from the implementation of future industrial/warehouse development under the GPR/ZOU.*

As detailed in Response to Comment 32.1, revisions to Mitigation Measure AQ-3, incorporates these emissions reductions strategies associated with future industrial and warehouse uses under the GPR/ZOU. No additional analysis or revisions to the DEIR are required.

### **Response 32.10**

*The commenter recommends that future development such as commercial, industrial, warehouse projects that will result in heavy-heavy duty truck traffic evaluate heavy-heavy duty truck routing patterns to limit exposure of residential communities and sensitive receptors to emissions exposure.*

As detailed in Response to Comment 32.1, revisions to Mitigation Measure AQ-3 incorporate language to require an evaluation and incorporation of truck routes to minimize impacts to sensitive receptors. No additional analysis or revisions to the DEIR are required.

### **Response 32.11**

*The commenter recommends that measures to reduce project-related operational emissions be considered by the county including: fleets associated with operational activities utilize the cleanest available HHD trucks, including zero and near-zero technologies; and all on-site service equipment utilize zero-emission technologies.*

As detailed in Response to Comment 32.1, revisions to Mitigation Measure AQ-3 incorporate language to require use of the cleanest available heavy-duty trucks into facility owned fleets and zero-emissions technologies for on-site service equipment. No additional analysis or revisions to the DEIR are required.

### **Response 32.12**

*The commenter recommends incorporating a 3-minute idling restriction and appropriate signage enforcing idling restrictions.*

Currently CARB requires idling of 5 minutes. While the suggestion to limit idling to 3 minutes is acknowledged, at this time the feasibility of limiting idling to 3 minutes based on individual operational practices of potential new industrial sources is unknown. Therefore, while a 3-minute idling restriction may be considered by future projects as further restrictions are incorporated by CARB or the SJVAPCD, it is not included as a mitigation measure here-in to provide full flexibility for individual projects implemented under the General Plan. No additional analysis or revisions to the DEIR are required.

### **Response 32.13**

*The commenter recommends incorporating requirements for the use of electric or zero-emissions off-road and on-road equipment.*

As detailed in Response to Comment 32.1, revisions to Mitigation Measure AQ-2 incorporate language to require the use of electric and/or zero-emissions off-road and on-road equipment as applicable for the project. No additional analysis or revisions to the DEIR are required.

### **Response 32.14**

*The commenter recommends requiring the assessment of the potential installation, as technologically feasible, of particulate matter emission control devices for new large restaurants operating under-fired charbroilers.*

As detailed in Response to Comment 32.1, revisions to Mitigation Measure AQ-3 incorporate language to require assessment of the feasibility of installing particulate matter emissions control devices for new large restaurants operating under-fired charbroilers. No additional analysis or revisions to the DEIR are required.

### **Response 32.15**

*The commenter suggests incorporating vegetative barriers and urban greening measures to further reduce air pollution exposure on sensitive receptors.*

As detailed in Response to Comment 32.1, revisions to Mitigation Measure AQ-3 incorporate language to require installation of vegetative barriers and/or urban greening. No additional analysis or revisions to the DEIR are required.

### **Response 32.16**

*The commenter recommends adding mitigation for projects to consider use of the air districts Clean Green Yard Machines (CGYM) program which provides incentive funding for the replacement of existing gas-powered lawn and garden equipment.*

As detailed in Response to Comment 32.1, revisions to Mitigation Measure AQ-3 incorporate language to contract with companies using zero-emissions lawn and gardening equipment or to consider use of the SJVAPCD's CGYM program as applicable. No additional analysis or revisions to the DEIR are required.

### **Response 32.17**

*The commenter recommends the County consider incorporating solar power systems as an emissions reduction strategy for future development projects.*

Revisions to Mitigation Measure AQ-3 incorporates language to require installation of renewable energy systems, such as solar, to offset 100 percent of the project's electrical consumption either on or off-site as a potential measure to reduce GHG emissions. No additional analysis or revisions to the DEIR are required.

### **Response 32.18**

*The commenter recommends that the County and project proponents install electric vehicle chargers at project sites and at strategic locations.*

As detailed in Response to Comment 32.1, revisions to Mitigation Measure AQ-3, incorporates language to require idling installation of electric vehicle charging stations consistent with the most current version of the CalGreen Tier 2 standards. No additional analysis or revisions to the DEIR are required.

### **Response 32.19**

*The commenter recommends stipulating odor mitigation measures as part of the DEIR as a condition of approval for business and industry types that could result in offensive or nuisance odors from project operations.*

As detailed in Response to Comment 32.1, revisions to Mitigation Measure AQ-3, incorporates language to require an analysis of the potential for individual discretionary projects to result in objectional or nuisance odors and to implement appropriate mitigation to control such odors. No additional analysis or revisions to the DEIR are required.

### **Response 32.20**

*The commenter states that the air district issues permit for many types of pollution sources and regulates some activities that do not require permits and that compliance with air district rules and regulations would reduce impacts on air quality. The commentor recommends projects subject to permitting by the SJVAPCD demonstrate compliance with District Rule 2201 be provided to the County before issuance of first building permit.*

Individual projects under the GPR/ZOU may be subject to compliance with various SJVAPCD rules and regulations. Compliance with these rules and regulations are not voluntary and individual projects are required to comply with all applicable SJVAPCD rules and regulations. Therefore, there is no need to implement mitigation to ensure compliance. No revisions to the DEIR were made based on this comment and no additional analysis or revisions to the DEIR are required.

### **Response 32.21**

*The commenter states that the air district issues permit for many types of pollution sources and regulates some activities that do not require permits and that compliance with air district rules and regulations would reduce impacts on air quality. The commentor recommends projects evaluate the need for and implement compliance with District Rule 9510 – Indirect Source Review (ISR) as applicable to individual development projects under the GRP/ZOU.*

Refer to Response 32.20.

### **Response 32.22**

*The commenter states that the air district issues permit for many types of pollution sources and regulates some activities that do not require permits and that compliance with air district rules and regulations would reduce impacts on air quality. The commentor recommends projects evaluate the need for and implement compliance with District Rule 9410 (Employer Based Trip Reduction) as applicable to individual development projects under the GRP/ZOU.*

Refer to Response 32.20.

### **Response 32.23**

*The commenter states that the air district issues permit for many types of pollution sources and regulates some activities that do not require permits and that compliance with air district rules and regulations would reduce impacts on air quality. The commentor recommends projects evaluate the need for and implement compliance with District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants) as applicable to individual development projects under the GRP/ZOU.*

Refer to Response 32.20.

### **Response 32.24**

*The commenter states that the air district issues permit for many types of pollution sources and regulates some activities that do not require permits and that compliance with air district rules and regulations would reduce impacts on air quality. The commentor recommends projects evaluate the need for and implement compliance with District Rule 4601 (Architectural Coatings) as applicable to individual development projects under the GRP/ZOU.*

Refer to Response 32.20.

### **Response 32.25**

*The commenter states that the air district issues permit for many types of pollution sources and regulates some activities that do not require permits and that compliance with air district rules and regulations would reduce impacts on air quality. The commentor recommends projects evaluate the need for and implement compliance with District Regulation VII (Fugitive PM10 Prohibitions) – Indirect Source Review (ISR) as applicable to individual development projects under the GRP/ZOU.*

Refer to Response 32.20.

### **Response 32.26**

*The commenter states that the air district issues permit for many types of pollution sources and regulates some activities that do not require permits and that compliance with air district rules and regulations would reduce impacts on air quality. The commentor recommends projects evaluate the need for and implement compliance with District Rule 4901 – wood burning fireplaces and heaters as applicable to individual development projects under the GRP/ZOU.*

Refer to Response 32.20.

### **Response 32.27**

*The commenter states that the air district issues permit for many types of pollution sources and regulates some activities that do not require permits and that compliance with air district rules and regulations would reduce impacts on air quality. The commentor recommends projects evaluate the need for and implement compliance with District Rules 4102 (Nuisance), 4550 (Conservation Management Practices), 4570 (Confined Animal Facilities), and 4641 (Cutback, slow cure, and emulsified asphalt, Paving and Maintenance Operations) as applicable to individual development projects under the GRP/ZOU. Additionally, the commenter notes that future development projects may require an environmental review and air emissions mitigation by the SJVAPCD.*

Refer to Response 32.20.

### **Response 32.28**

*The commenter recommends that a copy of the SJVAPCD's comments be provided to the project proponent.*

The SJVAPCD's comments were provided to the project proponent and incorporated into the EIR as detailed in Response to Comments 32.1 through 32.27 above.

Chris Motta | Principal Planner  
Department of Public Works and Planning  
2220 Tulare St., 6<sup>th</sup> Floor  
Fresno, CA 93721

**RE: Difficulty Understanding the Nature of General Plan Amendment No. 529 (General Plan Review) and the Scope and Content of the Associated Draft Environmental Impact Report.**

I’ve been actively engaged in the review and revision of the General Plan Policy Document (**project**) from the time the County began the process seventeen years ago. Over that time, I’ve witnessed significant changes in both the Project and process used to complete it.

33.1

To my dismay, I’ve found the County to be anything but straightforward with the public when it comes to clarifying whether the project is a comprehensive General Plan update or an amendment to the existing plan resulting from the five-year review begun in 2006. As explained below, the lack of clarity makes uncertain my ability to effectively comment on the project and draft EIR.

**2006 — 2014**

The process to revise the General Plan began in late 2005 and proceeded in fits and starts for the next eight years. On July 26, 2012, County staff concluded that the “Five-Year Review” of the 2000 General Plan Policy Document didn’t warrant the preparation of an EIR, and on February 11, 2011, the County published a Notice of Intent to Adopt a Negative Declaration.

A year later, on July 26, 2012, the Planning Commission recommended that the Board of Supervisors adopt the Negative Declaration and approve the Five-Year-Review (revision of the 2000 Policy Document). The Board considered the matter on December 4, 2012 but put off making a decision.

33.2

A year and a half later, on August 14, 2014, the County released for public review a new draft revision of the Policy Document. Then, at a public hearing held September 30, 2014, the Board of Supervisors made an unexpected move. It voted to require the preparation of an EIR for a project that was at that time still considered a “Five-Year-Review” of the 2000 General Plan.

Up to this point, there was no hint that the County was updating the General Plan. The review would simply bring the General Plan into compliance with changes in state law and determine which policies and implementation programs had served their purpose and should be deleted and which should be modified to reflect changed conditions and shifts in Board priorities.

## 2015

Up to this point, I'd been puzzled about the true nature of the "Five-Year-Review." However, my bewilderment was diminished somewhat when I heard what planners had to say at an October 13, 2015 Board of Supervisors hearing to approve an amended scope of work for the review of the General Plan and the preparation of an associated EIR.

Printed below is the action recommended by staff and subsequently approved by the Board:

### "RECOMMENDED ACTION:

1. Consider and approve proposed Scope of Work prepared for the General Plan Five-Year Review, Zoning Ordinance Update and associated Environmental Impact Report...." [October 13, 2015 staff report to the Board of Supervisors for Agenda Item No. 11, page 1.]

At that October 13, 2015 hearing, staff made it clear to everyone attending the board meeting that the review of the General Plan Policy Document did not constitute an "update" of the plan and that the associated EIR would evaluate only those portions of the Policy Document that were being revised.

Below are citations from a transcript of that hearing. The speakers are...

**Debbie Poochigian:** Board Chairperson  
**Will Kettler:** Planning Department Staff  
**Bernard Jimenez:** Planning Department Staff  
**Mary Savala:** Member of the League of Women Voters of Fresno  
**Radley Reep:** Member of the League of Women Voters of Fresno

[Key statements from the transcript are underlined. My notes are in blue type.]

**Poochigian:** This [the Five-Year Review of the General Plan] is a review. The next revision would be required when? It's going to— This expenditure of a million dollars [for the revision of the General Plan and preparation of an EIR]— Is this going to help us on the revision side?

**Kettler:** It's still a review. I believe the planning horizon for the document will be expended — or extended, pardon me — to add years to when the document would need to be updated in the future.

**Poochigian:** So it will at least move the revision date out.

33.2  
cont.

**Kettler:** Yes, ma'am, the update date. Yes, and again, this is not an update. This is a review. We are doing, as noted, and very importantly, a General Plan — or pardon me — a Zoning Ordinance update. And one point we made in June\* was that currently there is no environmental impact report for the Zoning Ordinance, Ordinance, so this— If we are to move into the realm of an EIR, it allows us to more solidly also present and bring to your Board an update of these other items.

[\* At that June 2, 2015 hearing, which resulted in supplementary board direction to staff regarding the review of the plan, Radley Reep submitted information supporting the need to “completely revise the 2000 EIR.”]

**Savala:** The Administrative Draft Policy Document revisions in Phase 2, Task 1\*\* include a revised planning horizon to 2040. Where did that extension of the planning horizon come from? And what implications does it have for a five...five-year review of the General Plan and a full update of the General Plan in the future?

[\*\* Ms. Savala was referring to text in the Scope of Work (dated August 6, 2015) for the review of the General Plan , which is printed below:

### **“Phase 2: Policy Document Revision**

#### **Task 2.1 Administrative Draft Policy Document Revisions**

The Consultants will revise the existing draft General Plan Policy Document (September 2014) based on public comments provided to the County, to address State Planning Law...and to reflect a revised planning horizon (e.g., 2040). The Policy Document will also be prepared as the County’s qualified plan for the reduction of greenhouse gas emissions pursuant to CEQA Guidelines Section 15183.5(b).” [October 13, 2015 Scope of Work, page 3; my underlining.]

**Reep:** Will the EIR being contemplated review the entirety of the existing Policy Document or only those portions that are subject to the revision?

**Poohigian:** I think that’s a trick question, so why don’t you [addressing staff] take a minute.

33.2  
cont.

[The recording did not pick up staff's comments, which were followed by laughter from Board members.]

**Kettler:** **This is still a General Plan review.** The EIR is being prepared at the direction of, of the Board, and the EIR will have the correlating impacts as I mentioned of, of affecting the General — the Zoning Ordinance update. **But it's still a review; it's not an update.** We have a review that was presented in September of '14. That is at this time the direction that we are moving toward. We've had, of course, meetings before the Board, meetings with the public, and meetings with Board members individually as directed by the Board. However, there is a scope identified in the Agreement, and in that scope, there will be public meetings, and there will also be meetings that occur at the public hearing setting, in which case, direction may change. So, **I really don't understand the question. It's a review still.** We have a redline version that's on the G-drive — no, on our, on our Internet website, and direction may or may not change through the process.

**Poochigian:** [addressing Mr. Reep] Do you want to tell him what part of the trick question [unintelligible] is?

**Reep:** [laughter] I didn't mean for it to be complicated — a trick question. The proposal is to revise a portion of the policies of the General Plan, and the question is whether the environmental assessment will just look at those or whether it's going to look at the entire policy document and analyze it environmentally. I think it's a simple question.

**Poochigian:** Well, you're talking about the economic portion and all of that. Is that what you're trying to get at?

**Reep:** The question is whether it's going to be a complete, comprehensive environmental review or just narrowly focused to the revisions. That's the question. And I'm hearing it's going to be...?

**Jimenez:** If there, **if there are no changes to the existing policy, then there would be no review of that particular policy,** so we are looking at the proposed revisions.

**Reep:** OK. I understand now.

33.2  
cont.

I came away from that meeting believing that adoption of the General Plan “Five-Year Review” would extend the planning horizon of the 2000 General Plan from 2020 to 2040 so that the General Plan would have a 40-year life — from 2000 to 2040. Furthermore, I came to believe that the associated EIR would analyze only those policies that were recommended for revision.

From that moment on, I focused my attention on the proposed revision of the Policy Document and on the effect those changes might have on the environment.

## 2017

But as time passed, there were statements by County officials that led me to believe that the County was moving away from a simple review of the 2000 General Plan and more toward a complete overhaul of the General Plan, which, to my way of thinking, would have constituted a plan “update.”

For example, at a January 31, 2017 Board hearing to discuss economic development (Board Agenda Item No. 9), planner Bernard Jimenez referred to the pending review of the General Plan as a plan “update.” Below are statements by Supervisor Borgeas and Mr. Jimenez from that hearing.

- Borgeas:** How long ago did the County of Fresno divest from the economic development game? Was that back in early 2000? When was that, Bernard [Jimenez]? Do you remember?
- Jimenez:** Shortly after the General Plan was adopted, the County put a lot of effort into economic development by establishing positions even within the CAO’s office and created an economic development team. I would say that the, when those positions went away, which is probably around 2006, 7, 8 – right around there. It’s kind of where the County stopped focusing its efforts primarily on economic development simply because the positions went away. So [unintelligible] we were entering the recession and we, frankly, have not gathered any momentum since then.
- Borgeas:** I’m thinking that we revisit this issue in a formal way and maybe start off with the idea of...what do we have that we can play with because the Rapid Response Team I thought was a good idea even though it was relatively small.

33.2  
cont.

**Jimenez:** And Supervisor [Borgeas], one thing to remind the Board or to make the Board aware of, frankly, because of the new Board members is that, you know, we are in the process of revisiting and reviewing and **updating our General Plan.**

A week later, on February 7, 2017, during a Board hearing to discuss procedural rules for public hearings (Agenda Item No. 6), planner Bernard Jimenez again referred to the pending review of the General Plan as a General Plan “update.” Below are exchanges between Supervisor Borgeas and Mr. Jimenez.

**Borgeas:** When are we going to delve into the de novo review discussion and what our role is? Is that going to come up in the next couple of months? When are we looking at that?

**Jimenez:** We were actually proposing to address that as part of our Zoning Ordinance update. We can break that off and do it separate, and, but it really depends on what your Board decides.

**Borgeas:** The matter was going to be brought back, and I’m just asking when it’s going to be brought back.

**Jimenez:** So if we do it as part of our Zoning Ordinance update, that would likely — At least 12 months because simply in terms of our timeline where we’re at with our **General Plan update.**

On May 15, 2017, in advance of a Board hearing scheduled the following day to discuss the “status of the General Plan Review” (Agenda item No. 15), the League of Women Voters sent an email letter to all members of the Board of Supervisors asking whether the Five-Year Review of the General Plan had been transformed into a plan update. Below are portions of that letter.

“May 15, 2017

Re: Board Agenda Item #15: Status of the Review of the General Plan

Dear Members of the Board of Supervisors:

**Fresno County residents need a clear statement from you as to whether the County is, in fact, in the process of updating its General Plan Policy Document.**

33.2  
cont.

