



REGULAR BOARD MEETING AGENDA
BOARD OF DIRECTORS MEETING
MALAGA COUNTY WATER DISTRICT
3580 SOUTH FRANK STREET
FRESNO, CALIFORNIA 93725
Tuesday, August 23, 2022 at 6:00PM

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a District Board Meeting, please contact the District Office at 559-485-7353 at least 48 hours prior to the meeting, to ensure that reasonable arrangements can be made to provide accessibility to the meeting.

Please submit all written correspondence for the Board of Directors by 12:00 pm the Friday prior to the meeting. Please deliver or mail to the District Clerk.

1. Call to Order:

2. Roll Call: President Charles Garabedian, Jr.; Vice President Salvador Cerrillo; Director Irma Castaneda; Director Frank Cerrillo, Jr.; Director Carlos Tovar, Jr.

3. Certification: Certification was made that the Board Meeting Agenda was posted 72 hours in advance of the meeting.

4. Consent Agenda. The items listed below in the Consent Agenda are routine in nature and are usually approved by a single vote. Prior to any action by the Board of Directors, any Board member may remove an item from the consent agenda for further discussion. Items removed from the Consent Agenda may be heard immediately following approval of the Consent Agenda or set aside for discussion and action after Regular Business.

- a. Minutes of the Special Board Meeting of August 2, 2022.
- b. Minutes of the Regular Board Meeting of August 4, 2022.

Recommended action: To approve the Consent Agenda as presented or amended.

Motion by: _____; **Second by:** _____

5. Old Business:

- a. **Payroll.** A continued discussion from the previous board meeting. Quotes have been submitted for the district's payroll services.

Recommended action: to review quotes for potential action.

Motion by: _____; **Second by:** _____

6. New Business:

- a. **Task Order 22-03.** An agreement between Malaga CWD and Provost and Pritchard for engineering services for the Well 5A Storage Tank Project.

Recommended action: for consideration and approval of Task Order 22-03.

Motion by: _____; **Second by:** _____

- b. **Square Point of Sale (POS).** Information provided for the potential purchase of Square POS credit card readers for Fiesta Day and any future events. There is a 2.6% + 10 cents charge per transaction. If card has to be manually entered, the transaction fee is 3.5% + 15 cents. For cost effectiveness, it is recommended to purchase the Square reader for magstripe at \$10/reader. Additional options are available.

Recommended action: board's pleasure.

7. Incorporation Reports:

8. Recreation Reports:

9. Engineer Reports:

- a. District Engineer Report. None for this meeting.
- b. CDBG Engineer Report: none for this meeting.

10. General Manager's Report:

11. President's Report:

12. Vice President's Report:

13. Director's Reports:

14. Legal Counsel Report:

15. Communications:

- a. Written Communications:
 - 1. Caglia Environmental Open House invitation at their location on Cedar Ave. on September 19, from 4:00-7:00pm.
 - 2. County of Fresno Guidance Document for Unincorporated Community Plans. Zoom meeting scheduled for September 8, from 5:30-6:30pm for questions and comments.
- b. Public Comment: *The Public may address the Malaga County Water District Board on item(s) of interest within the jurisdiction of the Board, not appearing on the agenda. The Board will listen to comments presented; however, in compliance with the Brown Act, the Board cannot take action on items that are not on the agenda. The public should address the Board on agenda items at the time they are addressed by the Board. All speakers are requested to wait until recognized by the Board President. All Comments will be limited to three **(3)** minutes or less per individual/group per item per meeting, with a fifteen **(15)** minutes maximum.*

16. Closed Session:

- a. Malaga County Water District v. CVRWQCB case number 16CECG03036 (Government Code section 54956.9 (d)(1).)
- b. Malaga County Water District v CVRWQCB case number MCV071279 (Govt Code 54956.9(d)(1).)
- c. Malaga County Water District v CVRWQCB case number MCV071280 (Govt Code 54956.9(d)(1).)

