

**A List of Issues and Concerns Prepared by the League of Women Voters of Fresno
For the Draft 2014 Revision of the Fresno County General Plan**

September 27, 2014

Dear Residents of Fresno County:

The League of Women Voters of Fresno (League) has compiled a list of issues and concerns regarding the pending 2014 revision of the Fresno County General Plan.

- 1 After hundreds of hours of review and study, the League has come to the conclusion that the draft 2014 revision of the General Plan is unacceptable in its present form and that the proposed changes to the General Plan are significant enough to warrant full environmental review.
- 2 The League also finds (1) that substantial changes have occurred with respect to the circumstances under which the General Plan has been undertaken and (2) that new information that was not known and could not have been known at the time the General Plan was environmentally assessed in 2000 has become available. For these reasons, the League is asking the County to prepare a new or subsequent EIR for the draft revision.
- 3 The County is proposing to delete, add or significantly modify 149 policies and 38 implementation programs. In addition, the County is proposing to make significant changes to the narrative of the General Plan as well as to General Plan tables and maps.
- 4 Despite the entreaty of the public, County staff has not provided a comprehensive explanation of the proposed revisions, which has left the public and decision makers in the dark with respect to the social, economic and environmental conditions that necessitate the revision of the General Plan.
- 5 The public has found it difficult to assimilate the information in the various versions of the draft revision, including those dated August 2010, July 2012, January 2013, March 2014 and September 2014. The problem stems from the fact that the County did not identify for the public changes made to the revision from one version to the other, which required the public to conduct line-by-line comparisons of General Plan documents over many months.
- 6 For policies and programs that the County claims are no longer needed or claims have been completed, the County must provide the public with full explanation for their deletion, especially in light of the fact that many, if not all, of the new policies are adopted mitigation measures designed to lessen the adverse impacts of General Plan adoption in 2000.
- 7 For policies and programs that the County claims must be amended, the County must provide the public with full justification for the revisions, explaining how the revisions affect the social and physical well-being of the county and its residents.
- 8 For the new policies and programs that the County proposes to add to the General Plan, the County must, again, provide the public with full explanation, especially since the implementation of those new policies and programs may require funding that the County may not have.

- 9 The County has been unable to timely implement existing General Plan programs, ostensibly due to a lack of funding. The average time extension for the 30 programs proposed for new completion target dates in the 2014 revision is 14 years beyond the dates originally set in the 2000 General Plan, which is nearly the full length of the life of the General Plan itself, which is 20 years. This considerable delay demonstrates the County's inability to implement the General Plan in a timely manner, and it raises grave concerns regarding the proposal to add 11 new programs. Policies and programs that cannot be implemented due to lack of funding serve no useful purpose.
- 10 According to the new timetable for the completion of Implementation Programs, the County has assigned itself the impossible task of completing 19 programs by June 2015. These programs include the preparation of land-use standards, the creation of collaboratives, the amendment and/or development of various ordinances, the development and/or completion of inventories and the monitoring of programs, the completion of mapping projects and the further evaluation and update of components of the General Plan. It is fundamentally wrong for the County to present to the public a General Plan work plan that the County knows it cannot accomplish.
- 11 The League finds that the failure to properly implement policies and programs has the potential to put the county and its residents at risk. At the time the 2000 General Plan was adopted, the County concluded that the General Plan would adversely impact agriculture, public services, water resources, biological resources and air quality. To mitigate these impacts, the County adopted several hundred policies. Half of the policies in the 2000 General Plan (293 of 604 policies) were specifically labeled mitigation measures, and the text of the 2000 EIR identified an additional 110 policies as "addressing" or "reducing" impacts one way or another. If General Plan programs are not timely implemented, the policies they implement have little force and effect, which means that the environmental mitigation built into the 2000 General Plan is likely to fail. Prior to the adoption of the 2014 revision of the General Plan, the County must environmentally evaluate the revision or deletion of policies that serve to mitigate of the adverse impacts of General Plan adoption in 2000.
- 12 In June 2013, the Office of Planning and Research informed the County that it was time to consider a comprehensive update of the General Plan. Seeing as how it took the County 8 years to conduct the first 5-year review, which should have been completed within 1 year, it is reasonable to infer that it may take the County several years to complete the update recommended by the Office of Planning and Research.
- 13 Because the horizon (sunset date) for the General Plan is the year 2020, and because only 5 years remain to complete a comprehensive update of the General Plan, the League asks the County to consider setting aside its plan to adopt the 2014 revision of the General Plan in favor of using the information gathered over the past 8 years to begin a comprehensive update of the General Plan.
- 14 In violation of Government Code 65400, the County has failed to submit to the state for the past 11 years an annual report on progress made toward implementing the General Plan and meeting the county's housing needs. As a result, there is no information by which the public can determine whether the proposed revisions are reasonable or necessary.
- 15 In April 2013, the League wrote a letter to the County drawing attention to the need to comply with Government Code 65400. In 2013, the League continued to press the County to comply with this state