Although the County maintains that it is not updating its General Plan Policy Document, there is every reason to believe that it is. The evidence for it is (1) the large percentage of policies that are proposed for significant revision, (2) the necessity to amend a majority of the Plan’s implementation programs, (3) the replacement of the EIR for the current General Plan, (4) the update of a major component of the General Plan – the Background Report, (5) the recommended doubling of the life of the General Plan, and most importantly, (6) the report from the County to the Office of Planning and Research stating that the County is, indeed, conducting an update of its General Policy Document.

The County maintains that it is not conducting an “update” of its General Plan Policy Document, that instead, it is completing a “5-year review” that was begun 12 years ago (in 2005). Despite the County’s claim that it is not updating its Policy Document, there is strong, credible evidence to the contrary.

**The League of Women Voters of Fresno respectfully asks the Board...to acknowledge that the County is, in fact, in the process of updating its General Plan Policy Document and, additionally, to take the steps necessary to fully engage county residents in that process.”**

During the public hearing held the following day, May 16, 2017, there were these short exchanges between Supervisor Borgeas, Supervisor Pacheco, Daniel Cederborg (County Counsel) and planners Bernard Jimenez and Will Kettler.

**Borgeas:** **We heard from one of the speakers [Radley Reep, representing the League of Women Voters of Fresno] on the insistence that we call this an update. Can you explain the implications of that terminology and what exactly we are doing?**

**Jimenez:** We are amending our General Plan, and it’s a General Plan amendment so irrespective of the terms that folks want to associate with it, **we are amending our General Plan. That’s simply what it is.**

**Pacheco:** The only thing, Counsel [Daniel Cederborg], I would just add— This is a little bit out of my pay grade. **This issue between update and review.** Supervisor Borgeas touched upon that, but **what is the significance of those terms, please?**

**Counsel:** Well, one, I— **There will be certain things that if you’re doing a full update that would definitely be required.**

33.2  
cont.

Pacheco: OK.

Co. Counsel: You've heard the advocates talk about how the process that we are going through probably is one that would require those things anyway. **That is a gray area in which the discussion would continue on, if as to whether it is a review or an update. I think that this Board needs to define with staff at this stage,** you know, the Board did take the step in terms of doing the full EIR at this point. **As to, you know, what staff's feeling is about that, you know, that was asked but I don't think we got the answer just yet as to exactly where the Board wants to go with that review versus update because that can change legal opinions, for instance, that our office gives in terms of some of the things that might, you know, need to be** [unintelligible, probably the word "included"].

Pacheco: OK, then I have another question for staff. Granted— Given what we've heard today, that our current Plan — I believe the term is 'expires' in 2020 —or what is the term?

Jimenez: It doesn't expire. We do have a [2000 – 2020] planning period where assumptions are made for various land use policies but it doesn't have an expiration date.... We are going through a process to extend that because, as one of the speakers [Mr. Reep] said, that planning 20-year period is about on us already, so it makes sense to go ahead as we go through this process to extend that out.

Pacheco: So what is our plan, then? You know, we're not— I don't have— They said we're kind of like, you know, cloak and mirrors. I don't really have any cloak and mirrors. I want to know what is our plan.

Jimenez: Well, fundamentally—

Pacheco: And I'm OK to say it in public.

Jimenez: Fundamentally, **our land use policies are proposed to essentially remain the same:** directing growth to the cities, preserving ag land, I mean, there's no smoke and mirrors about that.

Pacheco: OK.

33.2  
cont.

**Jimenez:** Now you've heard comments about significant changes to policies. We're going to agree to disagree because I think the characterization of what are being proposed are not accurate but, there will be an opportunity to have that discussion....

**Kettler:** A couple of points, if I may, Mr. Chairman and members of the Board. One very important issue that the County is not undertaking that as most jurisdictions do is that there has been no change to land use designations or development intensity proposed with our review. **The reason why our review has taken so long and has been morphing into more complex [unintelligible at 2:26:13] is because various groups — some present today — have come to the Board and asked for certain things to be included. The environmental impact report is beneficial to the County because it will entail a Zoning Ordinance update as well, and we were very clear with the Board in 2013 that the Zoning Ordinance currently does not have an EIR backing for it. So that's really where the real benefit is.** The Zoning Ordinance effort is going concurrently with this. The General Plan review – or amendment – as Bernard [Jimenez] says, which is completely accurate, is really in the same state and same intensity as it was when we first approached the Board [in 2012 with a request to adopt a Negative Declaration]. **We were doing a Negative Declaration and proposing that because, again, we were actually ratcheting down development entitlements rather than adding to them as most jurisdictions do.** A lot of jurisdictions – those from the city – will know that when you do a General Plan update, you're adding land and adding urbanization. **This plan does nothing like that. As a matter of fact, as Bernard [Jimenez] said, it basically carries forward the policy of directing growth to cities and unincorporated communities.**

33.2  
cont.

County residents came away from that hearing with no clear statement from the Board as to whether the County was conducting a “Five-Year Review” of the existing 2000-2020 plan to extend the plan to 2040 or whether it was preparing a brand new plan to serve from 2020 to 2040.

Therefore, on October 13, 2017, pursuant to Sections 2312 and 2313 of Board of Supervisors Administrative Policy No. 29, the League formally asked for a public hearing to explain the nature of the “Five-Year Review and Revision of the General Plan.” The County ignored that request. (I should note here that the Board has never scheduled a public hearing to disclose whether the County is, in fact, conducting a plan review or preparing an plan update. Simply put, planning-wise and from a political perspective, the County has been completely silent on that subject.)

## 2023

Five years later and I'm still confused. In a last ditch effort to figure out exactly what's what, I studied the project descriptions included in the five documents listed below. My hope was that they would shed light on whether the County was still conducting a five-year review of the General Plan and whether it was updating it. I also hoped to find out whether the EIR was only analyzing revisions to the 2000 Policy Document or whether it was evaluating a brand new 2023 plan.

1. The March 21, 2018 Notice of Preparation (NOP) of the 2023 EIR
2. The January 15, 2021 Notice of Preparation (NOP) of the 2023 EIR (second notice)
3. The January 15, 2021 Notice of Completion & Environmental Document Transmittal Form
4. The April 28, 2023 Notice of the Availability of the Draft 2023 General Plan and Draft 2023 EIR
5. The 2023 Draft EIR itself.

I looked to see what each of these documents had to say about the nature of the project and EIR.

What I discovered were artful changes in text from year to year. While the 2018 NOP strongly suggested that the project was not a plan update, the 2021 NOP clearly stated that it was. And what of the documents from 2023? Well, they didn't help much, as they presented both viewpoints.

### 1. March 21, 2018 Notice of Preparation of the 2023 EIR

The citation below is from the County's March 21, 2018 Notice of Preparation of the EIR. It confirms what was relayed by planners at the October 13, 2015 Board hearing, namely, that the project is a review of the 2000 General Plan and that the EIR will evaluate only the revisions made to the existing plan.

#### **"Probable Environmental Effects and Scope of the EIR:**

The EIR for the **General Plan Review** and Zoning Ordinance Update will describe existing environmental resource areas and conditions in Fresno County. **The EIR is intended to be a program-level document that will analyze the broad environmental effects of the proposed General Plan revisions** and Zoning Ordinance Update, considering broad policy alternatives and program-wide mitigation measures. **The EIR will evaluate the potentially significant environmental impacts of implementing the proposed General Plan revisions** and Zoning Ordinance Update and will evaluate whether there are feasible mitigation measures that may lessen or avoid identified significant impacts."

[March 21, 2018 Notice of Preparation of the EIR, pages 3 and 4.]

33.2  
cont.

## 2. January 15, 2021 Notice of Preparation of the 2023 EIR (second notice)

As you can see below, the 2021 NOP dropped the word “*revisions*” from the description of the scope of the EIR. It states clearly that the General Plan is being updated.

### “Probable Environmental Effects and Scope of the EIR:

The EIR for the review and update of the General Plan and a comprehensive update of the Zoning Ordinance will describe existing environmental resource areas and conditions in Fresno County. Pursuant to CEQA Guidelines Section 15125, existing conditions will be described as they exist when this NOP is circulated based on the most recent available data and information. The EIR is intended to be a program-level document that will analyze the broad environmental effects of the proposed General Plan ~~revisions~~ and Zoning Ordinance Update, considering broad policy alternatives and program-wide mitigation measures. The EIR will evaluate the potentially significant environmental impacts of implementing the proposed General Plan ~~revisions~~ and Zoning Ordinance Update and will evaluate whether there are feasible mitigation measures that may lessen or avoid identified significant impacts. No specific development projects are being considered. Rather, the analysis will focus on the reasonably foreseeable direct and indirect physical environmental effects compared to existing conditions that could result from adoption and implementation of the General Plan and Zoning Ordinance Update. Effectively, the EIR will analyze potential impacts from buildout of the General Plan on the existing environment. The EIR will also identify and evaluate alternatives to the proposed project.” [January 15, 2021 Notice of Preparation of the EIR, page 3.]

But even so, there is some contradiction in the 2021 NOP. As shown below, the Introduction to the 2021 NOP uses wording from the earlier 2018 NOP indicating that while the County is updating the Zoning Ordinance, it’s actually reviewing — not updating — the General Plan.

### “Introduction:

The County of Fresno (County) is reviewing its General Plan and updating its Zoning Ordinance. As Lead Agency under the California Environmental Quality Act (CEQA), the County has determined that the review and update may have a potential significant effect on the environment and that a Programmatic Environmental Impact Report (EIR) will be prepared to evaluate these potential effects.” [January 15, 2021 Notice of Preparation of the EIR, page 1.]

33.2  
cont.

### 3. January 15, 2021 Notice of Completion & Environmental Document Transmittal Form

The transmittal form, which was submitted to the State Clearinghouse by the consulting firm preparing the 2023 Draft EIR, also made it clear that the General Plan is being updated. The transmittal form contains this paragraph.

**“The proposed project consists of a review and update of the County General Plan’s Background Report and Policy Document,** and a comprehensive update of the Zoning Ordinance. The revised General Plan is intended to build on the major policies of the current 2000 General Plan but expand and strengthen them to meet the challenges and community needs through planning horizon year 2040. The Zoning Ordinance would be updated for consistency with the General Plan.”

### 4. April 28, 2023 Notice of the Availability of the Draft 2023 General Plan and Draft 2023 EIR

On April 28, 2023, the County issued a Notice of Availability to inform the public that the Draft 2023 General Plan and Draft 2023 EIR were available for public review and comment. That document is a bit more problematic as it contains 14 statements that the General Plan is being “reviewed” but no statement that it’s being “updated.” By way of example, below are some citations from that document.

#### NOTICE OF AVAILABILITY

Draft Program Environmental Impact Report (DPEIR) for the  
Fresno County **General Plan Review** and Zoning Ordinance Update

Fresno County, California

April 28, 2023

**“PROJECT TITLE: Fresno County General Plan Review and Zoning Ordinance Update”**

**“The General Plan Review is intended to build on the major policies of the current 2000 General Plan** but expand and strengthen them to meet the challenges and community needs through planning horizon year 2042. The **General Plan Review** would accommodate County population growth projected through 2042.”

For me, the clause highlighted in red above creates an additional level of uncertainty. It reads, **“The General Plan Review is intended to build on the major policies of the current 2000 General Plan.”** The use of the word “*build*” suggests to me that the 2000 General Plan will continue to have agency in the future — that although policies in the 2000 General Plan are being revised, nonetheless, the 2000 General Plan remains the framework upon which revisions are made<sup>566</sup>

33.2  
cont.

If the design and implementation of the 2000 General Plan Policy Document informs the revision taking place in 2023, then I would most definitely want to comment on the environmental effects of revising the text, policies and programs of the current plan — but I’ve been unsure if I can do that. I don’t know if the County will respond to comments about the effect of revising existing documents.

33.2  
cont.

## 5. 2023 Draft EIR

The 2023 EIR doesn’t disentangle the situation. The 2023 Draft EIR opens with a statement that the primary objective of the GPR/ZOU (General Plan Review and Zoning Ordinance Update) is to bring plans into compliance with state law.

**“The primary objective of the GPR/ZOU are [sic] to ensure that the County’s guiding land use documents are consistent with State legislation** that has been enacted subsequent to the adoption of the County 2000 General Plan Update.”

[Draft EIR for the 2023 GPR/ZOU, pages ES-2 and 2-21.]

That’s all well and good, but to my way of thinking, such changes are relatively minor and do not rise to the level of a plan update — at least not on par with prior updates in 1976 and 2000. In fact, bringing the plan into consistency with state law was the reason given for initiating the five-year review in the first place — and at that time, the review was not considered a plan update.

33.3

That the General Plan Review and associated EIR focus primarily on bringing the 2000 General Plan into compliance with state law is evident from the large number of new policies, programs and mitigation measures recommended for adoption. Of the 58 programs proposed for addition to the Policy Document, over 80% address statutory requirements since 2000. Similarly, of the 175 policies proposed for addition to the Policy Document, over 85% address these same requirements. And of the 12 mitigation measures proposed for adoption, nearly all are related to changes in state law.

But if the primary focus of the project is compliance with state law, what of the hundreds of changes to policies and programs that have nothing or very little to do with changes in law? The County is proposing to delete or significantly modify 68% of the programs in the 2000 Policy Document. That also holds true for 29% of the policies. And then there are the 60 policies currently serving as environmental mitigation measures that will either be significantly modified or deleted. While I have not had an opportunity to see how many of these revisions are in response to statutory changes, I suspect they are few in number. And importantly, the County has not provided an explanation for these changes, and it appears the Draft 2023 EIR has not evaluated whether they have the potential to adversely affect the environment.

I'm not sure whether the EIR should evaluate changes proposed for the existing 2000 Policy Document, but based on wording in the draft 2023 EIR, I see that might be the case. As shown below, the Draft 2003 EIR claims that the Draft 2023 Policy Document is, in fact, the 2000 Policy Document, only revised. The Draft 2023 EIR also claims that it focuses on the revisions proposed for the current plan. If this is so, I would think that I can and should comment on the environmental effects of those revisions.

**“The revised General Plan Policy Document consists of the current 2000 General Plan Policy Document with proposed revisions** shown as red-color text. Proposed additions to the text are indicated by underline, and proposed deletions to the text are shown as strikethrough. As shown in the revised General Plan Policy Document, many of the proposed revisions are grammatical or formatting, and do not affect the substance or meaning [sic] the text. These types of revisions would not result in physical changes in the environment, and therefore are not the focus of analysis in this EIR. **The focus of this EIR is the revisions that would result in physical changes**, which could therefore also result in environmental impacts.”

[Draft EIR for the 2023 GPR/ZOU, page 2-5; my underlining.]

One would think that wording in the Draft 2023 EIR, such as that above, would settle matters, but it doesn't.

33.3  
cont.

On April 14, 2020, after publication of the 2018 NOP but before publication of the 2021 NOP, the Board of Supervisors approved consultant Agreement No. 20-144, which amended and restated Agreement No. 15-530 from 2015. As you will read below, the scope of work in the amended agreement called for a major change in the approach to the environmental review of the project — from a plan-to-plan analysis (an assessment of the environmental effect of revising the 2000 Policy Document) to an baseline analysis (as assessment of buildout under the Draft 2023 Plan compared to current environmental conditions).

#### **“Phase 4 Environmental Review**

##### **Task 4.1 Notice of Preparation (Revised)**

Under Amendment 2 [2020 AGT], the County has directed that the overall approach to the environmental analysis in the EIR will **change from a plan-to-plan comparison [2000 -2023] to an analysis that will focus on buildout of the proposed General Plan compared to existing conditions** (in other words, a baseline comparison). This will require recirculation of the NOP to change the existing baseline used for impact analysis.” [Page 5 of the Scope of Work under AGT 2020-144; my underlining]

As shown below, wording in the Draft 2023 EIR supports this change in focus.

**“The focus of this EIR is to:**

- Provide information about the GPR/ZOU for consideration by the Fresno County Board of Supervisors and Fresno County Planning Commission in their selection of the proposed project, an alternative to the proposed project, or a combination of various chapters from the proposed project and its alternatives, for approval
- **Review and evaluate the potentially significant environmental impacts that could occur as a result of the implementation of the GPR/ZOU [2023 General Plan Review and Zoning Ordinance Update] compared to existing conditions**  
[Page 1-20 of the Draft EIR for the 2023 GPR/ZOU; my underlining.]

In bringing this communication to a close, I’d like to provide an example of why a plan-to-plan comparison has value. For illustrative purposes, I turn your attention to the section in the General Plan that addresses noise — Section “G” (Section H in the Draft 2023 Policy Document) in the Health and Safety Element of the 2000 General Plan Policy Document.

I chose this section because it’s relatively short and slated for very little revision. Section “G” houses nine policies and two implementation programs. The Draft 2023 Policy Document retains each of these policies and programs as currently written. However, the Draft 2023 Plan does add one new policy, bringing the total number of policies to ten. All ten policies are shown in the chart on the next page. (The two implementation programs are discussed a bit later.)

[As an aside, the County gave the 10<sup>th</sup> policy the wrong ID number; instead of labeling it Policy HS-H.10, the County mistakenly labeled it Policy HS-H.12.]

With respect to the assessment of noise generation, the 2000 EIR and 2023 EIR differ greatly in their environmental conclusions. For example, the 2000 EIR identified an adverse noise impact that could not be mitigated to a level of insignificance, this despite the fact that the Board of Supervisors decided in 2000 that all nine policies in Section “G” should serve as environmental mitigation measures. And what is that impact? It’s the increase in noise that’s caused by cumulative development over the life of the plan.

Oddly, the Draft 2023 EIR came to a very different conclusion. It determined there will be no significant increase in noise under the revised plan. Contrary to the 2000 EIR, the Draft 2023 EIR claimed that unidentified (unnamed and undisclosed) goals and policies in the 2023 Draft Policy Document would minimize to a level of insignificance any future increase in noise level.

33.3  
cont.

