



February 16, 2024

Fresno County Board of Supervisors  
2281 Tulare St # 301  
Fresno, CA 93721

*Sent via email*

**RE: Fresno County General Plan Policy Document and Background Report**

Dear Board of Supervisors,

Leadership Counsel for Justice and Accountability works alongside the most impacted communities to advocate for sound policy and eradicate injustice to secure equal access to opportunity regardless of wealth, race, income, and place. We submitted a letter last June 2023 to comment on the draft General Plan Background Report, Policy Document, Zoning Ordinance, and Environmental Impact Report. We appreciate Fresno County taking the time to read and respond to our comments. However, there are substantial revisions that need to be made to the final General Plan documents to address community concerns and priorities. For this reason, we submit this letter to respond to the County's comments to continue to address community concerns for residents in Cantua Creek, Three Rocks<sup>1</sup>, Lanare, Tombstone Territory, and South Central Fresno.

**I. Deficiencies in SB 244 Analysis**

In our June 2023 letter, we notified the County that Lanare is currently only relying on one community well that provides drinking water to all 142 households when in the past there have been two wells. One of the wells had to be shut off due to benzene maximum contaminant level exceedance. According to the 2023 Drinking Water Quality Needs Assessment, the State Water Resources Control Board declared the Lanare Community Services District as an at risk water system. This is a concern because the ongoing drought has already left many homes in the County without access to drinking water. We also noted that the Britten community has higher levels of nitrates and uranium as the current analysis does not specify which contaminants are present. This information is vital and should be included in the final SB 244 analysis to assist the

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<sup>1</sup> Also known as El Porvenir

County in identifying funding opportunities and taking proactive steps to support long-term sustainable solutions. As written in the Office of Planning and Research (OPR) guidelines document, “GC Section 65302.10.(a) requires that each city and county review and update the land use element of its general plan, **based on available data**, including, but not limited to, the data and analysis developed pursuant to Section 56430, of unincorporated island, fringe, or legacy communities inside or near its boundaries.”<sup>2</sup> Therefore, we urge the County to update its analysis to have the most up to date information and ensure it can take immediate implementation action.

As communities have requested in the past, the County must take action to address significant infrastructure deficiencies in disadvantaged unincorporated communities. We urge the County to revise the following language by replacing the word “may” with “shall” to read the following, “There are potential funding and financing mechanisms the County **shall** pursue to address infrastructure and service deficiencies.”<sup>3</sup> We ask the County to make this an implementation action in the General Plan to make this recommendation enforceable. Additionally, for the County to actively seek potential funding opportunities, there should be dedicated grant writers who focus on annually submitting funding applications. This will ensure dedicated staff have the time to pursue funding opportunities and prioritize addressing SB 244 deficiencies. This necessary step will help the County comply with the demands secured through the Comunidades Unidas Por Un Cambio lawsuit against Fresno County to list and address community deficiencies.

Furthermore, the County needs to update policy EJ-A.16 Infrastructure Deficits and Funding Sources by preparing a chart that includes updated data and not only what was available to the County in 2020. Although the County currently follows the same structure proposed by OPR to list available funding sources, we continue to ask the County to be more specific. For example, the County should list which funding opportunities communities qualify for and which deficit will be addressed. This will facilitate the County’s process in identifying which funding sources are available for each community and help the County create annual progress reports that no longer simply state that policies and programs were not implemented due to lack of funding.

## **II. Environmental Justice Element**

In response to our concerns regarding the prioritization of resources to disadvantaged unincorporated communities, the County suggests the following policies, EJ-C.4 Farmers Markets, EJ-B.1 Access to Services, and EJ-B.2 Encouraging Outdoor Activity. While the proposed policies are a step in the right direction, they will be difficult to implement without funding and resources and, in some instances, impossible if a community plan update is not

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<sup>2</sup> State of California Governor’s Office of Planning and Research General Plan Guidelines, pg 5

<sup>3</sup> Fresno County SB 244 Analysis – Page 240

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underway. Specifically, policy EJ-B.1 because it requires there to be a community plan update to be able to encourage physical activity. Although the County has already approved a plan to update community plans with the intent to update Del Rey's community plan by 2027, Riverdale's community plan by 2028, and Biola's community plan by 2030, state and federal funding will not be sought until 2025. The County should be seeking funding now to allow for the update of additional community plans and utilize available discretionary funding to accelerate the current timeline. There is also no plan to create community plans for communities that currently do not have one. While Cantua Creek is designated as a Rural Settlement Area and Lanare has an outdated community plan, communities like Tombstone Territory and El Porvenir are not designated. This hinders the ability, and makes it impossible, for communities to realistically and meaningfully access the amenities listed in several environmental justice policies. In the meantime, the County should allocate local funds and seek state funds to facilitate physical activity through bike lanes, parks, and trails.

### **III. Climate Adaptation and Resilience Strategies**

Under SB 379, the County is required to complete a climate vulnerability assessment to identify the climate change impacts residents in the County are and will continue to face. Throughout the assessment, the County uses language such as "climate change is **expected** to impact..." and "evaluates how climate change **may** impact..." creating the false sense that climate change has not already impacted vulnerable communities. The County must take affirmative steps to acknowledge the climate crisis and take action to protect vulnerable communities as impacts have already disproportionately affected vulnerable populations.

The County fails to create policies and programs that address drought impacts to vulnerable communities as we have highlighted in our SB 244 analysis. Instead, the County continues to prioritize the interests of the agricultural industry. Residents we work with understand the importance of agriculture and the way it contributes economically but would like to see their communities and agriculture coexist. Our recommendation in our June 2023 letter regarding the approval of agricultural wells during the ongoing drought was not taken into consideration in the updated General Plan documents. Hence, our recommendation remains the same. The County must commit to implementing 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. The County needs to ensure there are policies in place to protect communities that continue to be impacted by the ongoing drought.