mandate, sending letters to the County dated May 27, September 11, September 18, December 12 and December 23. The final League letter to the County on this subject was dated January 24, 2014. Regrettably, the 2014 deadline to submit an annual report to the state came and went, and once again the County failed to comply with Government Code 65400. Nonetheless, the County proposes to revise the General Plan by adding the following statement (page 3-1): "The County is committed to annually reviewing its progress in implementing the goals and policies of the General Plan."

- 16 The League maintains that in the process of conducting the people's business, the County has a moral and legal obligation to be forthright with the public and to comply with all state and local laws.
- 17 In violation of General Plan Program LU-H.B and General Plan Policy LU-H.14, the County has failed to review and revise the General Plan Background Report as part of the 5-year review and revision of the General Plan. In 2006, the County did begin the process of updating the General Plan Background Report – which serves as the baseline information and "Setting" section for the 2000 EIR – but the County later abandoned that process. Because this 5-year review and revision does not include the required review and revision of the Background Report, it cannot respond adequately to the changes in the environment that have occurred since the General Plan was adopted in 2000.
- 18 On February 11, 2011, the County filed a "Notice of Intent to Adopt a Negative Declaration" for the draft revision. The notice contained factual errors. The Negative Declaration (and accompanying Initial Study) incorrectly stated that the Housing Element was being processed separately. Although that may have been true at the time the 5-year review was initiated in 2006, by 2011 it was not. In 2009, the Board of Supervisors abandoned the update of the Housing Element. That being the case, the 5-year revision should have taken up the review of the Housing Element – but it did not.
- 19 The Negative Declaration incorrectly asserted that the 5-year review (1) evaluated goals, policies and implementation programs, (2) responded to changes in circumstances that had occurred since General Plan adoption in 2000, (3) did not change the guiding principles of the General Plan (4) did not change land use and (5) was consistent with Guidelines prepared by the California State Office of Planning and Research recommending that every 5 years the County thoroughly review its entire general plan.
- 20 Neither the Negative Declaration (February 11, 2011) nor the accompanying Initial Study identified by date which version of the revision of the Policy Document the County environmentally evaluated. After February 2011, the County modified the revision numerous times. For these reasons, the County must now assess environmentally the final 2014 revision and reformulate its environmental findings.

Below is a list of additional issues and concerns regarding the draft 2014 revision of the General Plan. They highlight significant changes to goals, policies and programs, as well as a number of procedural errors.