The 10 Policies in the “Noise” Section of the Two General Plan Policy Documents

In Which Plan?

| ID No.                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 2000 | 2023               |
|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|--------------------|
| HS-G.1                        | The County shall require that all proposed development incorporate design elements necessary to minimize adverse noise impacts on surrounding land uses.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Yes  | Yes<br>(unchanged) |
| HS-G.2                        | The County shall require new roadway improvement projects to achieve and maintain the normally acceptable noise levels shown in Chart HS-1: “Land Use Compatibility for Community Noise Environments.”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Yes  | Yes<br>(unchanged) |
| HS-G.3                        | The County shall allow the development of new noise-sensitive land uses (which include, but are not limited to, residential neighborhoods, schools, and hospitals) only in areas where existing or projected noise levels are “acceptable” according to the Chart HS-1: “Land Use Compatibility for Community Noise Environments.” Noise mitigation measures may be required to reduce noise in outdoor activity areas and interior spaces to these levels.                                                                                                                                                                                                                                                                                                                                          | Yes  | Yes<br>(unchanged) |
| HS-G.4                        | So that noise mitigation may be considered in the design of new projects, the County shall require an acoustical analysis as part of the environmental review process where:<br><br>a. Noise sensitive land uses are proposed in areas exposed to existing or projected noise levels that are “generally unacceptable” or higher according to the Chart HS-1: “Land Use Compatibility for Community Noise Environments;”<br><br>b. Proposed projects are likely to produce noise levels exceeding the levels shown in the County’s Noise Control Ordinance at existing or planned noise-sensitive uses.                                                                                                                                                                                              | Yes  | Yes<br>(unchanged) |
| HS-G.5                        | Where noise mitigation measures are required to achieve acceptable levels according to land use compatibility or the Noise Control Ordinance, the County shall place emphasis of such measures upon site planning and project design. These measures may include, but are not limited to, building orientation, setbacks, earthen berms, and building construction practices. The County shall consider the use of noise barriers, such as soundwalls, as a means of achieving the noise standards after other design-related noise mitigation measures have been evaluated or integrated into the project.                                                                                                                                                                                          | Yes  | Yes<br>(unchanged) |
| HS-G.6                        | The County shall regulate construction-related noise to reduce impacts on adjacent uses in accordance with the County’s Noise Control Ordinance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Yes  | Yes<br>(unchanged) |
| HS-G.7                        | Where existing noise-sensitive uses may be exposed to increased noise levels due to roadway improvement projects, the County shall apply the following criteria to determine the significance of the impact:<br><br>a. Where existing noise levels are less than 60 dBLdn at outdoor activity areas of noise-sensitive uses, a 5 dBLdn increase in noise levels will be considered significant;<br><br>b. Where existing noise levels are between 60 and 65 dBLdn at outdoor activity areas of noise-sensitive uses, a 3 dBLdn increase in noise levels will be considered significant; and<br><br>c. Where existing noise levels are greater than 65 dBLdn at outdoor activity areas of noise-sensitive uses, a 1.5 dBLdn increase in noise levels will be considered significant.                  | Yes  | Yes<br>(unchanged) |
| HS-G.8                        | The County shall evaluate the compatibility of proposed projects with existing and future noise levels through a comparison to Chart HS-1, “Land Use Compatibility for Community Noise Environments.”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Yes  | Yes<br>(unchanged) |
| HS-G.9                        | The County shall not allow the development of new residential land uses in areas exposed to existing or projected levels of noise from aircraft operations at any airport or air base which exceed 60 dBLdn or CNEL.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Yes  | Yes<br>(unchanged) |
| HS-H.12<br>(Actually HS-H.10) | <u>The following measures to minimize exposure to construction vibration shall be included as standard conditions of approval for projects involving construction vibration within 50 feet of historic buildings or nearby sensitive receivers shall:</u><br><br><u>a. Avoid the use of vibratory rollers within 50 feet of historic buildings or residential buildings with plastered walls that are susceptible to damage from vibration and;</u><br><br><u>b. Schedule construction activities with the highest potential to produce vibration to hours with the least potential to affect nearby institutional, educational, and office uses that are identified as sensitive to daytime vibration by the Federal Transit Administration in Noise and Vibration Impact Assessment (FTA 2018)</u> | No   | Yes<br>(new)       |

33.3  
cont.

The chart below contains text from both the 2000 EIR and the Draft 2023 EIR showing how both address the cumulative impact of noise generation. Although the two EIRs employed different terminology, the underlying concepts are the same. (The 2000 EIR speaks of “mobile” and “fixed” sources of noise; the Draft 2023 EIR speaks of noise from “traffic” and “stationary” sources.)

**Comparison of Environmental Conclusions in the 2000 EIR and the Draft 2023 EIR for a Similar Noise Impact**

| 2000 EIR                                                                                                                                                                                                                                                                           | Draft 2023 EIR                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Impact</b>                                                                                                                                                                                                                                                                      | <b>Impact</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Impact 4.15-5.</b> The Draft General Plan, in combination with other cumulative <b>development</b> , would result in increases in <b>mobile and fixed noise source levels</b> , resulting in permanent increases in ambient noise levels that could affect sensitive receptors. | <b>Impact N-2. Development</b> envisioned in the GPR/ZOU would introduce <b>new stationary noise sources</b> associated with residential, commercial and industrial land uses and would contribute to an <b>increase in traffic</b> and railway noise. The continued regulation of stationary noise sources, consistent with the County’s Noise Control Ordinance, and implementation of goals and policies in the 2042 General Plan would minimize disturbance to adjacent land uses. |
| <b>Mitigation Measure(s)</b>                                                                                                                                                                                                                                                       | <b>Mitigation Measure(s)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Policies HS-G.1 through HS-G.9.                                                                                                                                                                                                                                                    | None required.                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Level of Significance After Mitigation</b>                                                                                                                                                                                                                                      | <b>Residual Impact</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Significant and Unavoidable                                                                                                                                                                                                                                                        | Less than Significant                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

33.3  
cont.

Question: How is that the 2000 EIR concluded that even with the application of specific mitigation measures, cumulative development would result in a significant and unavoidable increase in noise while the Draft 2023 EIR concluded that without\* mitigation, cumulative development would result in no significant increase in noise?

\* Actually, the Draft 2023 EIR did reference mitigation — sort of. On page 4-12.38, under the heading “**Cumulative Impacts**,” the Draft 2023 EIR reported that although “*potential growth envisioned under GPR/ZOU may contribute to increased construction and operational noise*” and even though “*implementation of the GPR/ZOU would increase density and intensity of existing land uses*,” nonetheless, the “*goals and policies contained in the GPR/ZOU would address increased noise*” and, therefore, that “*cumulative noise impacts would be less than significant.*”

The Draft 2023 EIR should resolve the difference in the environmental conclusions in the two EIRs. It should also explain why mitigation measures adopted for the 2000 General Plan are not equally applicable in 2023.

On a related matter, it’s necessary to address environmentally the County’s failure under the 2000 General Plan to execute programs designed to implement adopted mitigation measures.

To that end, the draft 2023 EIR should examine the County’s inability to fully implement a majority of its General Plan programs, a good example being Program HS-G.B, which required the County to develop a noise control program. Program HS-G.B is printed below.

**Program HS-G.B**

“The County shall develop an effective noise control program that includes:

- a. An ordinance (1) defining acceptable noise levels based on land use, (2) setting forth monitoring methodology and determination of violations, (3) defining exemptions and variance procedures, and (4) delineating enforcement and abatement procedures; and
- b. A public information program to inform county residents of the impact of noise on their lives.”

According to information in the 2000 Policy Document, Program HS-G.B was to have been implemented by 2002, but the fact is that this program has never been implemented. The County’s Annual Progress Report (APR) on the implementation of the General Plan for calendar year 2022 confirms this: *“A noise control program that addresses all components of this Implementation Program has not been developed.”* [APR for 2022, page 70.]

33.4

And why hasn’t the program been developed? After all, program implementation is an “unequivocal directive” in the General Plan, which makes implementation mandatory.

It appears that part of the problem is the absence of a dedicated funding source. In its 2014 Annual Progress Report on the implementation of the General Plan, the County wrote:

**“Funding for Implementation Programs that have been Delayed**

In order to fully implement the County’s General Plan Implementation Programs, an on-going dedicated funding stream is required. The various programs have not been fully implemented for a number of reasons, including the lack of available funding. Staff will continue to implement all outstanding Programs for which the Department is responsible as funding and staffing resources are available.” [APR for 2014, page 16.]

Program HS-G.B was identified in the report as one of the programs delayed due to lack of funding.

The failure to implement General Plan programs is a serious matter. For the 2000 General Plan, full implementation of General Plan programs would have ensured the execution of hundreds of policies, many of which served as environmental mitigation measures. Making matters worse, over the

course of the past 23 years, the County has never once systematically monitored the implementation of any adopted mitigation measures, which is a violation of Public Resources Code 21081.6.

On April 1, 2019, the League of Women Voters of Fresno submitted to the County a report on the implementation of General Plan programs for calendar year 2017. The report, titled 2017 General Plan Annual Progress Report for the County of Fresno Prepared by the League of Women Voters of Fresno, detailed the County's inability to demonstrate successful implementation of programs in the 2000 General Plan. Below is a citation from that report.

“With an aim to improve transparency and accuracy, the League decided to prepare its own APR for 2017. The League found that the County's 2017 report of a 90% success rate for the implementation of General Plan programs was far from accurate. The rate of success was closer to 33%. More specifically, the League found, through very careful analyses, that the County's 2017 APR had demonstrated good implementation of 46 programs (33%), poor implementation of 44 programs (31%) and no implementation or failed implementation of 50 programs (36%).” [League APR for calendar year 2017, page 197.]

33.4  
cont.

It's important to note that Program HS-G.B appears in the draft 2023 revision of the Policy Document. The program hasn't been implemented to date, so what guarantee is there that it will be implemented in the future? None, as I see it.

So, how big a problem is the failure to implement General Plan programs and mitigation measures? Well, to my way of thinking, if the Board approves a plan that has little chance of successfully being implemented, there will be some unhappy consequences.

- Plans on paper won't mirror with what's happening in the real world.
- Environmental findings will prove to be meaningless, and the environment will be poorly protected.
- General Plan goals will not be met, and the county will become less livable.
- Over time, there will be disappointment, finger-pointing and distrust all around.
- Funding will be diverted to solve problems that should never have arisen in the first place.

Well, as planner Will Kettler said back in 2015, it's certainly true that review of the General Plan has morphed over the past 18 years. My problem is that I don't quite know what it has morphed into — and this is impeding my understanding of how best to comment on the draft plan and EIR.

As you know, I attended three of the last five community workshops regarding the revision of the General Plan. That gave me an opportunity to speak with you and with other members of the County’s planning staff. I’ll close this communication by sharing with you my takeaways from those meetings.

- The revision of the Policy Document does not constitute a plan “update.” The County is amending the existing 2000 General Plan through General Plan Amendment No. 529, which enables the planning horizon for the 2000 Policy Document to be extended from 2020 to 2042.
- “Self-mitigation” remains the primary strategy for ensuring that the General Plan is fully implemented and that General Plan goals are met.
- The administrative record for both the project and for the EIR has a start date of March 21, 2018, which the day the County published its first Notice of Preparation of the EIR for the General Plan Review and Zoning Ordinance Update. (I take exception to the use of that date. To my way of thinking, the start date for the administrative record for both the project and the EIR is the day the County filed General Plan Amendment Application No. 529.

Quite frankly, the confusion I’ve experienced over many years regarding the nature of both the project and the associated environmental review has driven me to distraction. I feel that the County is culpable for every misunderstanding and that problems in communication between the County and the public were completely unnecessary and avoidable.

The thank you for the opportunity to share my experience in this matter.

Sincerely,

Radley Reep

[radleyreep@netzero.com](mailto:radleyreep@netzero.com)

(559) 326-6227

33.5

## Letter 33

**COMMENTER:** Radley Reep

**DATE:** June 27, 2023

### Response 33.1

*The commenter states that they are uncertain whether the project is a General Plan Update or an amendment to the existing plan.*

As described in Section 2.3, *Fresno County General Plan*, of the DEIR, The General Plan Review, herein referred to as the proposed project, consists of the General Plan Background Report and a review of the General Plan Policy Document, including revisions to the Policy Document. The proposed project also includes a comprehensive update of the Zoning Ordinance. In addition to “proposed project,” the project is also referred to as “GPR/ZOU” in this EIR.

The 2042 Fresno County General Plan will be a new policy document that is a revised version of the 2000 General Plan. As described in Section 2.3.1, *Characteristics of the Proposed General Plan Review*, of the DEIR, the majority of the proposed revisions to the General Plan Policy Document are to goals, policies, and implementation programs within the six existing elements of the current 2000 General Plan Policy Document, in addition to adding an Environmental Justice Element.

### Response 33.2

*The commenter summarizes past questions and comments they have made to the County, and requests clarity about whether the environmental impacts analyzed are regarding revisions made to the existing 2000 General Plan or an updated General Plan policy document. The commenter is unsure if the County will respond to comments regarding the environmental impacts of revisions to existing documents.*

Please see Response 33.1 for clarification.

### Response 33.3

*The commenter expresses concerns about noise and the mitigation measures and significance conclusions outlined in the 2000 EIR for the 2000 General Plan and the 2023 DPEIR for the 2023 Public Draft Policy Document. The commenter states that Policy HS-H.12 is mislabeled by the County.*

This comment has been noted. The 2023 DPEIR is not a plan-to-plan comparison with the 2000 DPEIR. The 2023 DPEIR analyzes the buildout of the proposed General Plan compared to baseline. The documents assess different baselines and buildout scenarios and thus can come to different conclusions. Furthermore, the 2000 DPEIR analysis included other jurisdictions outside the unincorporated areas of the County of Fresno. Noise policies and enforcement for incorporated areas do not fall under the purview of the County of Fresno's noise policies in unincorporated areas.

As discussed in Section 4.12, *Noise*, implementation of General Plan policies, implementation of Mitigation Measure N-1, and adherence to the Fresno County Noise Control Ordinance would reduce impacts to a less than significant level.

Regarding Policy HS-H.12, the Policy has been relabeled to HS-H.10 in the DEIR.

### **Response 33.4**

*The commenter expresses concerns about the County's ability to implement General Plan programs including HS-G.B. The commenter states that the County has not adequately monitored the implementation of adopted mitigation measures pursuant to PRC 21081.6. The commenter states that this may be due to the absence of funding. The commenter states that confusion about the General Plan Review has led to confusion about how to best comment on the draft planning documents and DPEIR.*

This comment has been noted. Pursuant to *CEQA Guidelines*, §15126.4, subd. (a)(2) mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design. The County is including a Mitigation Monitoring or Reporting Program (MMRP) for the proposed project pursuant to *CEQA Guidelines*, §15097.

### **Response 33.5**

*The commenter expresses concerns about misunderstandings and communication with the County. The commenter summarizes their takeaways from community workshops: that the County is amending the existing 2000 General Plan through General Plan Amendment No. 529; that self-mitigation is the primary strategy for ensuring that the General Plan is implemented, and goals are met; and the administrative record for the DPEIR and the project have a start date of March 21, 2018, when the first Notice of Preparation was published.*

This comment has been noted.

## Letter 34

**From:** [Motta, Chris](#)  
**To:** [Mariah Thompson](#)  
**Cc:** [Erin Noel](#)  
**Subject:** RE: [EXTERNAL] Notice of Availability - Draft Program Environmental Impact Report (SCH#201803106) – Fresno County General Plan Review and Zoning Ordinance Update  
**Date:** Friday, June 2, 2023 4:53:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

---

Good afternoon Mariah,

I certainly understand the challenges that occur with staffing changes and bringing new staff into larger project reviews. When the County determined that the DPEIR would be circulated for 60-days, which is more than the required 45-day review period for EIRs submitted through the State Clearinghouse, it was in part due to the scope of the General Plan Review/Zoning Ordinance Update and the level of public interest. Still, we have targeted to conclude this effort by the end of 2023 and so we are cognizant of timelines to meet that goal. That being the case, we are unable to extend the review period deadline.

I appreciate your understanding.

Sincerely,



**Chris W. Motta** | Principal Planner  
Department of Public Works and Planning |  
Development Services and Capital Projects Division  
2220 Tulare St. 6th Floor Fresno, CA 93721  
Main Office: (559) 600-4497 Direct: (559) 600-4227  
[Your input matters! Customer Service Survey](#)

---

**From:** Mariah Thompson <mthompson@crla.org>  
**Sent:** Friday, June 2, 2023 9:49 AM  
**To:** Motta, Chris <CMotta@fresnocountyca.gov>  
**Cc:** Erin Noel <enoel@crla.org>  
**Subject:** RE: [EXTERNAL] Notice of Availability - Draft Program Environmental Impact Report (SCH#201803106) – Fresno County General Plan Review and Zoning Ordinance Update

**CAUTION!!! - EXTERNAL EMAIL - THINK BEFORE YOU CLICK**

Good morning Mr. Motta,

I am writing to request an extension for the deadline for providing comments on this document. CRLA has been participating extensively in this process over the last several years, but we are undergoing several staffing changes in the Fresno office and will not have any staff attorneys available to dedicate themselves to this task. If we were able to have a 30 day extension, we would be able to provide meaningful feedback. Is this possible?

Thanks,

Mariah C. Thompson  
Staff Attorney | Community Equity Initiative  
Email: [mthompson@crla.org](mailto:mthompson@crla.org)  
Phone: (559) 441-8721 ext 2409  
Fax: (559) 441-0724  
Pronouns: she/her/ella

---

California Rural Legal Assistance, Inc. - CRLA  
*Fighting for Justice, Changing Lives*  
3747 E. Shields Avenue  
Fresno, CA 93726

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---

**From:** Motta, Chris <[CMotta@fresnocountyca.gov](mailto:CMotta@fresnocountyca.gov)>  
**Sent:** Thursday, April 27, 2023 2:46 PM  
**To:** Motta, Chris <[CMotta@fresnocountyca.gov](mailto:CMotta@fresnocountyca.gov)>  
**Subject:** [EXTERNAL] Notice of Availability - Draft Program Environmental Impact Report (SCH#201803106) – Fresno County General Plan Review and Zoning Ordinance Update

Good Afternoon,

The County is notifying interested agencies, organizations, and individuals of the release of the Draft Program Environmental Impact Report (DPEIR) for the Fresno County General Plan Review and Zoning Ordinance Update, and a release of a revised General Plan Policy Document and Draft Zoning Ordinance. These documents are available for a 60 day Public Comment Period ending June 27, 2023. Documents may be viewed/downloaded at: [fresnocountygeneralplan.com](http://fresnocountygeneralplan.com)

Attached is the Notice of Availability for the DPEIR.

Please send your written comments to the Lead Agency/Contact:

Chris Motta, Principal Planner  
County of Fresno, Department of Public Works and Planning  
Development Services and Capital Projects Division  
2220 Tulare Street, Sixth Floor  
Fresno, California 93721  
Email: [gpr@fresnocountyca.gov](mailto:gpr@fresnocountyca.gov)

Thank you for your interest in this project.