17. Adjournment:

Motion by: _____, Second by: _____

Certification of Posting

I, Norma Melendez, District Clerk of the Malaga County Water District, do hereby certify that the foregoing agenda for the Regular Meeting of the Board of Directors of August 22, 2022 was posted for public view on the front window of the MCWD office at 3580 S. Frank Street, Fresno Ca 93725, at 5:00P.M. On 08/19/2022.

Norma Melendez

Norma Melendez, District Clerk



SPECIAL BOARD MEETING MINUTES
BOARD OF DIRECTORS MEETING
MALAGA COUNTY WATER DISTRICT
144 N. BLACKSTONE AVE.
FRESNO, CALIFORNIA 93701
Tuesday, August 2, 2022 at 6:00PM

item 4.a.

1. **Call to Order: 6:30pm**
2. **Roll Call:** President Charles Garabedian, Jr.; Vice President Salvador Cerrillo; Director Irma Castaneda; Director Frank Cerrillo, Jr.; Director Carlos Tovar, Jr.
All present.
Also Present: Neal Costanzo
3. **Certification:** Certification was made that the Special Board Meeting Agenda was posted 24 hours in advance of the meeting.
4. **Old Business:** *None for this meeting.*
5. **New Business:** *None for this meeting.*
6. **Closed Session:**
 - a. Public Employment Pursuant to Government Code Section 54957
Position: General Manager.
Nothing to report.
7. **Adjournment:**

Motion by Vice President Cerrillo, Second by Director Tovar, Jr. and by a 5-0 vote to adjourn the meeting at 8:30pm

Certification of Posting

I, Norma Melendez, District Clerk of the Malaga County Water District, do hereby certify that the foregoing minutes for the Special Board Meeting of the Board of Directors of August 2, 2022 was posted for public view on the front window of the MCWD office at 3580 S. Frank Street, Fresno Ca 93725, on 08/24/2022.

Norma Melendez

Norma Melendez, District Clerk



REGULAR BOARD MEETING MINUTES
BOARD OF DIRECTORS MEETING
MALAGA COUNTY WATER DISTRICT
3580 SOUTH FRANK STREET
FRESNO, CALIFORNIA 93725
Thursday, August 4, 2022 at 6:00PM

item 4.b.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a District Board Meeting, please contact the District Office at 559-485-7353 at least 48 hours prior to the meeting, to ensure that reasonable arrangements can be made to provide accessibility to the meeting.

Please submit all written correspondence for the Board of Directors by 12:00 pm the Friday prior to the meeting. Please deliver or mail to the District Clerk.

1. Call to Order: 6:00pm

- 2. Roll Call:** President Charles Garabedian, Jr.; Vice President Salvador Cerrillo; Director Irma Castaneda; Director Frank Cerrillo, Jr.; Director Carlos Tovar, Jr.

All present.

Also present: Norma Melendez, Moises Ortiz and Michael Slater.

- 3. Certification:** Certification was made that the Board Meeting Agenda was posted 72 hours in advance of the meeting.

4. Old Business:

- a. **Fire Hydrant Project: Payment #2.** A payment request of \$82,357.88 has been prepared for West Valley Construction for work completed to date on the fire hydrant project.

Recommended action: to approve payment #2 in the amount of \$82,357.88 to West Valley Construction.

Motion by Vice President Cerrillo; Second by Director Tovar, jr. and by a 5-0 vote to approve payment #2 in the amount of \$82,357.88 to West Valley Construction.

5. New Business:

- a. **Payroll.** Quotes have been submitted for the district's payroll and payment services.

Recommended action: to review quotes for potential action.

Item tabled until the next regular board meeting.

- 6. Sherriff Report:** Presented by CSO, Elaine Montoya.

A report was given stating that catalytic converter theft continues to be at an all-time high. Other crimes in the community and surrounding areas were reported.

7. Incorporation Reports:

An incorporation meeting has been scheduled for August 18 at 6:00pm to revisit incorporation timeline.

8. Recreation Reports:

Discussion regarding Fiesta Day details and plans.

9. Engineer Reports:

- a. District Engineer Report. None for this meeting.
- b. CDBG Engineer Report: None for this meeting.