Sincerely,

Nyla Zender, President
League of Women Voters of Fresno



- 21 The draft resolution prepared for the Board of Supervisors for the 2014 revision of the General Plan (G:\4360Devs&Pin\ADMIN\BOARD\Board Items\2014\9-30-14\GPA 529\GPA 529 Resolution.docx) is incorrect. It incorrectly asserts that the review of the General Plan is consistent with General Plan Policy LU-H.14. The review and revision is not consistent with this policy because it fails to include the required update of the General Plan Background Report. The draft resolution is also incorrect in asserting that the County reviewed the entire General Plan.
- 22 The new preface to the 2014 revision of the General Plan states that Policy LU-H.16 (actually LU-H.14) calls for the review of the 2000 General Plan goals, policies and implementation programs every five years. This is a misstatement by omission. The preface fails to disclose that the policy also states that "*The County shall conduct a major review of the General Plan...Background Report every five years and revise it as deemed necessary.*" That Background Report is the baseline information for both the 2000 General Plan and the setting section of the EIR that was prepared for the adoption of the General Plan in 2000. In other words, Policy LU-H.14 requires a major review of the Background Report at the time the County conducts a 5-year review and revision of the General Plan. In 2006, as part of the 5-year review of the General Plan, the County hired a consultant to review the Background Report, but that effort was abandoned.
- 23 Although the draft 2014 revision states on pages 1-12 and 3-1 that the County will thoroughly review the General Plan every five years, the County is also proposing to change this requirement by revising Policy LU-H.14. The 2014 revision will change the word "*shall*" to the word "*should*," thereby transforming an unequivocal directive to a less rigid directive. In other words, if the County adopts the proposed revision of Policy LU-H.14, the General Plan will express different points of view with respect to the preparation of future 5-year revisions of the General Plan. The same holds true for the revision of Program LU-H.B.
- 24 The new preface to the 2014 revision of the General Plan contains this erroneous statement: "*The proposed revisions included in this draft...do not include any major changes to policy or to the Land-Use Diagram.*" The revision of the General Plan theme supporting urban-centered growth (and the corresponding revision of Policy LU-A.1) is a major change in General Plan policy. The revision would allow urban development in areas of the county where infrastructure does not already exist. The draft 2014 revision of the General Plan proposes to revise the theme for URBAN-CENTERED GROWTH as follows:
- The plan promotes compact growth by directing most new urban development to incorporated cities and existing unincorporated urban communities ~~that already have the~~ 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 over 93 percent of new population growth and new job growth will occur within incorporated city spheres of influence and ~~seven~~ 7 percent would occur in unincorporated areas ~~while allowing for the orderly development of existing rural residential areas~~ (see Appendix A).
- 25 With respect to changes in land-use designation, the draft 2014 revision of the General Plan proposes to increase the number of commercial freeway interchanges along the I-5 corridor from 5 to 7 and to increase the commercial area from 5 to 20 square miles. This is a major change in land-use designation needing environmental review.

- 26 Appendix A (General Plan Growth Assumptions) needs to be updated as part of the 2014 revision of the General Plan. The General Plan is based on growth projections from the 1990s that have not proven true. For example, the narrative in Section I of the Public Facilities and Services Element states that new residential development throughout the county from 2000 to 2020 was projected to add 77,800 students to the county and create the need for 101 new schools. But according to the State Department of Education, student body enrollment across the county from 2000 to 2013 rose by only 17,350 students – or 22% of the projected increase from 2000 to 2020. This means that the overall population projections for the county are off by at least a factor of 2. The actual increase in student population is half of what was to occur.
- 27 Policy PF-I.4 requires the County to monitor housing and population in order to help school districts locate sites for new schools. The County cannot provide that service well if it does not update the demographic information in the General Plan Background Report and the population projections in Appendix A. In addition, the County cannot serve school districts well if it does not timely update its Housing Element, which has been out of date since 2008.
- 28 The County needs to clarify its position with regard to the expansion of housing in rural areas of the county. For example, on page 2-27 of the draft 2014 revision of the General Plan, there is a statement that the County "prohibits" the expansion of the Planned Rural Community land-use designation while on page 2-33 of the same document, the County states that it does not prohibit, but rather "limits" the expansion of that same land-use designation.
- 29 The County needs to systematically go through the General Plan and make corrections with respect to the phrases "Rural Residential" and "rural residential." When capitalized, the phrase refers to a particular land-use designation; but when in lower case, it refers to residential development anywhere in rural Fresno County. For example, on page 9 of the 2000 General Plan there is a statement that the General Plan "*restricts the designation of new areas for rural residential development*" anywhere in the county. In the draft 2014 revision of the General Plan, this concept is placed with a restriction to expand the Rural Residential land-use designation. The change from lower case to upper case completely changes the intent of the General Plan – from restricting the expansion of rural residential development generally to restricting the expansion of only one land-use designation.
- 30 New language on page 2-33 of the draft 2014 revision states that for the purpose of minimizing environmental impacts and public infrastructure investments, the County proposes to prohibit the expansion of the Rural Residential and Foothill Residential land-use designations, both of which provide for single-family dwellings. However, the draft 2014 revision retains the County's ability to expand other land-use designations that will increase the number of single-family dwellings across the county, such as Mountain Residential, Low-Density Residential, Medium-Density Residential, Medium-High Density Residential and Mountain Urban. Expanding these land-use designations will increase environmental impacts and public infrastructure investments. The County needs to environmentally assess the potential impact of further development in rural areas of the county no matter the land-use designation.
- 31 The County proposes to add two new themes to the General Plan – one entitled "Health and Well-being" and another entitled "Affordable Housing." If the 2000 General Plan was designed around the ideas embodied in the new themes, then the County must explain which policies and programs support them. If the 2000 General Plan was not designed around these two new themes, then the