**Chris W. Motta** | Principal Planner



**Department of Public Works and Planning |  
Development Services and Capital Projects Division**

2220 Tulare St. 6th Floor Fresno, CA 93721

Main Office: (559) 600-4497 Direct: (559) 600-4227

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## Letter 34

**COMMENTER:** Mariah C. Thompson, Staff Attorney, California Rural Legal Assistance, Inc.

**DATE:** June 27, 2023

### **Response 34.1**

*The commenter requests an extension for the deadline to provide comments on the DPEIR.*

The County responded to the commenter during the comment period and stated that while they would not be extending the deadline to provide comments during the public comment period, the Draft EIR would be circulated for 60 days, which is more than the required 45-day review period for EIRs submitted through the State Clearinghouse.

Community-Based Air Pollution Concerns with the  
2023 Fresno County DPEIR and Zoning Ordinance Update

Letter 35

Our concerns are that the current and new Fresno County GNRA fail to protect the health and safety of residentially zoned areas in the unincorporated areas of Fresno County.

1. Current air pollution levels throughout our neighborhood as represented on CalEnviroScreen 4.0 show extremely unhealthy levels of air pollution in the 90th percentile and above.  
[https://experience.arcgis.com/experience/11d2f52282a54cee6184203/page/CalEnviroScreen-4\\_0/](https://experience.arcgis.com/experience/11d2f52282a54cee6184203/page/CalEnviroScreen-4_0/)
2. There are no plans in the EIR on p. 4.3-19, 21, 25-26 to reduce this high level of toxic air and these plans will greatly increase the severity of what is already the worst air quality in the US. See also “Total Unmitigated Operational Emissions” on table 4.3-6 that shows inadequate measures to mitigate this extremely dangerous level of toxic air quality. Residents have life expectancies of an average of 15-20 years less.
3. Furthermore, Section 4.8 doesn’t provide any measures to reduce GHG emissions sufficiently quickly to impact better health outcomes from pollution-caused diseases. Performance-based standards (P-B standards), do not mitigate or decrease negative impacts of current conditions and the trajectory with increased growth in population, industrial and commercial activity that these plans encourage will never succeed in reducing GHG emissions. Current conditions will never be ameliorated or improved with the implementation of P-B standards. **Without lowering current air pollution levels through active air monitoring and implementing strong restrictions that lead to industrial and commercial compliance or shutting down operations before these planned expansions, the trajectory of the P-B standards cannot ever catch up with reducing GHG levels to improve human health, reduce premature mortality which is currently at 800-1000 annually (Prunicki and Nadeau, *Why Your Air Will Not Get Better*, Cade Kennedy, p. 6).**
4. The Fresno County Zoning Ordinance Update does not include any zoning regulations for trucking yards. As you can easily see on the Fresno County District 1 zoning map, my property at 3335 W. McKinley Ave is in a large area zoned Residential. There is one exemption within the block from Marks to Valentine for Ross Crane. Currently, King Holding, LLC, is attempting to turn the property on 3388 W. McKinley Avenue into a trucking yard in violation of zoning regulations. For the last several years, Royalty Freight at 3728 W. McKinley Avenue has been operating illegally accumulating multiple fines and citations and there are some 16 trucking yards in various stages of operation nearby. One is across from Hanh Tilley Elementary School near the corner of Valentine and W Clinton Avenue. These zoning ordinance updates provide no discussion, direction or solution for this problem which is growing very fast. Air pollution levels should dictate that trucking yards are one of the most serious violators of the Clean Air Act and, as they violate Residential zoning regulations, the Zoning Ordinance Update needs to make very clear that these operations will not be tolerated by Fresno County as they violate the rights of residents to clean air, safety on the roads and acceptable levels of noise. There is no protection from this at all.
5. Fresno County should not be seeking to develop growth plans because we are an area that

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suffers from the worst air pollution in the nation and scarcity of water resources. Expanding the population of Fresno County along this trajectory may secure more funding based on the State of California's push to increase housing density to correct the low inventory of housing, but we do not have the natural resources to support this kind of growth. To knowingly do so in these conditions puts those of us who are here at greater risk of dry wells, even more toxic air and other dangerous conditions that will make Fresno County an even more undesirable area to live. We should see Fresno County place focus on improving air quality, reducing the strain on limited water resources and providing improved services for those who live here. Our resources are already stretched to the limit.

35.5 cont.

6. We need to see evidence that Fresno County and the Air Resources Board are working together stop the abuse of the air quality in areas zoned Residential. Provide plans for joint operations to Stop the proliferation of illegal industries in residential areas using strong data on air quality and Zoning laws to protect residents health and safety. Without a joint way of attacking the problem, it seems unlikely that anything will be done. We need action now, not during the next planning Cycle. We need higher fines that might actually shut down illegal operations in residentially zoned areas. This system is making people sic, die early and suffer extreme harm. We need Fresno County to have the jurisdictional authority to stop operations within 24 hours.

35.6

Emily Brandt  
3335 W. McKinley Ave  
Fresno, CA 93722  
55.457.8180  
Advocate Against Trucking Yards in Residentially Zoned Areas



JUN 29 2023

DEPARTMENT OF PUBLIC WORKS  
AND PLANNING  
DEVELOPMENT SERVICES DIVISION

Emily Brandt <ebrandt76@gmail.com>

## List of Trucking Yard Addresses Starting Up on Residential Property

Emily Brandt <ebrandt76@gmail.com>  
To: Preet Bath <preet.bath@valleyair.org>  
Bcc: District 1 <District1@fresnocountyca.gov>

Mon, Jun 12, 2023 at 3:16 PM

Hi Preet! I thought it might be helpful to give you and the San Joaquin Valley Air Control District a list of properties where trucks are at various stages of creating trucking yards. Some of them are in full operation, such as the one located in the next block from me at, 3728 W. McKinley Avenue owned by Gurdeep Singh. The company is called royalty freight and it includes tractor trailers, charter, buses, and stretch limo's. This property has been operating for a number of years on residential is owned property. It has been fined, and Received numerous citations from the county, but nothing seems to be able to shut it down.

Since there are roughly 16 of said, trucking yards in use or about to be operational within a 5 mile radius of my house at 3335 W. McKinley Avenue this is going to have a major impact upon air quality very soon.

The property across from my house at 3388 W. McKinley Avenue is being prepared for a trucking yard. According to records I was able to verify through District 1 county supervisors office. This property is owned by King holding, Sandeep Sehla. The property is zoned residential and has not been approved nor even has anyone ever applied to have it re-zoned commercial. The property owner has installed an electrical panel on the corner of Ballantyne and McKinley without applying for or receiving a PG&E Permit.

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In addition, no other applications for port, permits or approvals, have been filed with the county or anyone else. The activity there is very infrequent, and we assume that the owner is hoping to slowly move in without attracting much attention. I am serious, sincerely, hoping that the San Joaquin Valley Air District and the air resources board will be able to stop all of these properties from going forward. They are all illegal and none of us has the money as a residence to file legal in junctions against any of these companies.

The County receives constant complaints about them, but they do not have the resources to do more than send code enforcement letters to the properties. They are unable to inspect or enter any land for the purpose of noticing the owner of their violation.

- 3388 W McKinley Ave within 1/4 m of Tilley School
- 3728 " *Royalty Freight*
- 5666 " *Royalty Freight*
- 6377 " Auto Salvage Yard and dump
- 5178 "
- 7490 "
- 7028 " AG20 Zoning not Commercial or Industrial
- 7038 "
- 4681 W Olive
- 4765 " Construction Company
- 5137 "

All of these are zoning violations in residential areas, and except for those were expressly identified, they are or will become trucking yards.

2134 N Valentine Ave is right across from Tilley Elementary School near the corner of W Clinton Ave.

I hope this information is helpful. I have many other locations I can give you all in this Central West area of Fresno County. I really hope that it will be possible for you to contribute to stopping these polluting industries from operating illegally.

Thanks very much!

Emily Brandt  
3335 W McKinley Ave  
Fresno, CA

583

## Letter 35

**COMMENTER:** Emily Brandt

**DATE:** Undated

### Response 35.1

*The commenter states that air pollution levels in their neighborhood, as represented on the CalEnviroScreen 4.0 tool, scores above the 90th percentile.*

This comment has been noted. The commenter is correct in identifying this existing condition of the planning area. Note also that the Draft GPR addresses air quality through various policies in the Transportation and Circulation Element, Open Space Element, Health and Safety Element, and Environmental Justice Element.

### Response 35.2

*The commenter states that the Draft EIR lacks plans on pages 4.3-19, 21, 25-26 aimed at reducing the existing level air pollution. The commenter states that Table 4.3-6, Total Unmitigated Operational Emissions, lacks adequate mitigation measures.*

This comment has been noted. Regarding existing conditions, the DEIR includes a discussion of existing conditions related to individual impact areas specific to CEQA Guidelines Appendix G questions. Individual impact areas include a discussion of the existing conditions which are then compared to the anticipated change induced by the project. The EIR is not responsible for addressing existing conditions, which do not result from the project.

Table 4.3-6 shows unmitigated operational emissions and does not include mitigation measures. Mitigation measures are presented on Table 4.3-6. Additionally, the Draft GPR incorporates a variety of policies to address air quality issues such as TR-C.1, TR-C.3, OS-G.1 through OS-G.14, HS-G.4, EJ-A.4, EJ-A.5, EJ-A.9, and EJ-A.15. As stated on Page 4.3-21, "However, it is speculative to determine whether project-level emissions associated with reasonably foreseeable development under the Housing Element Update would be reduced below the project-level significance thresholds because the nature and intensity of future housing projects is not known at this time. Operational impacts would remain significant and unavoidable."

### Response 35.3

*The commenter states that Section 4.8, Greenhouse Gas Emissions, of the Draft EIR provides no mitigation measures aimed to reduce greenhouse gas (GHG) emissions sufficiently and quickly. The commenter states that without lowering current air pollution levels prior to implementation of the project, it will be impossible to meet air pollution reduction goals.*

This comment has been noted. Section 4.8, *Greenhouse Gas Emissions*, of the EIR addresses GHG emissions and climate change. Air pollution-related impacts are discussed in Section 4.3, *Air Quality*, of the EIR. The commenter is correct that mitigation is aimed at decreasing the effects of the project, not current conditions. Impact GHG-1 does in fact contain mitigation measures aimed at reducing GHG emissions, though impacts remain significant and unavoidable. Refer to Response 35.2 regarding existing conditions. Additionally, the Draft GPR incorporates policies aimed at reducing GHG emissions such as HS-G.3 and HS-H.11.

### **Response 35.4**

*The commenter states that the Zoning Ordinance Update does not include any zoning regulations for trucking yards. The commenter expresses frustration with the number of trucking yards and their proximity to residential areas. The commenter urges the County to take a stronger stance against trucking yards through the Zoning Ordinance Update.*

This comment has been noted. Please refer to Master Response GPR/ZOU for additional information regarding recommendations related to the GPR/ZOU. ZOU also contains regulations for trucking uses. Loading and Trucking Parking requires that loading docks, truck drive aisles, and truck entries be oriented away from sensitive receptors.

### **Response 35.5**

*The commenter states that Fresno County should not be seeking growth plans since the area has poor air pollution and scarce water resources. The commenter expresses disapproval of growth within Fresno County. The commenter states that the County should focus more on improving air quality, reducing the strain on water resources, and providing improved services to residents.*

This comment has been noted. Please refer to Master Response GPR/ZOU for additional information regarding recommendations related to the GPR/ZOU. The EIR analyzes the GPR/ZOU, which is not growth inducing but growth accommodating. As stated on page 2-5 of the EIR in Section 2, Project Description, "The revised General Plan would accommodate County population growth projected through 2042." Note also that the Draft GPR incorporates policies to address air quality and water resources. Please see Response 38.2 for policies that address air quality issues. Policies that address water resources include Policies PF-C.1 through PF-C.28.

### **Response 35.6**

*The commenter states that the community needs evidence that the County and the Air Resources Board are working together to improve air quality in residential areas. The commenter requests plans for joint operations to stop illegal industries in residential areas.*

This comment has been noted and passed onto decision makers for additional consideration. The Draft GPR incorporates policies such as Policy EJ-A.15 that requires projects with sensitive uses that are within 500 feet of freeways, heavily traveled arterials, railways, and other sources of particulate matter to incorporate appropriate measures that are consistent with the California Air Resources Board.

### **Response 35.7**

*The commenter includes an email they previously sent to the County regarding multiple trucking yards in use within residential areas.*

This comment has been noted. The comment is not related to the analysis or conclusions presented in the Draft EIR.

## 4 Public Meeting Comments and Responses

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Verbal comments received at the public meetings (held on May 23, 2023; May 24, 2023; and June 21, 2023) from the public are summarized below. The verbal comments were similar to those identified in the written letters that are responded to in Chapter 3 of this document.

- *The commentors expressed concern about lack consistent code enforcement resulting in unsafe and unpleasant living conditions, including noise and air pollution.*

The DPEIR is a programmatic document that discusses the impacts to the community as a whole as impacted by the implementation of the GPR/ZOU. Individual development projects under the GPR/ZOU have not been identified and therefore the exact nature of the land uses and projects that will be implemented is unknown. It is hard to implement specific measures to reduce potential impacts when the nature of those impacts or the individual projects influence on these impacts cannot be determined. However, as detailed in Response to Comment 32.1, the DPEIR's mitigation measures have been revised to ensure that all future development under the GRP/ZOU undergoes the appropriate level of air quality impacts to ensure that individual projects either do not result in significant impacts or mitigate any potential significant impacts to the fullest extent feasible.

As discussed in Section 4.12, *Noise*, implementation of General Plan policies, implementation of Mitigation Measure N-1, and adherence to the Fresno County Noise Control Ordinance would reduce impacts to a less than significant level.

- *The commentors expressed a concern about air pollution from pesticides in agricultural spaces, as well as concern over a lack of green spaces.*

Use of pesticides on existing agricultural land is a concern related to existing conditions, rather than an impact of the proposed GPR/ZOU. As discussed on Page 4.14-21 of the DEIR, The County currently maintains a ratio of five to eight acres of park per 1,000 residents. Goal OS-H is aimed at designating land for and promoting the development and expansion of public and private recreational facilities to serve the needs of residents and visitors. To achieve this goal, Policy OS-H.2 dictates that the County shall strive to maintain a standard of five to eight acres of County-owned improved parkland per 1,000 residents in the unincorporated area.

- *The commentors asked if housing costs would be related to the EIR.*

This comment has been noted and will be passed along to decision makers. This comment does not pertain to the analysis and conclusions of the EIR. Pursuant to CEQA Guidelines Section 15131, economic or social effects of a project shall not be treated as a significant effect on the environment. As such, formal analysis of economic or social impacts is not required, which includes the costs of housing.

- *The commentors expressed a desire for alternatives to driving.*

This comment has been noted. As discussed on page 4.11-9 of the DEIR, the 2042 General Plan Transportation and Circulation Element and Open Space and Conservation Element addresses efforts to meet regional planning air quality goals and reduce greenhouse gas emissions through the encouragement of alternative modes of transportation, active transportation and support for

electric vehicle charging stations. Goal TR-A and applicable policies promote multi-modal transportation including travel by walking, bicycle, or transit. Policies TR-A.23 and TR-A.24 under Goal TR-A identify the importance of complete streets in both urban and rural areas to support pedestrian and transit-oriented development. Goal OS-G and its associated policies identify the importance of the County's efforts to reduce emissions and improve air quality, particularly by reducing automobile travel and planning for a multi-modal transportation system that shifts travel away from single occupancy vehicles.

Goal LU-F encourages mixed-use development in urban and urbanizing areas in order to better promote better connectivity and locate residences near transit systems and services. These goals and policies promote infill development, prioritize VMT and emissions reductions, and promote a multimodal transportation network.

- *The commentors asked if community outreach was conducted prior to creating the EIR.*

The County of Fresno distributed a Notice of Preparation (NOP) of the Program EIR for a 45-day agency and public review period commencing January 15, 2021, to March 1, 2021. In addition, the County held a virtual Scoping Meeting on January 27, 2021. The meeting, held from 5:30pm to 7:00pm, was aimed at providing information about the proposed project to members of public agencies, interested stakeholders and residents/community members, and at receiving comments on the scope and content of the EIR. Due to the COVID-19 pandemic, the virtual meeting was held through an online meeting platform and a call-in number.

- *The commentors expressed concern about high amounts of trucking resulting in traffic, noise, and small particle pollution.*

Regarding air quality impacts, refer to Response to Comment 24.8. Consistency with the SJVAPCD's thresholds will determine if significant health impacts are generated by implementation of the individual projects. The revisions to Mitigation Measure AQ-3 as detailed in Response to Comment 32.1 incorporate the evaluation of truck routes and air quality impacts with respect to individual development projects that will incorporate heavy-heavy duty vehicle traffic.

As discussed in Section 4.12, *Noise*, implementation of General Plan policies, implementation of Mitigation Measure N-1, and adherence to the Fresno County Noise Control Ordinance would reduce impacts to a less than significant level.

- *The commentors asked for clarification on how the traffic studies were performed, and expressed concern that they did not account for special events in the Malaga area.*

No special events are proposed as a part of the GPR/ZOU.

- *The commentors expressed concern that development in the area was not taking environmental considerations into full account.*

The commenter has not provided specific concerns regarding which environmental considerations they are referring to. Analysis throughout the Draft EIR covers environmental impacts of the GPR/ZOU.

- *The commentors expressed concerns about potential changes to water and wastewater systems including potential water contamination.*

Water contamination is discussed 4.10-8 of the DEIR. The following goals contain specific policies involved with water quality protection: Goal LU-C describes protections for river environments, surface water, and groundwater; Goal OS-A is “to protect and enhance the water quality and quantity in Fresno County’s streams, creeks, and groundwater basins;” Goal PF-C is “to ensure the availability of an adequate and safe water supply for domestic and agricultural consumption;” Goal PF-D is “to ensure adequate wastewater collection and treatment and the safe disposal of wastewater;” Goals OS-D and OS-E describe protection of wetlands, riparian areas, and aquatic wildlife; and Goal HS-F addresses minimizing risks from groundwater contamination due to hazardous waste. Compliance with these goals, NPDES permit requirements, and applicable state and local requirements, including the Fresno County Code of Ordinances Chapter 14.24, would reduce the risk of water contamination within the County from implementation of the GPR/ZOU to the maximum extent practicable. Impacts were determined to be less than significant.

Cumulative impacts regarding hydrology and water quality are discussed on Page 4.10-16 of the DEIR. As stated therein, the proposed GPR/ZOU would not result in a substantial increase of pollutant discharges to local water sources, alteration of drainage patterns in the project corridor, or otherwise result in a substantial contribution to cumulative impacts, and thus would not be cumulatively considerable.