10. General Manager's Report:

The GM reported Tree Fresno will be donating up to 100 trees to plant at the park. Tree Fresno will make repairs the current irrigation system if needed.

11. President's Report:

President Garabedian, Jr. suggested options of what the district can do to recover costs in the solid waste department. The GM will set up meeting with IWS to discuss the solid waste agreement.

12. Vice President's Report:

Vice President Cerrillo mentioned the grass at the park is looking nice and green. Getting ready for Fiesta Day.

13. Director's Reports: None for this meeting.

14. Legal Counsel Report: None for this meeting.

15. Communications:

- a. Written Communications: **none for this meeting.**
- b. Public Comment: *The Public may address the Malaga County Water District Board on item(s) of interest within the jurisdiction of the Board, not appearing on the agenda. The Board will listen to comments presented; however, in compliance with the Brown Act, the Board cannot take action on items that are not on the agenda. The public should address the Board on agenda items at the time they are addressed by the Board. All speakers are requested to wait until recognized by the Board President. All Comments will be limited to three (3) minutes or less per individual/group per item per meeting, with a fifteen (15) minutes maximum.*

16. Consent Agenda. The items listed below in the Consent Agenda are routine in nature and are usually approved by a single vote. Prior to any action by the Board of Directors, any Board member may remove an item from the consent agenda for further discussion. Items removed from the Consent Agenda may be heard immediately following approval of the Consent Agenda or set aside for discussion and action after Regular Business.

- a. Minutes of the Regular Board Meeting of July 26, 2022.
- b. Financial Statements and Accounts Payable Reports.

Recommended action: To approve the Consent Agenda as presented or amended.

Motion by Vice President Cerillo; Second by Director Cerrillo, Jr. and by a 5-0 vote to approve the consent agenda as presented.

17. Closed Session: none for this meeting.

18. Adjournment:

Motion by Vice President Cerrillo, Second by Director Cerrillo, Jr. and by a 5-0 vote to adjourn the meeting at 7:47pm.

Certification of Posting

I, Norma Melendez, District Clerk of the Malaga County Water District, do hereby certify that the foregoing minutes for the Regular Meeting of the Board of Directors of August 4, 2022 was posted for public view on the front window of the MCWD office at 3580 S. Frank Street, Fresno Ca 93725, On 08/24/2022.

Norma Melendez

Norma Melendez, District Clerk

item 5.a.1

From: [Moises Ortiz](#)
To: [Norma Melendez](#)
Subject: FW: Bi-weekly Payroll Quote
Date: Monday, August 1, 2022 3:38:27 PM

-----Original Message-----

From: RG Payroll, Inc. <rgpayrollinc@gmail.com>
Sent: Monday, August 1, 2022 3:33 PM
To: Moises Ortiz <mortiz@malagacwd.org>
Subject: Bi-weekly Payroll Quote

Good afternoon Moises,

Per our conversation, here is our quote on bi-weekly payroll for about 12 employees.

There is a one time start-up fee of \$250.00, and a monthly fee of \$500.00. This includes the payroll plus federal and state tax forms and deposits. Please let me know if you have any questions.

Kind Regards,
Rosa Gonzalez
(559) 898-1358

item 5.a.2.

From: Syenna Ovalle <syenna@kerrpayroll.com>

Sent: Wednesday, June 8, 2022 3:19:36 PM

To: Moises Ortiz <mortiz@malagacwd.org>

Cc: Angela Castro <acastro@kerrpayroll.com>; Andrew Kerr <akerr@kerrpayroll.com>

Subject: Payroll Quote

Hi Moises,

Thank you for your call earlier this afternoon! I spoke with Andrew and gave him a rundown of the information you provided regarding Malaga County Water District payroll needs. For 15 bi-weekly paid employees, see the pricing below:

- One time set-up fee: \$225
 - This includes entering prior payroll from Jan 1 2022 to now Per employee
- per check fee: \$10
- Monthly base fee: \$20
- Year end W-2 prep and filing: \$50
- W-2 per employee: \$12
- Quarterly payroll tax prep and filing: \$50

If you have any other questions or are interested in moving forward, please feel free to contact me at the number below or reply to this email!