County needs to develop new policies and programs to fulfill the goals that the themes seek to accomplish. Otherwise, the addition of the new themes is simply a matter of show, giving the illusion that the revised General Plan embraces health and well-being and affordable housing. The new themes are printed below:

HEALTH AND WELL-BEING

The plan seeks to promote the health and well-being of its residents, recognizing that the built environment affects patterns of living that influence health. The plan seeks to ensure long-term conservation of agricultural lands and environmentally sensitive landscapes; encourage walking and biking and provide linked transit systems; promote greater access to healthy foods and produce, particularly fresh locally-grown produce; and create community centers that provide access to employment, education, business, and recreation.

AFFORDABLE HOUSING

The plan seeks to assure the opportunity for adequate and affordable housing for all residents in Fresno County. While directing most new growth to cities, the plan also seeks to provide for the maintenance of existing housing and for new construction in designated areas within the unincorporated area of the county.

The new Affordable Housing theme is not redlined in the draft 2014 revision of the General Plan. A member of the public reviewing only the redlined portions of the General Plan would overlook this addition to the General Plan.

- 32 Although the County has not timely updated its Housing Element and although the County proposes to add an Affordable Housing theme to the General Plan, the County proposes to amend Policy ED-B.1314 by eliminating the inclusion of moderately priced multifamily employee housing from the area within the proposed Friant-Millerton Regional Plan. Below is a copy of the proposed change.

The County shall promote the development of the Friant-Millerton area as a major recreational corridor area. that includes Development should include camping, water sports, hiking, golf, conference/hotel facilities,, and historic attractions. ~~Facilities should include moderately priced multifamily employee housing.~~ (See Policy LU-H.8, Friant-Millerton Regional Plan)

- 33 Program LU-H.A requires that the County prepare and adopt a regional plan for the Friant-Millerton area consistent with the directives in Policy LU-H.8. In as much as these directives require the County to address key issues – among them these: implementation of the San Joaquin River Parkway Master Plan, groundwater and surface availability and development of affordable housing – there is great concern that without the directives in place, the Friant-Millerton Regional Plan will lack purpose and direction. The County proposes to delete the consistency requirement from the General Plan.
- 34 The County proposes to delete Table LU-2 from the General Plan. Table LU-2 must be retained, as it is a critical component of the implementation of the General Plan showing which zoning districts are deemed compatible, conditionally compatible, or incompatible with various land-use designations. According to the 2000 EIR for the adoption of the General Plan (page 4.2-2), the County’s primary regulatory tool for implementing the General Plan is its Zoning Ordinance. Both the land-use designations of the General Plan and the zoning classifications of the Zoning Ordinance have the effect of determining the holding capacity and buildout potential of the county.

35 The 2000 General Plan contains Program LU-A.A, the purpose of which was to ensure that the Zoning Ordinance was updated by 2002. But that update did not occur. The draft 2014 revision of the General Plan resets the target date for the completion of the update of the Zoning Ordinance to June 2015. Because of the close relationship between the General Plan Policy Document and the Zoning Ordinance, the County should review and revise both documents in conjunction with one another. Initially, in 2006, when the County first undertook the 5-year review of the General Plan, the intention was to do just that. Needless to say, that plan changed. The County now plans to update the Zoning Ordinance at a later date.

Fresno County's first zoning ordinance was adopted in 1938. The current Zoning Ordinance (Division VI of Part VII of the Ordinance Code of the County of Fresno) was adopted in 1960. The Zoning Code has been amended many times since then but has not undergone a comprehensive update since 1960. The County proposes to delete Program LU-H.F, which requires the County to bring the Zoning Ordinance into compliance with the 2000 General Plan.

~~LU-H.F~~

~~The County shall comprehensively review and amend as necessary the Zoning Ordinance text and Zoning Map to reflect new policies and standards included in the General Plan during the 2000 update.~~

36 As explained above, the 2014 revision of the General Plan proposes to delete Table LU-2. However, the version of Table LU-2 shown in the 2014 revision is not original to the 2000 General Plan. What is proposed for deletion is actually a revised version of Table LU-2. Arguably, the inclusion of proposed changes to Table LU-2 in the 2014 revision suggests that at some point the County plans to revise Table LU-2. Therefore, it was fitting here to include an assessment of the changes that are likely to be proposed by the County sometime in the future.