- *The commentors expressed concerns regarding potential contamination from dairies.*

This comment has been noted and passed onto decision makers for further consideration. Regarding existing conditions, the DEIR includes a discussion of existing conditions related to individual impact areas specific to CEQA Guidelines Appendix G questions. Individual impact areas include a discussion of the existing conditions which are then compared to the anticipated change induced by the project. No specific comments were made regarding the analysis and conclusions of the EIR. No revisions to the Draft EIR are necessary in response to this comment.

- *The commentors expressed concerns about emergency evacuation and lack of gathering spaces.*

Emergency evacuation is discussed in Section 4.15, *Transportation and Traffic* of the DEIR. As discussed on pages 4.15-23 and 4.15-24, the impacts of the proposed GPR/ZOU on emergency vehicle access and on interference with an adopted emergency response plan or emergency evacuation plan would be less than significant. Emergency access is also addressed in Section 4.18, *Wildfire*, and Section 4.9, *Hazards and Hazardous Materials*, where impacts (WFR-3 and HAZ-5 respectively) are found to be less than significant and 2042 General Plan goals and policies to reduce emergency access impacts are included.

Regarding open spaces, Policy HS-B.19 would require all new discretionary development consisting of major residential subdivisions and large commercial projects in the Very High Fire Hazard Severity Zone to develop site-specific fire management plans to maintain adequate access for emergency vehicles, including two points of access for subdivisions and multifamily developments, address fuel modification and/or incorporation of open space or other defensible space areas, maintain vegetation clearance on public and private roads, and include disclosure requirements to future property owners or residents as required by state law.

## 5 Revisions to the Draft EIR

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Chapter 5 presents specific changes to the text of the Draft EIR that are being made in response to comments received or to make corrections. In no case do these revisions result in a greater number of impacts or impacts of a substantially greater severity than those set forth in the Draft EIR. Where revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated with underlined and deleted text is indicated with ~~strikeout~~. Page numbers correspond to the page numbers of the Draft EIR.

Page ES-4:

As required by the California Environmental Quality Act (CEQA), this EIR examines alternatives to 2042 General Plan. Studied alternatives include the following three alternatives. Based on the alternatives analysis, Alternative 2 was determined to be the environmentally superior alternative.

- Alternative 1: No Project (Continuation of the 2000 General Plan)
- Alternative 2: Increased Development Near City of Fresno ~~Moderately Increased Density~~
- Alternative 3: Increased Development Near City of Fresno and Clovis and in Community Plan Areas ~~Substantially Increased Density~~

Page ES-6:

### Policy LU-A.23

~~The County shall require discretionary land use projects which propose the permanent conversion of forty acres or more of Prime Farmland (as designated by the Farmland Mapping and Monitoring Program) to non-agricultural uses to undertake an evaluation of soil type, existing crop history and access to surface irrigation water to support the non-viability of the land for agricultural use. Should documentation indicate a loss of productive agricultural land would occur due to project development, consideration shall be given to offsetting land conversion through grants of perpetual conservation easements, deed restrictions, establishment of land trusts, in-lieu fee payment program or other County-approved farmland conservation mechanisms for the purpose of preserving agricultural land. This policy does not apply to land zoned or designated in the General Plan for non-agricultural land uses.~~

For discretionary land use projects that are not directly related to or supportive of agricultural uses and which propose the permanent conversion of twenty acres or more of Prime Farmland, Unique Farmland or Farmland of Statewide Importance (as designated by the Farmland Mapping and Monitoring Program) to nonagricultural uses, the County shall consider and adopt feasible measures including, but not limited to:

- Acquisition of conservation easements at a 1:1 ratio for lands lost to nonagricultural uses.
- Fee title of agricultural mitigation land that may be held by a third party or the County.
- In lieu fees paid to the County that may be used to acquire future mitigation property.
- Mitigation banks.

The County may exempt projects from agricultural mitigation requirements when it has been determined that conversion is occurring pursuant to a local groundwater sustainability plan, or

the project is for housing which is predominately for persons of low or moderate income as defined in section 50093 of the Health and Safety Code. Further, the County may exempt discretionary land use projects from agricultural mitigation requirements if it finds that the loss of agricultural land caused by the proposed conversion is outweighed by specific overriding economic, legal, social, technological, or other benefits of the conversion, as contemplated by section 21081(b) of the Public Resources Code.

Page ES-6:

### **Policy LU-A.23**

~~The County shall require discretionary land use projects which propose the permanent conversion of forty acres or more of Prime Farmland (as designated by the Farmland Mapping and Monitoring Program) to non-agricultural uses to undertake an evaluation of soil type, existing crop history and access to surface irrigation water to support the non-viability of the land for agricultural use. Should documentation indicate a loss of productive agricultural land would occur due to project development, consideration shall be given to offsetting land conversion through grants of perpetual conservation easements, deed restrictions, establishment of land trusts, in lieu fee payment program or other County approved farmland conservation mechanisms for the purpose of preserving agricultural land. This policy does not apply to land zoned or designated in the General Plan for non-agricultural land uses.~~

For discretionary land use projects that are not directly related to or supportive of agricultural uses and which propose the permanent conversion of twenty acres or more of Prime Farmland, Unique Farmland or Farmland of Statewide Importance (as designated by the Farmland Mapping and Monitoring Program) to nonagricultural uses, the County shall consider and adopt feasible measures including, but not limited to:

- Acquisition of conservation easements at a 1:1 ratio for lands lost to nonagricultural uses.
- Fee title of agricultural mitigation land that may be held by a third party or the County.
- In lieu fees paid to the County that may be used to acquire future mitigation property.
- Mitigation banks.

The County may exempt projects from agricultural mitigation requirements when it has been determined that conversion is occurring pursuant to a local groundwater sustainability plan, or the project is for housing which is predominately for persons of low or moderate income as defined in section 50093 of the Health and Safety Code. Further, the County may exempt discretionary land use projects from agricultural mitigation requirements if it finds that the loss of agricultural land caused by the proposed conversion is outweighed by specific overriding economic, legal, social, technological, or other benefits of the conversion, as contemplated by section 21081(b) of the Public Resources Code.

### **Policy OS-G.12: Architectural Coating Reactive Organic Gases Content Limits**

The County shall ~~review-require~~ future development projects under the GPR/ZOU, to the maximum extent feasible, to-and-encourage the use of architectural coating materials, as defined in the San Joaquin Valley Air Pollution Control District's (SJVAPCD Rule 4601, that are zero-emission or have a low-ROG content (below 10 grams per liter). Where such ROG coatings are not available, or feasible, the coating with the lowest ROG rating available shall be used.

These measures shall be noted on all construction plans, and the County shall perform periodic site inspections during construction to verify compliance.

*AQ-2: Diesel Engine Tier Requirements Construction Equipment Emissions Reduction:*

The County shall require future development projects under the GPR/ZOU to incorporate the following construction equipment emission control measures to the maximum extent possible, provided they are technologically and economically feasible:

- Implement the use of diesel construction equipment meeting California Air Resources Board (CARB) Tier 4 or equivalent emission standards for off-road heavy-duty diesel engines. If use of Tier 4 equipment is not feasible, due to availability, diesel construction equipment meeting Tier 3 emission standards shall be used. Tier 3 equipment shall use a Level 3 Diesel Particulate Filter. These measures shall be noted on all construction plans, and the County shall perform periodic site inspections during construction to verify compliance.
- Use alternative fueled or catalyst equipped diesel construction equipment
- All construction vehicles shall be prohibited from idling in excess of 5 minutes, both on and off site. Individual pieces of diesel-powered off-road diesel equipment shall be prohibited from being in the “on” position for more than 10 hours per day. Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use
- Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set)
- Curtail construction during periods of high-ambient-pollutant concentrations; this may include limiting of construction activity during the peak-hour vehicular traffic on adjacent roadways
- Implement activity management (e.g., rescheduling activities to reduce short-term impacts)
- Electric hook-ups to the power grid shall be used rather than temporary diesel- or gasoline-powered generators for electric construction tools whenever feasible. Mobile off-road construction equipment of less than 50 horsepower shall be electric, including but not limited to: air compressors, concrete/industrial saws, welders and plate compactors. Mobile off-road construction equipment with a power rating of 19 kilowatts or less shall be battery powered. If generators need to be used to reach remote portions of the site, non-diesel generators shall be used.
- If temporary power (power from the grid supplied to the site during construction activities before permanent utilities are implemented and turned on) is available to the site, prohibit the use of non-emergency diesel-powered generators during construction.
- Contractors shall conduct routine inspections to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts. Inspection reports shall be maintained on site throughout the construction period.
- Project contractors shall provide information on transit and ride sharing programs and services to construction employees. As feasible, provide for meal options on site, or shuttle buses between the site and nearby meal destinations for use by construction contractors.
- Implementation of a Voluntary Emissions Reduction Agreement (VERA) with the SJVAPCD for projects where emissions exceed SJVAPCD thresholds.

Page ES-7:

**Policy OS-G.12: Architectural Coating Reactive Organic Gases Content Limits**

The County shall ~~review~~ require future development projects under the GPR/ZOU, to the maximum extent feasible, to and encourage the use of architectural coating materials, as defined in the San Joaquin Valley Air Pollution Control District's (SJVAPCD) Rule 4601, that are zero-emission or have a low-ROG content (below 10 grams per liter). Where such ROG coatings are not available, or feasible, the coating with the lowest ROG rating available shall be used. These measures shall be noted on all construction plans, and the County shall perform periodic site inspections during construction to verify compliance.

**AQ-3: Sensitive Receptor Setbacks-Community Protection.**

~~**Policy EJ A.15: Sensitive Receptor Setbacks.** Consistent with the provisions contained in the California Air Resources Board (CARB) Air Quality and Land Use Handbook, project applicants shall identify appropriate measures for projects with sensitive uses located within 500 feet of freeways, heavily traveled arterials (daily vehicle trips of 10,000 or more), railways, and other sources of diesel particulate matter (DPM) and other known carcinogens. The County shall require development projects that are located within 500 feet of freeways, heavily traveled arterials (daily vehicle trips of 10,000 or more), railways, and other sources of DPM and other known carcinogens to retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the California Environmental Protection Agency's Office of Environmental Health and Hazard Assessment requirements to determine the exposure of nearby sensitive receptors to emission sources resulting from the project. Measures identified in the HRA shall be enforced by the County.~~

Future development projects that require discretionary approval shall identify and characterize project construction and operational air emissions. Air emissions shall be compared to the SJVAPCD significance thresholds. Future projects shall be mitigated to the extent feasible or to below SJVAPCD thresholds.

For non-discretionary projects where sensitive receptors are located closer than 1,000 feet of the project site; where construction would involve use of substantial (more than two pieces) heavy construction equipment use; and where the construction period lasts longer than two months of heavy equipment use; would require an air quality technical assessment and incorporate mitigation such that impacts are reduced to below regulatory thresholds or to the furthest extent possible.

As applicable to individual projects, mitigation measures that are economically and technically feasible may include, but are not limited to:

- Assess and potentially install, as technologically feasible, particulate matter emission control systems for new large restaurants operating under-fired charbroilers.
- Contracting with companies that use clean lawn and gardening equipment, or consider participation in the SJVAPCD's Clean Green Yard Machines program for individual development projects that would have their own lawn and gardening equipment.
- Where criteria air pollutants exceed 100 lbs per day, an Ambient Air Quality Analysis shall be conducted to determine if emissions increases from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. The analysis should include emissions from both permitted and non-permitted equipment and activities.

- Implementation of a Voluntary Emissions Reduction Agreement with the SJVAPCD for projects where emissions exceed SJVAPCD thresholds.
- Implementation of applicable measures in Tables 5 and 6 of the CARB’s Concept Paper for The Freight Handbook<sup>[2]</sup> for new industrial/warehousing facilities to reduce impacts to existing and potential nearby sensitive receptors. Additional measures to reduce emissions include but are not limited to:
  - Ensure solid screen buffering trees, solid decorative walls, and/or other natural ground landscaping techniques are implemented along the property line of adjacent sensitive receptors
  - Ensure all landscaping be drought tolerant
  - Orient loading docks away from sensitive receptors unless physically impossible
  - Locate loading docks a minimum of 300 feet away from the property line of sensitive receptor unless dock is exclusively used for electric trucks
  - Incorporate signage and “pavement markings” to clearly identify on-site circulation patterns to minimize unnecessary on-site vehicle travel
  - Locate truck entries on classified streets
  - Building roofs are solar-ready
  - A portion of roof tops that are not covered with solar panels are constructed to have light colored roofing material with a solar reflective index of greater than 78
  - Rooftop solar panels are installed and operated to supply 100% of the power needed to operate all non-refrigerated portions of the development project
  - Ensure power sources at loading docks for all refrigerated trucks have “plugin” capacity, which will eliminate prolonged idling while loading and unloading goods
  - Incorporate bicycle racks and electric bike plug-ins
  - Require the use of low volatile organic compounds (VOC) architectural and industrial maintenance coatings
  - Inform the project proponent of the incentive programs (e.g., Carl Moyer Program and Voucher Incentive Program) offered to reduce air emissions from the Project
  - Evaluate and incorporate truck routes that minimize impacts to sensitive receptors and sensitive communities.
  - Incorporate the use of the cleanest available heavy-duty trucks into facility owned fleets.
  - Incorporate the use of zero-emissions technologies for all on-site service equipment (cargo handling, yard holsters, forklifts, pallet jacks, etc.) as is applicable and feasible to the individual project.
  - Reduce idling of heavy-duty trucks to a maximum of 3-minutes at any one location or at any given time unless required for operation of said vehicle, other than the use of a transportation refrigeration unit.
- Project applicants shall maintain buffer distances for siting new sensitive receptors as well as new TAC sources as identified in the County’s Environmental Justice Policies or CARB’s Air Quality and Land Use Handbook: A Community Health Perspective (CARB Handbook), (whichever is more restrictive) unless a project specific health risk assessment determines that a project will not result in health risks to either onsite or offsite sensitive receptors.

- Project applicants shall retain a qualified air quality consultant to prepare a health risk assessment in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements. The analysis will be conducted to determine the exposure of nearby sensitive receptors to emission sources resulting from construction and/or operation of the project. The health risk assessment shall be submitted to the County of Fresno for review and approval. Project applicants shall implement the approved health risk assessment recommendations to any nearby sensitive receptor, if any.
- Such measures Measures for reducing impacts to new sensitive receptors due to locating receptors near existing TAC sources may include, but are not limited to:
  - Install, operate, and maintain in good working order a central heating and ventilation system or other air take system in the building of a sensitive receptor that would be impacted by the project, or in each individual residential unit, that meets the efficiency standard of the minimum efficiency reporting value of 13. The heating and ventilation system should include the following features: installation of a high-efficiency filter and/or carbon filter to minimize particulate and other airborne chemical matter from entering the building. Either high-efficiency particulate absorption filters or American Society of Heating, Refrigeration, and Air-Conditioning Engineers 85 percent supply filters should be used.
  - Ensure that positive pressure occurs in the building.
  - Achieve a performance standard of at least one air exchange per hour of fresh outside filtered air.
  - Achieve a performance standard of at least four air exchanges per hour of recirculation.
  - Achieve a performance standard of 0.25 air exchanges per hour of unfiltered infiltration if the building is not positively pressurized.
  - Install vegetative barriers and/or urban greening
- Measures for reducing impacts to existing sensitive receptors due to location of existing sources near active construction sites may include, but are not limited to:
  - Implementation of Tier 4 and/or alternative fueled construction equipment.
    - Incorporation of DPM Level 3 CARB filters.
- Where operations of new onsite permitted or unpermitted toxic air contaminants (TAC) sources result in significant impacts to nearby sensitive receptors, the applicant shall work with either a qualified air quality consultant or the SJVAPCD to implement measures applicable to reducing emissions from the new TAC sources to below regulatory thresholds.
- Where setbacks identified in the CARB Handbook are not implemented, the results of a Prioritization Analysis for new TAC sources exceeds a score of 10, and/or construction will occur within 1,000 feet.
- Evaluate the potential for on-site operational activities to result in objectionable and/or nuisance odors affecting nearby sensitive receptors and implement the appropriate odor control Systems as applicable.

Page ES-8:

*AQ-4: Valley Fever*

**Policy OS-G.13: Valley Fever Mitigation.**

~~The County shall continue to promote public awareness of Valley Fever risks relating to ground disturbing activities through the provision of educational materials, webpages and resource contact information. For projects involving ground disturbance on unpaved areas left undisturbed for 6 months or more, the County shall require developers to provide project-specific Valley Fever training and training materials.~~

Prior to ground disturbance activities, the County shall require project applicants to develop and provide a “Valley Fever Training Handout” and schedule of sessions for education to be provided to all construction personnel. All evidence of the training session(s) and handout(s) shall be kept on site for review by the County or Air District as requested. Multiple training sessions may be conducted if different work crews come to the site for different stages of construction; however, all construction personnel shall be provided training prior to beginning work. Training Session(s) shall include the following:

- A sign-in sheet (to include the printed employee names, signature, and date) for all employees who attended the training session.
- Distribution of a written flier or brochure that includes educational information regarding:
  1. The health effects of exposure to Valley Fever,
  2. Recognition of symptoms and when to seek treatment,
  3. Methods that may help prevent Valley Fever release,
  4. Methods that may help prevent Valley Fever exposure.
- A demonstration to employees on how to use personal protective equipment, such as masks, to reduce exposure to spores. Though use of masks is not mandatory during work, they shall be readily available and shall be provided to employees as requested.

Page ES-8:

*BIO-1 Protection of Nesting Birds*

**Policy OS-E.19: Nesting Birds.**

For development projects on sites where tree or vegetation/habitat removal is necessary and where the existence of sensitive species and/or bird species protected by California Fish and Game Code Sections ~~30503~~ 3503 and ~~305.3~~ 3503.5 and Migratory Bird Treaty Act has been determined by a qualified biologist, surveys for nesting birds shall be conducted within 14 days prior to project activities by a qualified biologist for all construction sites where activities occurring during nesting bird season (February 1 through September 15). The surveys shall include the entire disturbance area plus at least a 500-foot buffer around the project site.

If active nests are located, all construction work shall be conducted outside a buffer zone from the nest to be determined by the qualified biologist. The buffer shall be a minimum of 250 feet for non-raptor bird species and at least 500 feet for raptor species, unless determined otherwise by the qualified biologist. Buffer distances for bird nests shall be site-specific and an appropriate distance, as determined by a qualified biologist. The buffer distances shall be specified to protect the bird’s normal behavior thereby preventing nesting failure or abandonment. The

buffer distance recommendation shall be developed after field investigations that evaluate the bird(s) apparent distress in the presence of people or equipment at various distances. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established.