--

Syenna Ovalle

Administrative Assistant

The Kerr Companies
7255 N. First Street Suite 101
Fresno, CA 93720

P. 559-405-9705 ext #1007

www.thekerrcompanies.com

item 5.a.3.

Verbal quote from Moomjian Bookkeeping:

For 12 employees on a bi-weekly payroll schedule: \$250 monthly fee, which includes payroll plus federal and state tax forms and deposits. It is recommended that services begin on Jan 1.

Moomjian Payroll and Bookkeeping
4949 East McKinley, Suite B
Fresno, California 93727

(559) 458-0331

Esther Adams

MALAGA COUNTY WATER DISTRICT

Between Malaga County Water District (District) and Provost & Pritchard Consulting Group (Consultant).

SCOPE OF WORK

Project Title: Malaga County Well 5A Storage Tank Project

Funding: ARPA, Fresno County

Project Description: Grantee's water system has seven wells but only three are active during the current drought. The water system does not have any storage tanks at present. Therefore, the system does not have sufficient water storage capacity to assist with maximum day demands, making the community vulnerable during the current drought.

This Project includes constructing a new water storage tank at the Well 5A site to boost drought resiliency of the Grantee's water system. The construction of the new storage tank includes new electrical facilities, booster pump facilities, chlorination facilities, site grading, and a connection to the existing water distribution facilities.

Task PM - Project Management

Project administration includes working with the County of Fresno to develop and execute the grant agreement, administration of the Project including overseeing the budget and schedule, coordination of all aspects of the design, environmental documents, permits, and construction management and inspection, and other activities related to the completion of the Project. Includes attending weekly/monthly meetings (as needed) with the County of Fresno Project Manager.

Task FND - Funding Administration

This task includes project administration, communications, invoicing, and reporting to the County of Fresno.

Invoicing includes, preparing and submitting invoices and appropriate backup documentation to the County of Fresno Project Manager describing the work completed and listing the costs incurred during the billing cycle.

Reporting includes preparing and submitting progress reports. Prepare quarterly reports, annual performance report, and final program report, submit them to the County of Fresno. All reports should be prepared as specified in the grant Agreement.

Deliverables:

- Proof of records retention, upon request
- Invoices and supporting documents

- Quarterly progress reports
- Annual Performance Report
- Final Program Report

Task DES – Final Design and Environmental Documentation

The planning, engineering design, and environmental permitting for the new tank have not yet been completed.

This task includes obtaining other necessary permits and preparing the CEQA package for DWR's approval and preparing the 50%, 90%, final (100%) plans, specifications, and cost estimates for the following components.

Tank Site

- Construction of new water storage tank
- Construction of new booster pumping station
- Construction of new electrical facilities
- Site grading and surfacing
- Connection to existing water distribution facilities

Task – CEQA Documentation

Complete environmental review pursuant to CEQA. Prepare all necessary environmental documentation. Prepare a letter stating no legal challenges (or addressing legal challenges).

Deliverables:

- Environmental Information Form
- All completed CEQA documents as required
- Legal Challenges Letter

Task – Design

Complete preliminary and final designs including the following supporting work: The final plans and specifications will be developed through the design process and will contain all information needed to construct the storage tank and appurtenances.

Deliverables:

- 50%, 90%, and 100% design plans, specifications, and probable construction cost opinions

Task ADV – Advertisement and Bidding Services

This task includes activities necessary to secure a contractor and award the contract, including developing bid documents, preparing advertisement and contract documents for construction contract bidding, conducting a pre-bid meeting, bid opening and

evaluation, selection of the contractor, award of contract, and issuance of notice to proceed.

Deliverables:

- Bid Documents
- Proof of Advertisement
- Award of Contract
- Notice to Proceed

Construction

Task CA – Construction Administration

This task includes managing contractor submittal reviews and answering requests for information, preparing change orders, reviewing pay requests, forecasting cash flow. Upon completing the Project, the project will be certified as complete and record drawings will be provided to MCWD.