In the 2014 revision, the number of land-use designations remains unchanged from 2000. There are 31. However, there are still two changes: the *Planned Urban Village* designation is proposed for deletion from the General Plan, and the *Golden State Industrial Corridor* designation is proposed for addition to the General Plan.

In the 2014 revision, Table LU-2 shows 40 zone districts instead of the 35 in the 2000 General Plan. The 6 districts added to the table are A-1, A-2, R-4, RRE, M and nb. The one deleted district is P-V.

The revision of Table LU-2 shows substantial changes in the associations between land-use designations and zone districts.

- R-C Changes in 3 of 5 associations between land-use designation and zone districts
- TPZ Changes in 22 of 28 associations between land-use designation and zone district
- O Changes in 20 of 27 associations between land-use designation and zone district
- R-E Changes in 3 of 8 associations between land-use designation and zone district
- A-E Changes in 3 of 11 associations between land-use designation and zone district

These potential revisions suggest that in the near future the County may want to make substantial changes in the holding capacity of current land-use designations. Therefore, it is proper at this time to environmentally assess those changes – while there is still flexibility to make revisions to policies and programs.

37 The 2000 General Plan is known for its candor, but unlike the 2000 General Plan, the proposed revision attempts to gloss over problems within the County. Below is an example of wordsmithing that helps to create a feel-good document. While the situation in Fresno County is the same regardless of the wording in the General Plan, there are advantages to using wording that does not mask poor conditions across the county.

Existing Wording in 2000 (Page 1-1)

Fresno County's unemployment rate has remained among the highest in California and the county's average wage levels have been low.

To address these chronic problems, Fresno County is taking a leadership role ...to create good jobs at a faster rate than population growth to bring Fresno County in line with the rest of California in terms of employment rates and wage levels.

Revised Wording in 2014 (page 2-3)

Fresno County's unemployment rate has remained high and the county's average wage levels, while above the state minimum wage, still remains low.

To address these issues, Fresno County is taking a leadership role...to create good jobs at a faster rate than population growth to elevate Fresno County's employment rates and wage levels.

38 Tables LU-3 and LU-4 are proposed for deletion from the General Plan. Table LU-3 lists typical uses by right and by special permit in areas designated Agriculture, and Table LU-4 lists typical uses by right and by special permit in areas designated Westside Rangeland. As these tables are guides to land uses in those areas, they should be retained in the General Plan.

39 The County also proposes to delete Tables B through L from the 2000 General Plan. The County must provide reasons for the deletions. These appendices may still be of value to the General Plan. For example, Appendix L is an 8-page examination of farmworker housing needs in the county.

40 Appendix C (General Plan Amendments), which is proposed for addition to the draft 2014 revision, is said to list amendments to the General Plan Land-Use Diagram after 2000. The list is incomplete. Appendix C should list and explain all General Plan Amendments since adoption of the General Plan in 2000 – whether the changes are to the Land-Use Diagram or not. Without a complete list, the public cannot judge the type and extent of the changes that have occurred since the General Plan was adopted in 2000. The County also needs to redline the changes in the descriptions of the amendments and add to the list General Plan Amendment #511 (February 1, 2011), which changed the land-use designation for the Friant Ranch project near Friant.

41 At the time the General Plan was adopted in 2000, the County adopted a new Economic Development Element and a new Economic Development Strategy. The Economic Development strategy envisioned that with the completion of 18 new Economic Development programs, the county's economy and job market would lead to a higher rate of employment in better paying jobs, an increase in consumer spending, a decrease in the cost of services for the unemployed, an increase in revenues for the public sector and an impressive quality of life for all county residents. That did not happen, arguably because the County failed to fully implement the new programs.

42 Economic Programs ED-A.A and ED-A.B required the County to fund a staff position in the County Administration Office to serve as the facilitator and support for the County's new Economic Development programs and for teams of individuals who would coordinate countywide economic development. Although the County created the staff position as required by the General Plan, later, in

violation of the General Plan, the County defunded the position and eventually handed the responsibility for implementing the County's Economic Development Strategy to the Economic Development Corporation serving Fresno County, which is not a public entity and which is not responsible to the electorate. In effect, the County abandoned its responsibility to oversee the County's Economic Development Strategy, which may help explain why the county remains one of the poorest places in the nation. The County's Economic Development Strategy is not a success.