Larger buffers may be required depending upon the status of the nest and the construction activities occurring in the vicinity of the nest. The buffer area(s) shall be closed to all construction personnel and equipment until the adults and young are no longer reliant on the nest site. A qualified biologist shall confirm that breeding/nesting is completed, and young have fledged the nest prior to removal of the buffer. The biologist shall submit a report of these preconstruction nesting bird surveys to the County to document compliance within 30 days of its completion. (PSR)

~~If active nests are located onsite, then a qualified biologist shall determine appropriate measures necessary to mitigate impacts associated with proposed construction activities.~~

Page ES-12:

GHG-1: Funding for a Greenhouse Gas Inventory and Preparation of a Climate Action Plan Policy ~~HS-H.10G.12~~ Funding for a Greenhouse Gas Inventory and Preparation of a Climate Action Plan. The County shall seek a variety of sources including, but not limited to, grants, state funding, and or impact fees to fund the preparation and implementation of a Fresno County specific Climate Action Plan. Once funding is available, the County shall proceed to prepare a Climate Action Plan.

The following update has been made to Mitigation Measure GHG-2 (changes shown in ~~strikeout~~/underline):

GHG-2 Preparation and Implementation of a Climate Action Plan Policy ~~HS-H.11G.13~~ Preparation and Implementation of a Climate Action Plan. The County shall undertake a countywide Climate Action Plan (CAP) within two years of the adoption of General Plan Amendment No. 529 (General Plan Review) with the objective of meeting a GHG emissions reduction trajectory consistent with State law (currently codified in Health and Safety Code Section 38566 et seq. [Senate Bill 32] and Executive Order B-55-18).

Page ES-15:

N-1 Construction Vibration Control Measures

Policy ~~HS-H.120~~: Construction Vibration Control Measures. The following measures to minimize exposure to construction vibration shall be included as standard conditions of approval for projects involving construction vibration within 50 feet of historic buildings or nearby sensitive receivers shall:

Avoid the use of vibratory rollers within 50 feet of historic buildings or residential buildings with plastered walls that are susceptible to damage from vibration and; Schedule construction activities with the highest potential to produce vibration to hours with the least potential to affect nearby institutional, educational, and office uses that are identified as sensitive to

daytime vibration by the Federal Transit Administration in Noise and Vibration Impact Assessment (FTA 2018).

Page 1-19:

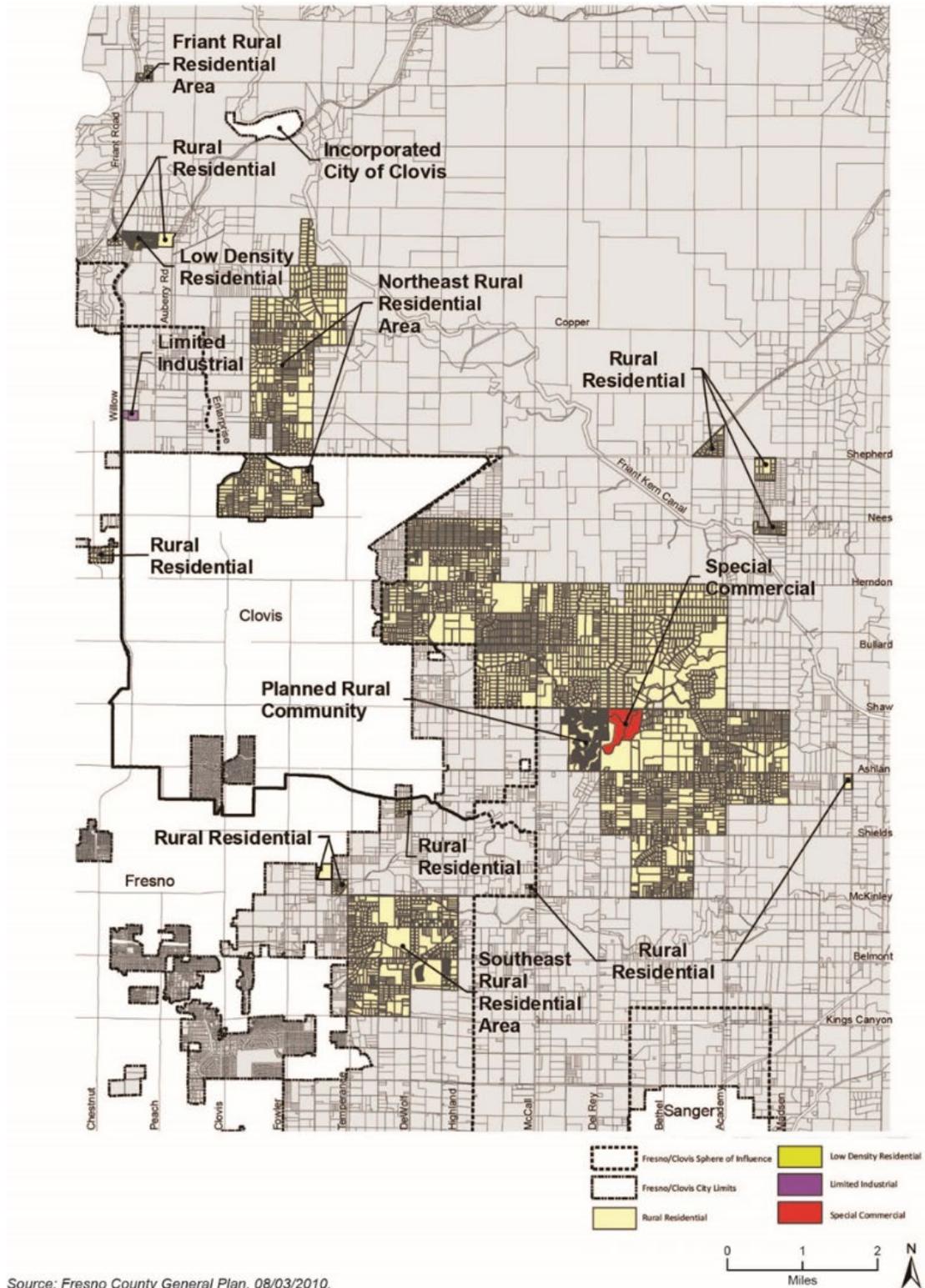
The alternatives section of the EIR, Section 6, was prepared in accordance with CEQA Guidelines Section 15126.6 and focuses on alternatives that are capable of eliminating or reducing significant adverse effects associated with the proposed project while feasibly attaining most of the basic project objectives. In addition, the alternatives section identifies the environmentally superior alternative among the alternatives assessed. The alternatives evaluated include the CEQA-required "No Project" alternative and ~~XX~~two alternative development scenarios.

Page 1-20:

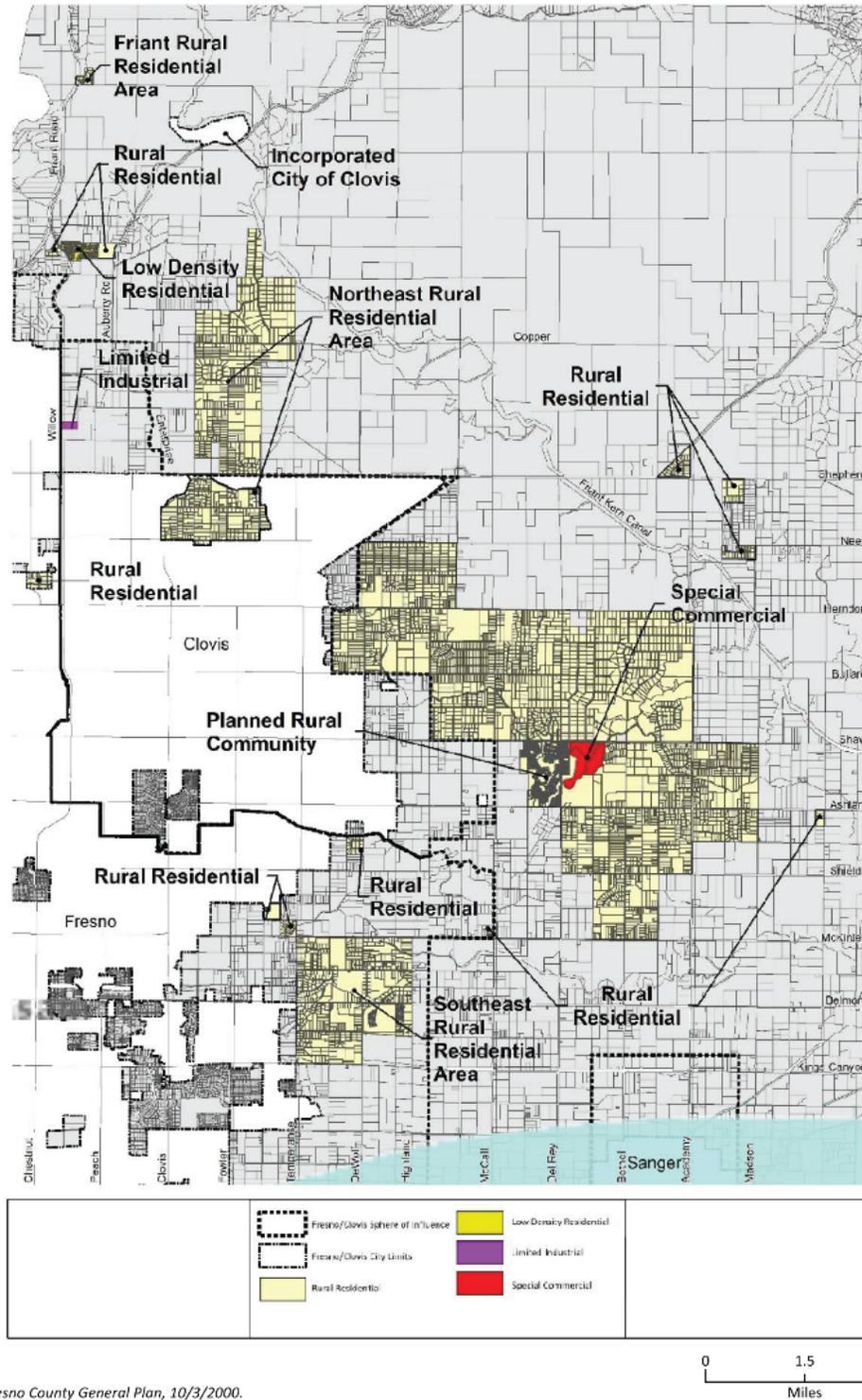
- Although there are no responsible agencies under CEQA with respect to adoption of the proposed project, several other agencies may have review or approval authority over aspects of projects that could potentially be implemented in accordance with various goals and policies included in the General Plan. These agencies and their roles are listed below.
- The State Geologist is responsible for the review of the County's program for minimizing exposure to geologic hazards and for regulating surface mining activities.
- The California Department of Transportation (Caltrans) has responsibility for approving future improvements to the State highway system, including Highway 99 and Interstate 5.
- The California Department of Fish and Wildlife (CDFW) has responsibility for issuing take permits and streambed alteration agreements for any projects with the potential to affect plant or animal species listed by the State of California as rare, threatened, or endangered or that would disturb waters of the State.
- Any other public agencies, such as: Fresno County Fire Protection District, Fresno Irrigation District, Fresno Unified School District, Fresno Local Agency Formation Commission, Airport Land Use Commission of Fresno County, Central Valley Regional Water Quality Control Board, San Joaquin Valley Air Quality Management District, Army Corps of Engineers, Department of Water Resources, Fresno Metropolitan Flood Control District, and California Department of Housing and Community Development.

Page 2-10:

Figure 2-6 Northeast FCAM FCMA Land Use Designation  
(figure removed)



(figure added)



Source: Fresno County General Plan, 10/3/2000.

Page 4.1-11:

Policy LU-F.32: The County shall require that all industrial uses located adjacent to planned non-industrial areas or roads carrying significant non-industrial traffic be designed with landscaping and setbacks comparable to the non-industrial area. Compliance with the Environmental Justice Element policies for proposals in proximity to sensitive receptors and/or disadvantaged communities. Related policies include EJ-A.1, EJ-A.2, EJ-A.3, EJ-A.8, EJ-A.12, EJ-A.13, EJ-A.14 and EJ-A.15.

Page 4.2-1:

Fresno County leads in production of almonds, with 18.1 percent of the State's total production. The county ranks second for grape production with 18 percent, and pistachios, with 26.8 percent (California Department of Food and Agriculture [CDFA] 2021).

Page 4.2-2:

- **Prime Farmland.** Prime Farmland is land with the best combination of physical and chemical features able to sustain long-term production of agricultural crops. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. The land must have been used for the production of irrigated crops at some time during the two update cycles prior to the most recent mapping date (the most recent map update for the region is ~~2008~~2018).
- **Farmland of Statewide Importance.** Farmland of Statewide Importance is land similar to Prime Farmland, but with minor shortcomings, such as greater slopes or with less ability to hold and store moisture. The land must have been used for the production of irrigated crops at some time during the two update cycles prior to the mapping date.
- **Unique Farmland.** Unique Farmland is land of lesser quality soils used for the production of the State's leading agricultural crops (i.e., crops of high economic value, such as oranges, olives, avocados, rice, grapes, and cut flowers). This land is usually irrigated, but may include non-irrigated orchards or vineyards, as found in some climatic zones of California. The land must have been cultivated at some time during the two update cycles prior to the mapping of ~~2008~~2018.

Page 4.2-12:

#### **Policy LU-A.23**

~~The County shall require discretionary land use projects which propose the permanent conversion of forty acres or more of Prime Farmland (as designated by the Farmland Mapping and Monitoring Program) to non-agricultural uses to undertake an evaluation of soil type, existing crop history and access to surface irrigation water to support the non-viability of the land for agricultural use. Should documentation indicate a loss of productive agricultural land would occur due to project development, consideration shall be given to offsetting land conversion through grants of perpetual conservation easements, deed restrictions, establishment of land trusts, in-lieu fee payment program or other County approved farmland conservation mechanisms for the purpose of preserving agricultural land. This policy does not apply to land zoned or designated in the General Plan for non-agricultural land uses.~~

For discretionary land use projects that are not directly related to or supportive of agricultural uses and which propose the permanent conversion of twenty acres or more of Prime Farmland, Unique Farmland or Farmland of Statewide Importance (as designated by the Farmland

Mapping and Monitoring Program) to nonagricultural uses, the County shall consider and adopt feasible measures including, but not limited to:

- Acquisition of conservation easements at a 1:1 ratio for lands lost to nonagricultural uses.
- Fee title of agricultural mitigation land that may be held by a third party or the County.
- In lieu fees paid to the County that may be used to acquire future mitigation property.
- Mitigation banks.

The County may exempt projects from agricultural mitigation requirements when it has been determined that conversion is occurring pursuant to a local groundwater sustainability plan, or the project is for housing which is predominately for persons of low or moderate income as defined in section 50093 of the Health and Safety Code. Further, the County may exempt discretionary land use projects from agricultural mitigation requirements if it finds that the loss of agricultural land caused by the proposed conversion is outweighed by specific overriding economic, legal, social, technological, or other benefits of the conversion, as contemplated by section 21081(b) of the Public Resources Code.

Page 4.3-12:

**Policy TR-A.15:** Bikeways and Trails. The County shall develop and maintain a program to construct bikeways and recreation trails in accordance with the adopted Regional Bicycle and Recreational Trail Master Plan. The County shall seek funding for construction and maintenance of bicycle facilities and trails.

Page 4.3-13:

**Policy OS-G.12:** The County shall ~~review~~ require future development projects under the GPR/ZOU, to the maximum extent feasible, to and encourage the use of architectural coating materials, as defined in the San Joaquin Valley Air Pollution Control District's (SJVAPCD Rule 4601, that are zero-emission or have a low-ROG content (below 10 grams per liter). Where such ROG coatings are not available, or feasible, the coating with the lowest ROG rating available shall be used. These measures shall be noted on all construction plans, and the County shall perform periodic site inspections during construction to verify compliance.

**Policy EJ-A.2:** The County shall ~~consider and require mitigation of potential adverse health and safety impacts associated with the establishment of new residential and other sensitive land uses near existing~~ buffering and screening requirements as part of the development review process for all new potentially pollution producing land uses proposed to be located adjacent to existing sensitive land uses that have historically been associated with heightened levels of pollution. These land uses associated with pollution include industrial land uses, agricultural operations using pesticides applied by spray techniques, wastewater treatment plants, landfills and waste treatment facilities, and other existing land uses that could be incompatible with new adjacent residential uses.

Page 4.3-21:

The County shall incorporate the following policies into the 2042 General Plan.

*Mitigation Measure AQ-1 Architectural Coating ROG Content Limits*

**Policy OS-G.12: Architectural Coating Reactive Organic Gases Content Limits**

The County shall ~~review~~ require future development projects under the GPR/ZOU, to the maximum extent feasible, to ~~and encourage~~ the use of architectural coating materials, as defined in the San Joaquin Valley Air Pollution Control District's (SJVAPCD) Rule 4601, that are zero-emission or have a low-ROG content (below 10 grams per liter). Where such ROG coatings are not available, or feasible, the coating with the lowest ROG rating available shall be used. These measures shall be noted on all construction plans, and the County shall perform periodic site inspections during construction to verify compliance.

*Mitigation Measure AQ-2 Diesel Engine Tier Requirements Construction Equipment Emissions Reduction:*

~~**Policy OS G.13: Diesel Engine Tier Requirements.**~~ The County shall require development projects to implement diesel construction equipment meeting California Air Resources Board (CARB) Tier 4 or equivalent emission standards for off-road heavy-duty diesel engines. If use of Tier 4 equipment is not possible due to availability, diesel construction equipment meeting Tier 3 emission standards shall be used. Tier 3 equipment shall use a Level 3 Diesel Particulate Filter.

The County shall require future development projects under the GPR/ZOU to incorporate the following construction equipment emission control measures to the maximum extent possible, provided they are technologically and economically feasible:

- Implement the use of diesel construction equipment meeting California Air Resources Board (CARB) Tier 4 or equivalent emission standards for off-road heavy-duty diesel engines. If use of Tier 4 equipment is not feasible, due to availability, diesel construction equipment meeting Tier 3 emission standards shall be used. Tier 3 equipment shall use a Level 3 Diesel Particulate Filter. These measures shall be noted on all construction plans, and the County shall perform periodic site inspections during construction to verify compliance.
- Use alternative fueled or catalyst equipped diesel construction equipment
- All construction vehicles shall be prohibited from idling in excess of 5 minutes, both on and off site. Individual pieces of diesel-powered off-road diesel equipment shall be prohibited from being in the "on" position for more than 10 hours per day. Limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use
- Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set)
- Curtail construction during periods of high-ambient-pollutant concentrations; this may include limiting of construction activity during the peak-hour vehicular traffic on adjacent roadways
- Implement activity management (e.g., rescheduling activities to reduce short-term impacts)
- Electric hook-ups to the power grid shall be used rather than temporary diesel- or gasoline-powered generators for electric construction tools whenever feasible. Mobile off-road construction equipment of less than 50 horsepower shall be electric, including but not limited to: air compressors, concrete/industrial saws, welders and plate compactors. Mobile

off-road construction equipment with a power rating of 19 kilowatts or less shall be battery powered. If generators need to be used to reach remote portions of the site, non-diesel generators shall be used.