Deliverables:

- Certificate of Project Completion
- Record Drawings

Task CM – Construction Management

An engineering construction observer will be on-site for the duration of the Project as required based on the construction activities taking place. Construction observer duties include documenting pre-construction conditions, daily construction diary, reviewing change orders, addressing questions of contractors on-site, reviewing and updating the project schedule, reviewing contractor log submittals and pay requests, and notifying contractor if work is not acceptable.

The Project construction includes the following components.

Tank Site

- Site grading
- Construction of water storage tank
- Construction of booster pumping station
- Construction of new electrical facilities
- Connection to existing water distribution facilities

Deliverables:

- Photographic Documentation of Progress
- Construction Observation Diaries

Task OM – Operation and Maintenance Manual

This task includes the preparation of an Operation and Maintenance Manual for the tank. The Operation and Maintenance Manual will include documentation submitted by the Contractor for specific components of the system (mechanical, electrical, programming) and the parameters for operation. The Operation and Maintenance Manual also provides information regarding the settings relative to the overall water system operation.

Deliverables:

- A copy of the Operation and Maintenance Manual

SCHEDULE

The work will proceed as quickly as possible. The schedule included in the Grant Agreement between the County of Fresno and Malaga County Water District is shown below. It is noted that the goal will be to complete the various tasks prior to the identified End Date.

Task	Start Date	End Date
Task PM – Project Administration	8/10/2022	12/31/2026
Task DES – Final Design and Environmental Documentation	8/10/2022	
Task ADV – Advertisement for Bidding		
Task FND – Funding Administration	8/10/2022	12/31/2026
Task CM – Construction Management		12/31/2026
Task CA – Construction Administration		12/31/2026
Task OM – Operation and Maintenance Manual		12/31/2026
Construction	1/2/2023	12/31/2026

FEES

Pursuant to the action taken by the Malaga County Water District Board of Directors on _____ the work was authorized to proceed. Estimated fees for the work have been included in the Grant Agreement between the County of Fresno and Malaga County Water District and are included below.

Task	Funding Amount
Task PM – Project Management	\$84,330
Task DES – Final Design and Environmental Documentation	\$177,299
Task ADV – Advertisement for Bidding	\$14,668
Task FND – Funding Administration	\$26,602
Task CM – Construction Management	\$177,514
Task CA – Construction Administration	\$39,712
Construction	N/A
Task OM – Operation and Maintenance Manual	\$10,699
Grand Total	\$530,844

Malaga County Water District

Provost & Pritchard Consulting Group

By: Moises Ortiz
Title: District Manager

By: Michael Taylor
Title: Corporate Secretary

Date: _____

Date: _____

item 6.b.

In person	Online	Manually entered
2.6% + 10¢	2.9% + 30¢	3.5% + 15¢
When you process a payment in person, Square charges a fee of 2.6% + 10¢ per tap, dip, or swipe.	That's for every card payment you take online using Square Invoices.	When you manually key in your customer's card details or use a card on file, the fee is 3.5% + 15¢.

Card-present payments: Processing method

When a customer taps, dips, or swipes their card in person, you pay **2.6% + 10 cents** per transaction. There is a lower risk of fraudulent activity when the cardholder is present.

Card-not-present payments: Processing method

When you manually key in your customer's card details or use a card on file, the fee is **3.5% + 15 cents**. When a customer makes a purchase through your Square Online Store, Square Online Checkout, eCommerce API, or pays an invoice online, the fee is **2.9% + 30 cents** for cards or **1% with a minimum \$1** per transaction for ACH bank transfers (via Invoices only).



Square Stand

A powerful iPad point of sale with an intuitive, customer-driven checkout and integrated payments — no readers required.

\$149 or \$14/mo over 12 months*

New



Square Stand Mount

All the power of our signature iPad POS with the versatility to go anywhere in your business.

\$149 or \$14/mo over 12 months*



Square Register

Our most complete point-of-sale with two user-friendly displays, easy-to-use software options and built-in payments.