- 43 Although the Economic Development Corporation now oversees the County's Economic Development Strategy and helps the County implement its economic policies, the draft 2014 revision deletes from the General Plan every reference to the Economic Development Corporation. At this point, the County must fully examine and make public the decade-long mishandling of the County's Economic Development Strategy.
- 44 At present, Policy ED-A.~~11~~10, requires the County to review the economic impact of all policy, budgetary and discretionary project decisions. The County proposes to revise this policy to limit economic review to only those decisions "*that are deemed to have a significant impact on the local economy.*" The proposed revision is worrisome because it replaces global review with limited review. Considering the poor state of the county's economy, this revision is unwelcome.

With regard to the 2014 revision of the General Plan and in compliance with Policy ED-A.~~11~~10, the County should have provided an analysis of the cost to the County to implement all the proposed revisions of the General Plan, including the cost of adding 11 new programs. Instead, the County only reported that the distribution of the draft 2014 revision cost the County \$7,500. There was no attempt to analyze how the proposed revisions would affect the local economy.

- 45 The County proposes to add a policy to the General Plan requiring a particular economic impact assessment. New Policy PF-A.1 will require that infrastructure plans for proposed or potential developments include an analysis of the financial capability of special districts to serve those developments. The County should have required the same economic oversight for the revision of the General Plan. Does the County have the financial capacity to implement the General Plan? Based on events over the past 15 years, the answer is certainly no. And what is the value of a General Plan that cannot be implemented? And what are the social and environmental costs associated with plan failure?
- 46 The County proposes to add a new Climate Action Plan to the General Plan. The consultant preparing the revision reported to the Board of Supervisors that in order to prepare for the preparation of a Climate Action Plan, the County should update the General Plan Background Report. Citing lack of funds, the County decided not to do so. Given the lack of County funds and the lack of a cost estimate for the preparation of a Climate Action Plan, and in consideration of a recent change in the wording of Climate Action Plan Program OS-G-B and Policy OS-G.6 (from "*shall*" to "*should*"), there is every reason to conclude that the County does not have the capacity to prepare a Climate Action Plan during the life of the current General Plan – just as the County has never been able to prepare the Friant-Millerton Regional Plan or to update the county's regional and community plans. What is the advantage of having a Climate Action Plan that the County is unable to either prepare or to implement?
- 47 The County proposes to amend Program ED-A.C to eliminate an "*independent and qualified institution*" to conduct an evaluation at least every (5) years of the success in achieving the goals and targets of the Economic Development Strategy. The County would rather evaluate its own progress. Considering

the failure of the County to successfully implement its Economic Development Strategy, the elimination of an independent audit may not be in the best interest of the public.

48 In some respects, the 2014 revision of the General Plan weakens the Economic Development Element. This is because the revision adds phrases such as "upon request," "as needed" and "as appropriate." For example, Program ED-B.E currently reads, "*The County shall regularly evaluate the marketing programs of the Visitor and Convention Bureau.*" The revision reads, "*The County shall regularly evaluate..., as appropriate, the marketing programs of all destination marketing organization programs...*"

49 The draft 2014 revision also weakens the Economic Development Element by replacing dynamic verbs with the words such as "promote" and "support," which mean very little. Below are 3 examples:

For Policy ED-A. ~~2523~~, "*work to improve... transportation systems*" becomes "*support efforts to create and expand... transportation systems.*"

For Policy ED.B ~~1819~~, "*initiate a planning process to identify...recreational opportunities*" becomes "*promote...recreational opportunities.*"

For Policy ED-B.~~2021~~, "*regularly evaluate the marketing programs of the Visitor and Convention Bureau*" becomes "*promote Fresno County's attractions.*"

Changes such as these weaken an already frail Economic Development program. The County should instead bolster its resolve to accomplish the goals of the Economic Development Element.

50 The addition of the feel-good policy shown below may seem to bolster the County's Economic Development Program, but in reality, it will have little effect. This is because the policy does not describe any mechanism for taking action.

ED-A.15

The County shall promote Fresno County agriculture as a source of healthy, local produce by supporting the sale of local agricultural products in local stores and supporting the establishment of farmers markets, especially those that accept food stamps and other forms of financial aid.