Another County failure are the programs and policies listed under temperature impacts in the vulnerability assessment. The County includes a plan to open and maintain cooling centers. However, cooling centers alone do not address or help respond to all the climate change impacts listed in the vulnerability assessment. The residents we work with in Cantua Creek, El Porvenir,

and Lanare are highly interested in seeing a community resilience center come to their community. Residents understand the benefits of having a physical space to take refuge from climate change impacts such as wildfires, heat waves, poor air quality, and power outages. The County attempts to respond to this priority by referring to policy HS-G.5 Cooling Centers where the County encourages to open and advertise cooling centers to unincorporated communities. The proposed policy fails to meaningfully protect the health and well-being of Fresno County residents in light of the growing and worsening climate crisis. The County must take actionable steps to plan for, fund, and construct community resilience centers and partner with community residents and local agencies, such as the Fresno County Rural Transportation Agency which has completed an analysis identifying critical locations for resilience centers. In the meantime, we urge the County to work with Fresno County transit agencies to provide transportation services to existing cooling/heating centers and future facilities to protect the health and well-being of county residents. Therefore, the vulnerability assessment should be updated to include community resilience centers and the County's commitment to bring this crucial investment to communities.

To address and plan for climate change impacts, the County must have access to updated data. Data related to climate change and its effects accelerating from year to year, the information that is available in the current vulnerability assessment will require the task of updating policies and programs before 2042. We urge the County to direct available local resources to hire staff to annually pursue funding to ensure it is taking action to address the climate crisis. This will enable the County to implement policies HS-G.12 and HS-G.13 and prioritize securing funding to complete a Climate Action Plan. According to the 2018 Fresno County Multi-Jurisdictional Hazard Mitigation Plan, "Home values are lowest (below \$80,000) in Cantua Creek, Lanare, Biola, Del Rey, Calwa, Tranquillity, Huron, and Laton."<sup>4</sup> This can be attributed to homes in Lanare relying on septic tanks and both Lanare and Cantua Creek having a history of contaminants in their drinking water. Additionally, these two communities lack basic infrastructure such as drainage which makes them susceptible to flooding and have been impacted by the ongoing drought. These are some hazards that put these communities at greater risk and are thus highly susceptible to climate change impacts. The County needs to be acting with a sense of urgency to protect vulnerable communities.

#### **IV. Economic Development Insufficiencies**

Policy ED-A.7: Locating New Industrial Sites states that, "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." However, policy ED-A.9 is a planned study that is inconsistent with the Environmental Justice Element and goals of this General Plan. Policy ED-A.9: Fresno

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<sup>4</sup> Fresno County Multi-Jurisdictional Hazard Mitigation Plan, page 4.187  
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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 updated language in the final General Plan draft that states that a health impact assessment and targeted outreach will be included in the study does not suffice. 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 1/2 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 residential areas of the community. This will also only be exacerbated by the increased amount of truck trips.

To address historic and ongoing harm, we urge the County to commit to performing a county-wide Industrial Compatibility Study through an inclusive public process to determine suitable locations that will not harm community health and well-being. As written, the proposed policies will perpetuate disproportionate impacts from industrial development in the very communities that are overburdened with multiple sources of pollution and that the County has a responsibility to protect.

#### **V. Agriculture and Land Uses Insufficiencies**

Policy 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.” 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 setbacks, 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 protection from impacts through physical separations between agricultural and industrial uses and sensitive receptors.

Policy 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.” 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”, residents' constant reports of nosebleeds, asthma attacks, cancer hot spots, and peeling bleeding skin due to pesticide exposure is beyond discomfort or a nuisance. This policy prioritizes the convenience of industrial 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 harmed.

Again, we urge the County to establish a county wide pesticide notification system informed and jointly developed with community residents. Communities have long asked for a system that notifies them of what type of pesticides are being used and when they are applied. The County should also play an active role in only allowing non harmful chemicals to be applied to fields. The County Agricultural Commissioner, with 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 unincorporated communities.

## **VI. Transportation and Circulation Insufficiencies**

Transportation and Circulation improvements must include the improvements needed to benefit communities and not cause further environmental degradation. There is a great need to have transportation routes that allow community members to connect between and among the 15 cities of Fresno County.

Policy EJ-A.14 Truck Routes states the following, “The County shall prohibit truck traffic from new industrial development to traverse through existing residentially zoned areas.” While the County has participated in the Technical Advisory Committee of the City of Fresno’s AB 617 truck reroute study, the County has not supported the implementation of outcomes as proposed by the community steering committee nor outcomes 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 poor planning and inadequate land use determinations created by the County, as well as the City of Fresno, has completely disregarded the needs and well-being of disadvantaged communities of color. Policy EJ-A.14 does not state that the County will prioritize the re-routing of heavy-duty trucks outside of a community. Instead, this policy focuses on new industrial development when it needs to also protect existing communities. Thus, we urge the County to expand this policy to include existing and new industrial development.

## **VII. Conclusion**

We thank you once again for the opportunity to submit additional comments. We hope our recommendations are considered and incorporated before adopting the final General Plan to truly prepare for the next years and beyond 2042. The Board has the responsibility to represent all constituents and ensure that vulnerable communities are prioritized in this process.

Sincerely,

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Leadership Counsel for Justice and Accountability

Community United in Lanare

South Fresno Community Alliance

Cantua Creek y El Porvenir Prioridades

Tombstone Territory Por Un Futuro Mejor

Lanare y Riverdale Trabajando Por Cambios

Comunidades Unidas por un Cambio