\$799 or \$39/mo over 24 months*



Square Terminal

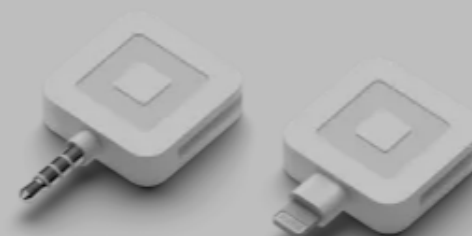
The all-in-one credit card terminal for payments and receipts.

\$299 or \$27/mo over 12 months*



Square Reader for contactless and chip

A simple way to accept contactless cards, Apple Pay, and chip cards, at your counter or on the go. \$49



Square Reader for magstripe

Magnetic stripe reader for swiping credit cards anywhere on your smartphone or tablet.

First Reader FREE | \$10 per additional readers

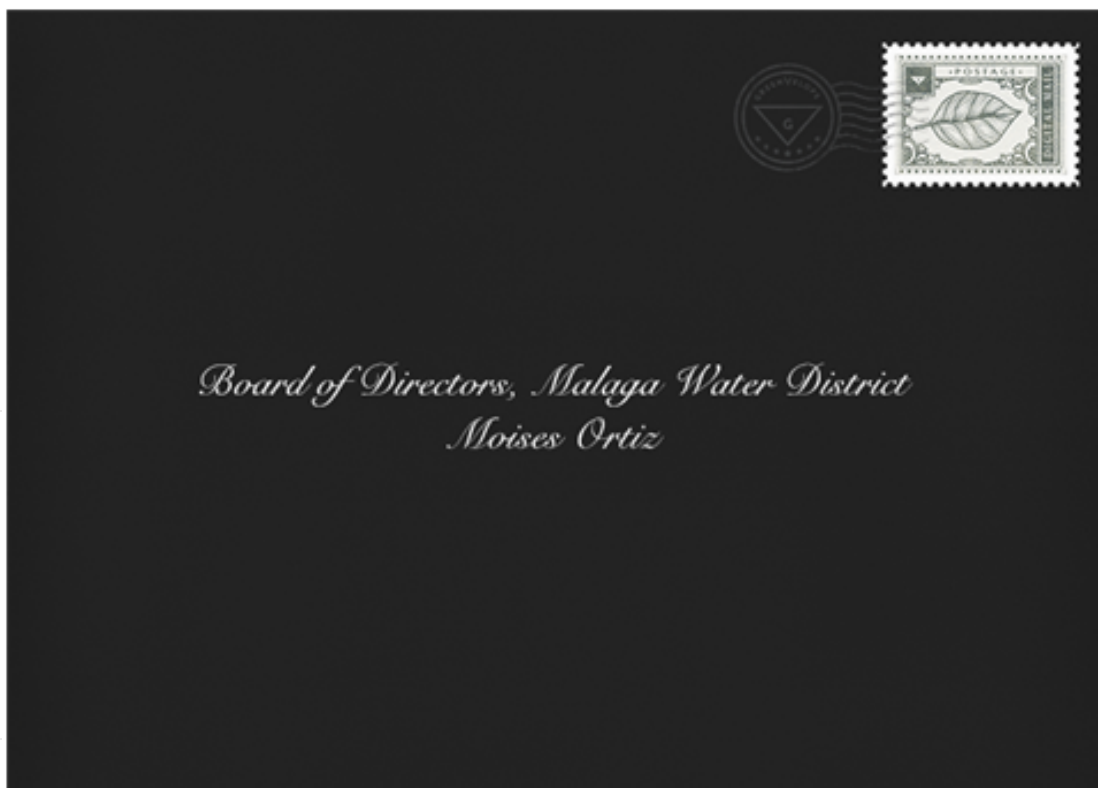
***will require tablet/ iPad to process payments**

Korin Henderson sent you a save the date for

The Caglia Environmental Open House

Monday, September 19, 2022

Formal Invitation to follow with additional details.