In like manner, the revision shown below sounds good but accomplishes little because the County cannot compel officials from county cities and rural communities to meet biannually with County staff. Besides, the revision contains the phrase "as determined necessary," which arguably makes the revision weaker than the original policy.

LU-H.9

To promote regional planning coordination, the County shall biannually, or as determined necessary, meet with metropolitan and rural cities in Fresno County, and adjacent counties, to discuss land use and transportation matters of mutual interest, regional development and planning projects and approaches to enhance planning coordination among agencies.~~The County shall coordinate with cities and adjacent counties to address regional planning and growth issues.~~

51 The County proposes to revise Policy LU-A.1 (shown below) to enable the County to direct urban development to areas of the county where infrastructure is not currently available. This change has the potential to allow urban development most anywhere in the county provided that the Board of Supervisors feels that plans for development provide the necessary public facilities and infrastructure. This revision stands the General Plan on its head. It encourages a return to urban sprawl, which is exactly what the 2000 General Plan was designed to prevent. The environmental implications are

enormous. Air quality in the Valley could worsen as a result.

LU-A.1 urban sprawl

The County shall maintain agriculturally designated areas for agriculture use and shall direct urban growth away from valuable agricultural lands to cities, unincorporated communities, and 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.

- 52 The draft 2014 revision of the General Plan also includes policy changes that encourage an increased range of business activity in unincorporated areas of the county. Currently, the County encourages the development of recreational attractions and accommodations. The proposed revision, however, paves the way for the expansion of businesses serving Fresno County visitors. These businesses could include everything from convenience markets to hair salons to real estate offices.

ED-B.1112

The County shall encourage the development of visitor and expansion of businesses serving ~~attractions and accommodations~~ visitors in unincorporated areas where natural amenities and resources are attractive and would not be diminished by tourist activities.

ED-B.14.15

The County shall encourage ~~additional recreational and visitor-serving~~ development of businesses serving visitors in the High Sierra and ~~foothills~~ foothill areas such as Shaver Lake, ~~and~~ Pine Flat, and Squaw Valley.

- 53 The County proposes to revise the General Plan so that even if the state provides subvention funding for Williamson Act Contracts, the County need not accept those contracts. This is accomplished with the substitution of the words "should" or "may" for the word "shall" in Policies LU-A.17, LU-B.~~1413~~ and OS-C.6. Because Williamson Act contracts were designed to help conserve agricultural lands, the County needs to assess the fiscal and environmental effects of opting not to accept such contracts.
- 54 In 2008, the County completed Program PF-B.B by adopting an ordinance specifying acceptable methods for new development to pay for new capital facilities and expanded social services. The mechanism included the collection of development fees. However, beginning in 2009, the County chose either to defer or to suspend the enactment of that ordinance. As a result, the County sacrificed collecting several million dollars. If some of those funds could have been used to implement General Plan policies and programs, a reasonable conclusion would be that by taking a position counter to the intent of Program PF-B.B (i.e., not collecting development fees), the County has done itself some harm.
- 55 Since the adoption of the General Plan in 2000, the county's water supply and water quality problems have worsened. These problems may have been abated somewhat or eliminated entirely had the County in 2002 implemented Program PF-C.A, which required the County to "*develop a process for resolution of water supply problems and apply the process when areas of need were identified.*" With the draft 2014 revision, the County proposes to amend Program PF-C.A to allow the County instead to participate in an Inter-Regional Water Management Plan to improve water supply reliability and quality. In other words, with the 2014 revision of the General Plan, the County proposes to release itself from the obligation to develop a process for resolving water supply problems. The 2014 revision of the General Plan also includes the deletion of Policy ED-A.19, which is printed below.