- If temporary power (power from the grid supplied to the site during construction activities before permanent utilities are implemented and turned on) is available to the site, prohibit the use of non-emergency diesel-powered generators during construction.
- Contractors shall conduct routine inspections to verify compliance with construction mitigation and to identify other opportunities to further reduce construction impacts. Inspection reports shall be maintained on site throughout the construction period.
- Project contractors shall provide information on transit and ride sharing programs and services to construction employees. As feasible, provide for meal options on site, or shuttle buses between the site and nearby meal destinations for use by construction contractors.
- Implementation of a Voluntary Emissions Reduction Agreement (VERA) with the SJVAPCD for projects where emissions exceed SJVAPCD thresholds.

Page 4.3-21:

Implementation of ~~Policies OS x.x and OS x.x~~ Mitigation Measures AQ-1 and AQ-2 would reduce construction emissions, but the extent to which reductions would occur is unknown. It is speculative to determine whether project-level emissions associated with reasonably foreseeable development under the GPU/ZOU would be reduced below the SJVAPCD project-level significance thresholds because the nature and intensity of future projects is not known at this time. Therefore, impacts would remain significant and unavoidable. Individual development projects would be reviewed for project-specific impacts during any required environmental review. If project-specific significant impacts are identified, applicable mitigation measures will be placed on the project as conditions of approval.

~~Shows mitigated operational emissions.~~ Incorporation of GPR/ZOU policies, Mitigation Measure AQ-1 (which would have a minor VOC-reducing effect on operational emissions), and regulatory requirements, would reduce criteria air pollutant emissions associated with the developed facilitated by the GPR/ZOU to the extent feasible. However, it is speculative to determine whether project-level emissions associated with reasonably foreseeable development under the Housing Element Update would be reduced below the project-level significance thresholds because the nature and intensity of future housing projects is not known at this time. Operational impacts would remain significant and unavoidable

Pages 4.3-25:

~~The County shall incorporate the following policies into the 2042 General Plan.~~

~~Mitigation Measure AQ-3 Sensitive Receptor Setbacks Community Protections.~~

~~**Sensitive Receptor Setbacks.** Consistent with the provisions contained in the California Air Resources Board (CARB) Air Quality and Land Use Handbook, project applicants shall identify appropriate measures for projects with sensitive uses located within 500 feet of freeways, heavily traveled arterials (daily vehicle trips of 10,000 or more), railways, and other sources of diesel particulate matter (DPM) and other known carcinogens. The County shall require development projects that are located within 500 feet of freeways, heavily traveled arterials (daily vehicle trips of 10,000 or more), railways, and other sources of DPM and other known carcinogens to retain a qualified air quality consultant to prepare a health risk assessment~~

~~(HRA) in accordance with the CARB and the California Environmental Protection Agency's Office of Environmental Health and Hazard Assessment requirements to determine the exposure of nearby sensitive receptors to emission sources resulting from the project. Measures identified in the HRA shall be enforced by the County.~~

Future development projects that require discretionary approval shall identify and characterize project construction and operational air emissions. These project's air emissions shall be compared to the SJVAPCD significance thresholds. Where thresholds are exceeded, future projects shall be mitigated, to the extent feasible, and/or to below SJVAPCD thresholds.

As applicable to individual discretionary projects, mitigation measures that are economically and technically feasible may include, but are not limited to:

- Assess and potentially install, as technologically feasible, particulate matter emission control systems for new large restaurants operating under-fired charbroilers.
- Contracting with companies that use clean lawn and gardening equipment, or consider participation in the SJVAPCD's Clean Green Yard Machines (CGYM) program for individual development projects that would have their own lawn and gardening equipment.
- Where criteria air pollutants exceed 100 lbs per day, an Ambient Air Quality Analysis shall be conducted to determine if emissions increases from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. The analysis should include emissions from both permitted and non-permitted equipment and activities.
- Implementation of a Voluntary Emissions Reduction Agreement (VERA) with the SJVAPCD for projects where emissions exceed SJVAPCD thresholds.
- Implementation of applicable measures in Tables 5 and 6 of the CARB's Concept Paper for The Freight Handbook for new industrial/warehousing facilities to reduce impacts to existing and potential nearby sensitive receptors. Additional measures to reduce emissions include but are not limited to:
  - Ensure solid screen buffering trees, solid decorative walls, and/or other natural ground landscaping techniques are implemented along the property line of adjacent sensitive receptors
  - Ensure all landscaping be drought tolerant
  - Orient loading docks away from sensitive receptors unless physically impossible
  - Locate loading docks a minimum of 300 feet away from the property line of sensitive receptor unless dock is exclusively used for electric trucks
  - Incorporate signage and "pavement markings" to clearly identify on-site circulation patterns to minimize unnecessary on-site vehicle travel
  - Locate truck entries on classified streets
  - Building roofs are solar-ready
  - A portion of roof tops that are not covered with solar panels are constructed to have light colored roofing material with a solar reflective index of greater than 78
  - Rooftop solar panels are installed and operated to supply 100% of the power needed to operate all non-refrigerated portions of the development project
  - Ensure power sources at loading docks for all refrigerated trucks have "plugin" capacity, which will eliminate prolonged idling while loading and unloading goods
  - Incorporate bicycle racks and electric bike plug-ins

- Require the use of low volatile organic compounds (VOC) architectural and industrial maintenance coatings
- Inform the project proponent of the incentive programs (e.g., Carl Moyer Program and Voucher Incentive Program) offered to reduce air emissions from the Project
- Evaluate and incorporate truck routes that minimize impacts to sensitive receptors and sensitive communities.
- Incorporate the use of the cleanest available heavy-duty trucks into facility owned fleets.
- Incorporate the use of zero-emissions technologies for all on-site service equipment (cargo handling, yard holsters, forklifts, pallet jacks, etc.) as is applicable and feasible to the individual project.
- Reduce idling of heavy-duty trucks to a maximum of 3-minutes at any one location or at any given time unless required for operation of said vehicle, other than the use of a transportation refrigeration unit.
- Project applicants shall maintain buffer distances for siting new sensitive receptors as well as new TAC sources as identified in the County's Environmental Justice Policies or CARB's Air Quality and Land Use Handbook: A Community Health Perspective (CARB Handbook), (whichever is more restrictive) unless a project specific health risk assessment determines that a project will not result in health risks to either onsite or offsite sensitive receptors.
- Project applicants shall retain a qualified air quality consultant to prepare a health risk assessment in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements. The analysis will be conducted to determine the exposure of nearby sensitive receptors to emission sources resulting from construction and/or operation of the project. The health risk assessment shall be submitted to the County of Fresno for review and approval. Project applicants shall implement the approved health risk assessment recommendations to any nearby sensitive receptor, if any.
  - Such measures Measures for reducing impacts to new sensitive receptors due to locating receptors near existing TAC sources may include, but are not limited to:
    - Install, operate, and maintain in good working order a central heating and ventilation system or other air take system in the building of a sensitive receptor that would be impacted by the project, or in each individual residential unit, that meets the efficiency standard of the minimum efficiency reporting value of 13. The heating and ventilation system should include the following features: installation of a high-efficiency filter and/or carbon filter to minimize particulate and other airborne chemical matter from entering the building. Either high-efficiency particulate absorption filters or American Society of Heating, Refrigeration, and Air-Conditioning Engineers 85 percent supply filters should be used.
    - Ensure that positive pressure occurs in the building.
    - Achieve a performance standard of at least one air exchange per hour of fresh outside filtered air.
    - Achieve a performance standard of at least four air exchanges per hour of recirculation.
    - Achieve a performance standard of 0.25 air exchanges per hour of unfiltered infiltration if the building is not positively pressurized.
    - Install vegetative barriers and/or urban greening

- Measures for reducing impacts to existing sensitive receptors due to location of existing sources near active construction sites may include, but are not limited to:
  - Implementation of Tier 4 and/or alternative fueled construction equipment.
  - Incorporation of DPM Level 3 CARB filters.
- Where operations of new onsite permitted or unpermitted toxic air contaminants (TAC) sources result in significant impacts to nearby sensitive receptors, the applicant shall work with either a qualified air quality consultant or the SJVAPCD to implement measures applicable to reducing emissions from the new TAC sources to below regulatory thresholds.
- Where setbacks identified in the CARB Handbook are not implemented, the results of a Prioritization Analysis for new TAC sources exceeds a score of 10, and/or construction will occur within 1,000 feet.
- Evaluate the potential for on-site operational activities to result in objectionable and/or nuisance odors affecting nearby sensitive receptors and implement the appropriate odor control Systems as applicable.
- The County shall require future discretionary development projects under the GPR/ZOU to implement measures to reduce energy consumption, water use, solid waste generation, and VMT. Measures include, but are not limited to:
  - Require new residential and commercial construction to install renewable energy systems (e.g. solar) on, or off-site that will offset 100% of the project's electrical consumption, or to the greatest extent feasible.
  - Require new development to surpass the applicable Title 24 energy-efficiency requirements.
  - Require new residential development to be fully electric, and non-residential development to eliminate natural gas consumption to the extent feasible, and at a minimum to eliminate natural gas usage for heating purposes.
  - Project shall incorporate outdoor electrical outlets such that 10 percent of outdoor landscaping equipment can be electrically powered.
  - All dock doors shall be equipped with electric plugs for electric TRUs.
  - All fixtures used for lighting of exterior common areas shall be regulated by automatic devices to turn off lights when they are not needed, but a minimum level of lighting should be provided for safety
  - Implement applicable measures from the SJVAPCD's Emissions Reduction Clean Air Measures
- As discussed in Section 4.14, Transportation, Mitigation Measure T-1 would contribute to a 13 percent reduction in VMT, which would subsequently reduce transportation-related GHG emissions. In addition to Mitigation Measure T-1, the County shall require future development projects under the GPR/ZOU to evaluate the operational GHG emissions from the individual projects and incorporate the most recent GHG emission reduction measures and/or technologies for reducing VMT and associated transportation related GHG emissions. Current GHG-reducing measures include, but are not limited to, the following:
  - Installation of electric vehicle charging stations consistent with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.

- Require new development to implement circulation design elements in parking lots for no-residential uses to reduce vehicle queuing and improve the pedestrian environment
  - Utilization of electric vehicles and/or alternatively fueled vehicles in company fleet
  - Provision of dedicated parking for carpools, vanpool, and clean air vehicles
  - Provision of vanpool and/or shuttle service for employees
  - Implementation of reduced parking minimum requirements
  - Provision of bicycle parking facilities consistent with State standards
  - Provision of a bicycle-share program
  - Expansion of bicycle routes/lanes along the project site frontage
  - Provision of new or improved transit amenities (e.g., covered turnouts, bicycle racks, covered benches, signage, lighting) if project site is located along an existing transit route
  - Expansion of sidewalk infrastructure along the project site frontage
  - Provision of safe, pedestrian-friendly, and interconnected sidewalks and streetscapes
  - Provision of employee lockers and showers
  - Provision of on-site services that reduce the need for off-site travel (e.g., childcare facilities, automatic teller machines, postal machines, food services)
  - Provision of alternative work schedule options, such as telework or reduced schedule (e.g., 9/80 or 10/40 schedules), for employees whenever feasible
  - Implementation of transportation demand management programs to educate and incentivize residents and/or employees to use transit, smart commute, and alternative transportation options
  - As applicable all industrial uses shall be required to enroll in U.S. EPA's SmartWay program and shall use carriers that are SmartWay carriers.
- Implement applicable measures from the SJVAPCD's Emissions Reduction Clean Air Measures.

*Mitigation Measure AQ-4 — Valley Fever*

~~**Policy OS-G.13: Valley Fever Mitigation.** The County shall continue to promote public awareness of Valley Fever risks relating to ground disturbing activities through the provision of educational materials, webpages and resource contact information. For projects involving ground disturbance on unpaved areas left undisturbed for 6 months or more, the County shall require developers to provide project-specific Valley Fever training and training materials.~~

Page 4.4-19:

**Policy OS-D.1: No-Net-Loss Wetlands Policy.** The County shall support the “no-net-loss” wetlands policies of the US Army Corps of Engineers, the US Fish and Wildlife Service, and the California Department of Fish and ~~Game~~Wildlife. Coordination with these agencies at all levels of project review shall continue to ensure that appropriate mitigation measures and the concerns of these agencies are adequately addressed.

Page 4.4-20:

**Policy OS-E.1: Avoid Habitat Loss.** The County shall support efforts to avoid the “net” loss of important wildlife habitat where practicable. In cases where habitat loss cannot be avoided, the County shall impose adequate mitigation for the loss of wildlife habitat that is critical to supporting special-status species and/or other valuable or unique wildlife resources. Mitigation shall be at sufficient ratios to replace the function and value of the habitat that was removed or degraded. Mitigation may be achieved through any combination of creation, restoration, conservation easements, and/or mitigation banking. Conservation easements should include provisions for maintenance and management in perpetuity. The County shall recommend coordination with the US Fish and Wildlife Service and the California Department of Fish and ~~Game~~Wildlife to ensure that appropriate mitigation measures and the concerns of these agencies are adequately addressed. Important habitat and habitat components include nesting, breeding, and foraging areas, important spawning grounds, migratory routes, migratory stopover areas, oak woodlands, vernal pools, wildlife movement corridors, and other unique wildlife habitats (e.g., alkali scrub) critical to protecting and sustaining wildlife populations.

Page 4.4-25:

#### **BIO-1 Protection of Nesting Birds**

**Policy OS-E.19: Nesting Birds.** For development projects on sites where tree or vegetation/habitat removal is necessary and where the existence of sensitive species and/or bird species protected by California Fish and Wildlife Code Sections ~~30503~~ 3503 and ~~305.3~~ 3503.5 and Migratory Bird Treaty Act has been determined by a qualified biologist, surveys for nesting birds shall be conducted within 14 days prior to project activities by a qualified biologist for all construction sites where activities occurring during nesting bird season (February 1 through September 15). The surveys shall include the entire disturbance area plus at least a 500-foot buffer around the project site.

If active nests are located, all construction work shall be conducted outside a buffer zone from the nest to be determined by the qualified biologist. The buffer shall be a minimum of 250 feet for non-raptor bird species and at least 500 feet for raptor species, unless determined otherwise by the qualified biologist. Buffer distances for bird nests shall be site-specific and an appropriate distance, as determined by a qualified biologist. The buffer distances shall be specified to protect the bird’s normal behavior thereby preventing nesting failure or abandonment. The buffer distance recommendation shall be developed after field investigations that evaluate the bird(s) apparent distress in the presence of people or equipment at various distances. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established.

Larger buffers may be required depending upon the status of the nest and the construction activities occurring in the vicinity of the nest. The buffer area(s) shall be closed to all construction personnel and equipment until the adults and young are no longer reliant on the nest site. A qualified biologist shall confirm that breeding/nesting is completed, and young have fledged the nest prior to removal of the buffer. The biologist shall submit a report of these

preconstruction nesting bird surveys to the County to document compliance within 30 days of its completion. (PSR)

~~If active nests are located onsite, then a qualified biologist shall determine appropriate measures necessary to mitigate impacts associated with proposed construction activities.~~

Page 4.6-12:

**Policy TR-A.15:** Bikeways and Trails. The County shall develop and maintain a program to construct bikeways and recreation trails in accordance with the adopted Regional Bicycle and Recreational Trail Master Plan. The County shall seek funding for construction and maintenance of bicycle facilities and trails.

Page 4.7-16:

Construction activities that disturb one or more acres of land surface are subject to the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. ~~2012-0006~~2022-0057-DWQ/NPDES NO CAS000002) adopted by the State Water Resources Control Board (SWRCB).

Page 4.8-17 – 18:

*GHG-1: Funding for a Greenhouse Gas Inventory and Preparation of a Climate Action Plan* **Policy ~~HS-H.10G.12~~ HS-H.11G.13 Funding for a Greenhouse Gas Inventory and Preparation of a Climate Action Plan.** The County shall seek a variety of sources including, but not limited to, grants, state funding, and or impact fees to fund the preparation and implementation of a Fresno County specific Climate Action Plan. Once funding is available, the County shall proceed to prepare a Climate Action Plan.

*GHG-2 Preparation and Implementation of a Climate Action Plan*

**Policy ~~HS-H.11G.13~~ HS-H.11G.13 Preparation and Implementation of a Climate Action Plan.** The County shall undertake a countywide Climate Action Plan (CAP) within two years of the adoption of General Plan Amendment No. 529 (General Plan Review) with the objective of meeting a GHG emissions reduction trajectory consistent with State law (currently codified in Health and Safety Code Section 38566 et seq. [Senate Bill 32] and Executive Order B-55-18).

Page 4.10-3:

The Fresno Metropolitan Flood Control District (FMFCD) is responsible for managing urban stormwater runoff within the greater Fresno/Clovis Metropolitan area. Its local urban system for stormwater drainage consists of storm drains, detention and retention basins, and pump stations. The system is designed to retain and infiltrate as much stormwater and urban runoff as possible. FMFCD's Storm Drainage and Flood Control Master Plan (Master Plan) includes 165 drainage areas, each providing service to approximately one to two square miles. All but five of the developed drainage areas are served by a retention or detention facility.

Urban storm water discharges are regulated by Section 402(p) of the federal Clean Water Act. The City of Fresno, FMFCD, the County of Fresno, the City of Clovis, and the California State University, Fresno are currently covered as Co-Permittees for Municipal Separate Storm Sewer System (MS4) discharges through National Pollutant Discharge Elimination System (NPDES) General Order No. R5-2016-0040 and NPDES Permit No. CAS0085324 (Storm Water Permit) effective May 17, 2018. To implement the Storm Water Permit the Co-Permittees adopted a

Storm Water Quality Management Plan (SWQMP) that describes permit implementation and CoPermittee responsibilities. The current SWQMP was approved by the Central Valley Regional Water Quality Control Board on April 17, 2015 and is effective until adoption of a new SWQMP, which is anticipated within the next five years (FMFCD, 2023).