~~ED-A.19~~

~~The County shall actively develop, adopt, and implement measures to ensure an adequate water~~

~~supply for municipal and industrial use and agricultural production. The County shall explore and implement where feasible innovative new arrangements for providing additional water.~~

- 56 With the proposal to delete Program PF-C.F, which requires the County to establish a review and/or regulatory process for the transfer of surface water to areas outside of the county and for the substitution of groundwater for transferred surface water, the County may be creating a problem for itself in that Policy PF-C.~~2324~~ requires the County to regulate the transfer of groundwater for use outside of Fresno County. Program DF-C.F and Policy PF-C.~~2324~~ were designed to work hand in hand. Besides, the substitution of groundwater for surface water transferred out of the county does, in effect, transfers groundwater out of the County. To delete the Program establishing a review or regulatory process for that transfer is a mistake.
- 57 As currently written, Policy PF-C.1 requires the County to engage in efforts to retain existing water supplies. While that requirement may be difficult to fully understand, the policy is made more incomprehensible with the proposal to add language requiring the County to engage in efforts to "restore the water supplies that have been diminished." Prior to adopting the 2014 revision of the General Plan, the County needs to explain (1) what the word "restoration" means in this instance, (2) which water supplies are to be restored and (3) how this new goal might be accomplished. Otherwise, there's a good chance the policy change will be misunderstood. The restoration of water supplies raises environmental questions. Does restoration involve the construction of new dams in Fresno County? Does restoration include finding ways to raise the groundwater table?
- 58 The County proposes to make substantial changes with respect to water wells. Program PF-C.B currently requires the County to adopt a well construction / deconstruction ordinance that will ensure that abandoned wells are properly destroyed. The draft 2014 revision replaces that requirement with the need to maintain an inventory of all water wells in the county. Perhaps there is no longer a need to destroy abandoned water wells, but if so, the County needs to explain to the public why this is so.
- 59 The County proposes to add a new Policy regarding the drilling of water wells near water courses. The new policy may require a hydrologist to evaluate the potential effect on a water course. The new policy is shown below:

PF-C.21

For development projects that are subject to discretionary permit and include new wells in close proximity to live streams or water courses, the County may require a hydrological study to evaluate potential effects on live streams or water courses.

Earlier in the process of developing the 2014 revision of the General Plan, the County proposed different wording for this same new policy. The earlier version, reprinted below, disallowed the drilling of water wells near water courses if the use of those wells affected existing water rights – a very different and perhaps better policy.

PF-C.21 (earlier version)

The County shall not permit development of new wells near live streams or water courses where the well will draw from the underground portion of the stream and affect existing water rights.

- 60 As currently written, the General Plan requires that community water supply systems in new residential subdivisions, as well as new wastewater treatment facilities, all be owned and operated by the County. With the proposed revision of Policies PF-C.10 and PF-D.2, these water systems may be owned and operated by any entity governed by the California Public Utilities Commission. Prior to

adopting the revision, the County needs to explain to the public whether the revision could lead to private ownership of such facilities and, if so, what recourses County residents would have if served by private companies that provided poor service or imposed high fees.

- 61 With regard to the mining of aggregate resources (sand and gravel), the 2000 General Plan fully protects minable lands from uses that are incompatible with the future recovery of such resources. Policies OS-C.1 and OS-C.2 prevent the County from permitting incompatible land uses within the impact area of existing or potential surface mining areas. In addition, Policy OS-C.10 prevents the County from permitting land uses that threaten the future availability of mineral resources or preclude future extraction of those resources. With the draft 2014 revision, the County plans to add new Policy OS-C.12 to ensure that "*new discretionary developments are compatible with existing and potential surface mining areas and operations.*" The addition of this policy complicates matters because it suggests that the County is willing to place development projects in areas that are currently fully protected from incompatible uses.
- 62 According to the 2000 General Plan, the Fresno Metropolitan Flood Control District (FMFCD) is charged with controlling stormwater originating in streams in the Sierra Nevada foothills and mountains. With the revision of Policy LS-C.19, the County proposes to support the enlargement of the scope of that agency's work to include controlling stormwater resulting from urban development. While this revision may reflect the current practice of the FMFCD within the cities of Fresno and Clovis, the County needs to identify the urban or urbanizing areas of the county to which this policy revision might apply.
- 63 The County proposes to revise nearly all of the policies in Section D of the Agriculture and Land Use Element. Section D governs land use within the Westside Freeway Corridor. The County plans to (1) designate the lands bordering Interstate 5 (I-5) as lying within the Westside Freeway Corridor Overlay, (2) increase the number of interchange commercial centers from 5 to 7, (3) increase the total commercial area from 5 to 20 square miles and (4) require the development of master plans prior to development within those areas. The proposed revisions may lead to substantial increases in construction and commercial activity along the I-5 corridor. Prior to the adoption of the 2014 revision of the General Plan, the County must environmentally review this change in land use.