Page 4.10-7:

The Storm Water Permit includes water quality and watershed protection measures for all discharges to the storm drainage system. Development projects are subject to specific measures included in the Storm Water Permit and implemented as described in the SWQMP. USEPA regulations on stormwater discharges, known as Phase I of the NPDES program, prohibit discharges of stormwater to waters of the United States from construction projects that encompass one or more acres of soil disturbance, unless in compliance with an NPDES permit. Phase II of the NPDES program expands the requirements to operators of small municipal separate storm sewer systems (MS4s) in urban areas and small construction sites, requiring NPDES permit coverage and pollution control measures. Discharges to the County's storm water conveyance system that would not be covered by the Phase II General Permit would be required to obtain coverage under an individual NPDES permit or comply with individual Waste Discharge Requirements, as approved by the Central Valley RWQCB.

Page 4.10-8:

USEPA regulations on stormwater discharges, known as Phase I of the NPDES program, regulate municipal and industrial sources of pollution, and prohibit discharges of stormwater to waters of the United States from construction projects that encompass one or more acres of soil disturbance, unless in compliance with an NPDES permit.

Page 4.10-9:

Lastly, Policy PF-C.235 requires water conservation features in new development.

Page 4.10-10:

Lastly, Policy PF-C.235 requires water conservation features in new development. These policies further facilitate water supply reliability for future development in County focus areas, through requiring the implementation of water conservation measures and local analysis of available water supplies in future years.

Page 4.10-11:

Construction activities that disturb one or more acres of land surface are subject to the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. ~~2012-0006~~2022-0057-DWQ) adopted by the State Water Resources Control Board (SWRCB).

Page 4.10-13:

A portion~~The majority~~ of the storm drainage systems within unincorporated Fresno County are managed by the Fresno Metropolitan Flood Control District.

Page 4.10-16:

The geographic scope for the cumulative analysis of hydrology and water quality includes the Kings, Madera, Delta-Mendota, Westside, and Pleasant Valley Groundwater Basins, which are all subbasins of the San Joaquin Valley Groundwater Basin, in the San Joaquin River and Tulare Lake Hydrologic Regions. Cumulative development in Fresno County allowable under the Fresno County General Plan would also increase impermeable surfaces, which could increase runoff, exacerbate flooding conditions, and reduce groundwater recharge. The impacts of increased impervious surface (e.g., increased runoff, altered drainage patterns, decreased water quality) would be reduced through adherence to the NPDES General Construction Permit administered by the State Water Resources Control Board (SWRCB). Every construction project that disturbs one or more acres of land surface or that is part of a common plan of development or sale that disturbs more than one acre of land surface would require coverage under the Construction General Permit. For projects less than one acre in size, Fresno County requires the implementation of Countywide BMPs to protect water quality. The Construction General Permit reduces impacts of land disturbance activities during construction and may not cover post-construction requirements. Compliance with the Clean Water Act would minimize post-construction runoff and maximize infiltration of stormwater, thus minimizing the potential impact of drainage pattern alteration from new development. Compliance with these regulations would reduce impacts to a less than significant level.

Page 4.11-3:

Policy LU-E.154: The County shall not designate additional land for Rural Residential or Foothill Rural Residential development, except for unique circumstances to be determined by the Board of Supervisors.

Page 4.11-8:

The current General Plan includes 30 resource, residential, commercial, industrial, and other land use designations that depict the types of land uses that will be allowed throughout the unincorporated county. Twenty seven<sup>27</sup> of the land use designations are primary designations, while three are overlay designations: Reserve, San Joaquin River Corridor, and Westside Freeway Corridor.

Pages 4.11-3 through 4.11-5

**Policy LU-G.2:** The County shall work cooperatively with all cities of the county to encourage each city to adopt and maintain its respective plan consistent with the Fresno County General Plan. The County shall adopt complementary planning policies through a cooperative planning process to be determined by the respective legislative bodies.

**Policy LU-G.23:** The County shall encourage the cities to adopt policies consistent with Urban Development Policies LU-F.1 through LU-F.10 of the 2000 Fresno County General Plan.

**Policy LU-G.34:** The County shall encourage orderly outward expansion of urban development by only supporting city sphere of influence expansion proposals where the city has demonstrated a need for additional territory after documenting a good faith effort to implement an infill development program.

**Policy LU-G.45:** The County shall encourage the cities to incorporate in their general plans County land use policies for neighborhoods that were established under County jurisdiction.

**Policy LU-G.56:** The County shall encourage cities to incorporate in their general plans land use policies that minimize potential land use conflicts with agriculturally-related industrial operations and other agricultural activities at the urban interface through the provision of appropriate buffers or other measures.

**Policy LU-G.67:** Within the spheres of influence, and two miles beyond, the County shall encourage consultation between the cities and the County at the staff level in the early stages of preparing General Plan Amendments and other policy changes which may impact growth or the provision of urban services. Staff consultations, particularly concerning community plans, shall provide for meaningful participation in the policy formulation process and shall seek resolution of issues prior to presentation to the decision-making bodies. Because of state-mandated directives, including but not limited to, the State Regional Housing Needs Allocation, the County may consider approval of urban development in areas within or outside spheres of influence that are not currently planned for development, in order to meet its obligations under a state-mandated directive.

**Policy LU-G.78:** Following city adoption of a community plan, the County shall update the applicable County-adopted community plan. Any unresolved conflicts between the County and city plans shall be identified for the decision-making bodies. The County shall establish and maintain land use controls on unincorporated lands within the spheres of influence consistent with the policies of County community plan and this countywide Land Use Element.

**Policy LU-G.811:** The County shall promote consultation between the cities and the County at the staff level when cities are developing proposed annexation boundaries and proposed sphere of influence expansions.

**Policy LU-G.912:** The County shall encourage the cities to generally include in their annexation proposals only those parcels that are proposed for immediate development.

**Policy LU-G.1114:** The County shall not approve any discretionary permits for new urban development within a city's sphere of influence unless that development has first been referred to the city for consideration of possible annexation pursuant to the policies of this section and provisions of any applicable City/County memorandum of understanding.

**Policy LU-G.1415:** Within that portion of a city's planned urban boundary which the County has identified on its community plan as existing urban and which is within one-half (½) mile of the city, the County shall:

- a. Maintain zoning on existing fully-developed properties consistent with the County's community plan.
- b. Maintain zoning on undeveloped or underdeveloped properties consistent with the County's community plan if such properties are small in size and there is no conflict with provision LU-G.14c below.
- c. Maintain a "holding zone" on undeveloped or underdeveloped properties to minimize further urban development on properties which the County considers appropriate for annexation by the city. Criteria used to determine which properties will be placed in a "holding zone" include, but are not limited to, any one of the following:
  1. The property is adjacent to the city.
  2. The property adjoins a series or grouping of properties which are eighty (80) percent vacant and in aggregate contain a minimum of five (5) acres.

3. The property is proposed for commercial or industrial use on the County's community plan, is at least two (2) acres in size, and abuts vacant property planned for a similar use.
- d. Refer all applicants for subdivision (except residential parcel maps), rezoning, and conditional use permits to the city for annexation.
- e. Consider additional urban development on properties previously referred to the city for annexation if such action is recommended by the city. Any such urban development must be consistent with the County's community plan.

**Policy LU-G.1516:** Within that portion of a city's planned urban boundary which the County has identified on its community plan as existing urban and which is more than one-half (½) mile from the city, the County shall:

- a. Maintain zoning on existing fully developed properties consistent with the County community plan.
- b. Maintain a "holding zone" on undeveloped or underdeveloped properties to preclude further urban development. This zoning may be changed subject to provisions LU-G.15c and d below.
- c. Consider subdivision, rezoning, or conditional use proposals on planned non-industrial properties where the proposed use is consistent with the County community plan. As conditions of approval, the County may require: (1) community sewer and water service; and (2) completion of all roadways providing access to the development as if they were part of the development to the nearest fully developed street.
- d. Consider rezoning and conditional use permit proposals in planned industrial areas consistent with the County community plan.

**Policy LU-G.1617:** ~~On land that is not within a city's planned urban boundary but is W~~within a portion of a city's sphere of influence, which the County shall has identified on its community plan as existing urban and which is within one-half (1/2) mile of the city, the County shall:

- a. ~~Maintain zoning consistent with the countywide General Plan Land Use Element~~ consistent with the community plan.
- b. ~~A holding zone may be applied to undeveloped or underdeveloped properties. Accept contracts in accordance with the California Land Conservation Program or some other similar program. It is the intent of the County to enter into California Land Conservation contracts on any existing parcel eight (8) acres in size or larger that is devoted to open space use.~~
- c. Consider subdivision, rezoning, or discretionary permit proposals on planned nonindustrial properties where the proposed use is consistent with the community plan. As conditions of approval, the County will require: (1) community sewer and water service; and (2) completion of all roadways providing access to the development, as if they were part of the development, to the nearest fully developed street; and (3) safe collection and disposition of flood and storm waters in accordance with the plans and directives of the County of Fresno, Department of Public Works and Planning.
- d. rezoning and discretionary permit proposals in planned industrial areas consistent with the community plan.

~~**Policy LU-G.17:** The County may designate Special Commercial areas within one-half (1/2) mile of a city's sphere of influence at intersections of major roads where substantial existing commercial development at the intersection has rendered continued agricultural use of the corner portion of the subject property difficult or infeasible. The following standards and criteria shall apply:~~

- ~~a. The Special Commercial designation should be allowed only where at least two (2) corners at the intersection are developed with permanent, legally established commercial uses.~~
- ~~b. The Special Commercial designation should be limited to a maximum total road frontage of one-eighth (1/8) mile and a maximum size of two (2) acres per corner.~~
- ~~c. The implementing zone for Special Commercial designations granted under this Section shall be the C-6(c) District, limited to uses which provide convenience goods or services to the surrounding area.~~
- ~~d. Neither the operation nor the physical characteristics of the commercial development or any individual uses shall have a detrimental impact on water resources or the use or management of surrounding properties within at least one-quarter (1/4) mile radius.~~

Page 4.11-16:

**Policy TR-A.15:** Bikeways and Trails. The County shall develop and maintain a program to construct bikeways and recreation trails in accordance with the adopted Regional Bicycle and Recreational Trail Master Plan. The County shall seek funding for construction and maintenance of bicycle facilities and trails.

Page 4.12-1:

### Noise Impacts Adjacent to Airports

The County shall not allow the development of new residential land uses in areas exposed to existing or projected levels of noise from aircraft operations at any airport or air base which exceed ~~60~~65 dBLdn or CNEL.

Page 4.12-10:

Fresno Yosemite International Airport is the busiest in Fresno County, serving over ~~850,000~~2,000,000 passengers per year (City of Fresno 2023).

Page 4.12-16:

**Policy HS-H.9: Noise Impacts Adjacent to Airports** The County shall not allow the development of new residential land uses in areas exposed to existing or projected levels of noise from aircraft operations at any airport or air base which exceed ~~60~~65 dBLdn or CNEL.

Page 4.12-36

### N-1 Construction Vibration Control Measures

**Policy HS-H.120:** Construction Vibration Control Measures. The following measures to minimize exposure to construction vibration shall be included as standard conditions of approval for projects involving construction vibration within 50 feet of historic buildings or nearby sensitive receivers shall:

Avoid the use of vibratory rollers within 50 feet of historic buildings or residential buildings with plastered walls that are susceptible to damage from vibration and; Schedule construction activities with the highest potential to produce vibration to hours with the least potential to affect nearby institutional, educational, and office uses that are identified as sensitive to daytime vibration by the Federal Transit Administration in Noise and Vibration Impact Assessment (FTA 2018).

Page 4.14-2:

*North Central Fire Protection District*

North Central FPD encompasses approximately 230 square miles within the northern portion of Fresno County. Its services include fire prevention and suppression, emergency medical response, search and rescue, building permits and inspections, emergency dispatch services, and hazardous material response.

The Fresno County FPD and the North Central FPD have faced substantial reductions in the size of their districts over the last several years due to the growth of the Cities of Fresno and Clovis. Such growth has resulted in the reduction of district tax bases required to fund their on-going operations. ~~North Central FPD has entered into a long-term contract with the City of Fresno whereby as of July 1, 2007, the City began providing fire protection and suppression and other services to the North Central FPD. North Central FPD employees were transferred to the City and equipment and facilities, though still owned by the FPD, are being used by the City (North Central FPD 2018)~~

Page 4.14-11 of the Draft EIR has been revised to clarify the role of California Code of Regulations, Title 5 (changes shown in ~~strikeout~~/underline):

**CALIFORNIA CODE OF REGULATIONS**

The California Code of Regulations, Title 5 ~~Education Code~~, governs all aspects of education within the state provides standards for school site selection.

Page 4.14-16:

In terms of Threshold 1(e) regarding impacts on “other public facilities,” such facilities include libraries. Impacts related to libraries are discussed in this section. Impacts related to public stormwater facilities are addressed in Section 4.10~~8~~, Hydrology and Water Quality, and Section 4.17, Utilities and Service Systems. Impacts related to public wastewater, water, and solid waste facilities are discussed in Section 4.17, Utilities and Service Systems.

Page 4-15.1 (and all headers in Section 4.15):

4.15 Transportation and Traffic ~~Quality~~

Page 4.15-7:

As a passenger terminal, the Fresno Yosemite International Airport serves over ~~680,000~~ 2,000,000 passengers per year, including visitors to the Sierra National Forest and heavily visited tourist sites in the Sierra Nevada Mountains.

Page 4.15-13:

**Policy TR-A.15: Bikeways and Trails.** The County shall develop and maintain a program to construct bikeways and recreation trails in accordance with the adopted Regional Bicycle and Recreational Trail Master Plan. The County shall seek funding for construction and maintenance of bicycle facilities and trails.

Page 4.17-4:

~~A portion~~Most of the storm drainage systems within the unincorporated areas of Fresno County are managed by the Fresno Metropolitan Flood Control District. District facilities include drainage facilities, flood control water courses, and retention basins. The Fresno Metropolitan Flood Control District services the Fresno and Clovis areas including unincorporated areas stretching east into the Foothills.

Page 4.17-11:

The regulations, also known as Phase I of the NPDES program, provide that discharges of stormwater to waters of the United States from construction projects that encompass one or more acres of soil disturbance are effectively prohibited unless the discharge complies with an NPDES permit; it also covers municipal discharges as allowed under the municipal stormwater discharge permit.

Page 4.17-12:

In California, owners of construction projects may obtain NPDES permit coverage by filing a Notice of Intent (NOI) to be covered under the SWRCB Order No. ~~99-082022-0057~~ Order No. 99-08-DWQ, NPDES General Permit No. CAS00002, WDRs for Discharges of Storm Water Runoff Associated with Construction Activity (General Permit) and subsequent adopted modification.

Page 4.17-18 of the Draft EIR has been revised with the following (changes shown in ~~strikeout~~/underline):

Stormwater drainage facilities within the unincorporated areas of ~~the Fresno County and Clovis metropolitan areas~~ are managed by the Fresno Metropolitan Flood Control District, and generally consist of channels and control features to guide the flow of stormwater runoff, stormwater detention basins to slow flow velocity and control discharge, and related facilities to guide surface flows through and around development areas, to avoid or minimize potentially adverse impacts.

Page 4.17-27:

Policy PF-F.3: Solid Waste Facility Siting. The County shall locate all new solid waste facilities including disposal sites, resource recovery facilities, transfer facilities, processing facilities, composting facilities, and other similar facilities in areas where potential environmental impacts can be mitigated and the facilities are compatible with surrounding land uses. Site selection for solid waste facilities shall be guided by the following criteria:

- a. Solid waste facility sites shall not be located within the conical surface, as defined by Federal Aviation Regulations, Part 77, of a public use airport, except for enclosed facilities;
- b. Solid waste facilities shall not be sited on productive agricultural land if less productive lands are available ~~in general proximity based on service needs and operations;~~

- c. Solid waste facilities shall be located in areas of low concentrations of people and dwelling ~~should not be located in high residential density areas. It is preferred that solid waste facilities be located in commercial/industrial areas. ;~~
- d. Solid waste facilities ~~should~~ shall be located along or close to major road systems. Facility traffic through residential neighborhoods should not be permitted. It is preferable that the roadways used for solid waste transfer conform to approved truck routes.
- e. Solid waste facilities shall not be located adjacent to rivers, reservoirs, canals, lakes, or other waterways.

Page 4.17-28:

Policy PF-F.11: Resource Recovery Facilities Requirements. The County shall require the following siting criteria for resource recovery facilities:

- a. Sites shall be of adequate size to accommodate the proposed plant and facilities anticipated for future shifts in resource recovery and pollution control technology;
- b. Sites should provide opportunities for steam use or development of steam users or otherwise maximize energy use;
- c. Sites with existing or planned urban residential land uses downwind should be avoided; and
- d. Resource recovery sites with direct access to or in transportation corridors are preferable.

Page 15-3:

As a passenger terminal, the Fresno Yosemite International Airport serves over ~~680,000~~ 2,000,000 passengers per year, including visitors to the Sierra National Forest and heavily visited tourist sites in the Sierra Nevada Mountains.

Page 6-4

Alternative 2, the Increased ~~Density~~ Density Development near City of Fresno Alternative, would consist of the same policies and land use designations as the proposed GPR/ZOU; however, in unincorporated areas within the sphere of influence (SOI) of the City of Fresno, it would align the proposed County land Alternatives Environmental Impact Report 6-5 use designations and zoning with the City of Fresno's land use designations and zoning, where current City of Fresno land use designation and zoning allow for more development than the County's current designations and zoning.

Page 6-13:

Alternative 3, the Increased ~~Density~~ Density Development near the Cities of Fresno and Clovis and in Community Plan Areas Alternative, would consist of the same policies and land use designations as the proposed GPR/ZOU; however, in unincorporated areas within the SOIs of the Cities of Fresno and Clovis, it would align the County's land use designations and zoning with the respective city's designations and zoning, where the city's designations and zoning currently allow for more development than the County's current designations and zoning.

Page 6-21:

Based on the alternatives analysis provided above, Alternative 2 would be the environmentally superior alternative as it would result in reduced impacts compared to the proposed GPR/ZOU.

While Alternative 3 would also reduce impacts, Alternative 2 would further reduce these impacts with a more compact residential growth pattern. Alternative 2 would meet project objectives and would accomplish the same goals as the proposed GPR/ZOU. However, the County doesn't control the annexation process, and projects within these areas would require extensive governmental coordination~~likely be dependent on urban services from the cities of Fresno and Clovis~~; therefore, Alternative 2 cannot be guaranteed to occur~~may be infeasible~~.