Cedar Avenue Recycling and Transfer Station
3457 S Cedar Ave., Fresno, CA 93725 (View Map)
4:00 PM - 7:00 PM Monday, September 19, 2022

[Add to iCal](#) [Add to Outlook](#) [Add to Google](#) [Add to Yahoo](#)

Please note: this is a private event. Invite only, no guest

This email is personalized for you. Please do not forward.

[Save the Date](#) | [Details](#) | [Messaging](#)

No longer want to receive emails from this sender? [Click Here](#)



item 15.a.2.

County of Fresno

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

Guidance Document for Community Plans & Prioritization Criteria

Fresno County is requesting your input.

Please join us on Zoom on September 8th, 2022, from 5:30 – 6:30 pm.

<https://us02web.zoom.us/j/7256513915?pwd=YmFNdnIRZ2wxdmZ1cEZoY0VlUHhsUT09>

Meeting ID: 725 651 3915

Passcode: 8jNgNq

Dial by your location

833 548 0282 US Toll-free

877 853 5247 US Toll-free

888 788 0099 US Toll-free

833 548 0276 US Toll-free

Meeting ID: 725 651 3915

Passcode: 406944

Fresno County is creating a Guidance Document to guide the future updating of its unincorporated community plans in Fresno County, establishing prioritization criteria for updating existing community plans, and establishing considerations to determine when it may be appropriate to create a new community plan. The Guidance Document recommends a format and content guidelines to be utilized in preparing updates to or establishing new community plans; additionally, it ensures consistency with the General Plan. The creation of this Guidance Document is addressed in Program LU-H.C of the County's General Plan.

Why Create a Guidance Document for Community Plans?

- Establish a clear selection process for updating existing community plans
- Ensure policy consistency with the General Plan and the County's land use policies and infrastructure strategies
- Create consistency in formatting of the various community plans to ensure it meets the needs of the numerous Fresno County unincorporated communities
- Integrate land use, infrastructure, and transportation improvements
- Allow community plans to reflect the future uses of land and needs of each specific community

A draft of the Guidance Document is attached or can be found at

www.fresnocountyca.gov/communityplans

Please submit your comments or questions to COMDEV@fresnocountyca.gov by 09/19/22.

COMMUNITY DEVELOPMENT DIVISION

2220 Tulare Street, Eighth Floor / Fresno, California 93721 / Phone (559) 600-4292 / FAX (559) 600-4573
The County of Fresno is an Equal Employment Opportunity Employer



Fresno County
GUIDANCE DOCUMENT *for*
UNINCORPORATED
COMMUNITY PLANS

Draft | August 2022



County of Fresno

Guidance Document *for* **Unincorporated Community Plans**

August 2022 | Draft

DRAFT

PREPARED FOR:

County of Fresno, Public Works and Planning Department

2220 Tulare Street, 6th Floor

Fresno, CA 93721

PREPARED BY:

Provost & Pritchard Consulting Group



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1. INTRODUCTION & PURPOSE

California's Planning and Zoning Law requires that each city and county adopt a general plan "for the physical development of the county or city, and any land outside its boundaries which in the planning agency's judgement bears relation to its planning."¹ A general plan may also include area plans, which focus on certain geographic regions or communities. Area plans are part of and carry the same weight as a general plan. The Fresno County General Plan (General Plan) includes area plans for regions, known as regional plans, and area plans for communities, known as community plans. As of the publication of this document, the County of Fresno has 31 adopted community plans: 10 unincorporated community plans, 13 incorporated community plans, and 8 Fresno-Clovis area community plans.²

This document provides guidance for updating existing community plans and establishing new unincorporated community plans. It discusses:

- The objectives of community plans,
- The relationships of the community plans with the General Plan and other planning instruments,
- The applicability of community plans,
- The content of community plans, and
- The actions required for adoption and amendment of community plans.

This document also recommends a format for updating existing unincorporated community plans and developing new unincorporated community plans, when determined appropriate by the County. It is not the intent of this document to require strict adherence to all the requirements contained in the document. Instead, this document is intended to provide a greater level of consistency in the process for guiding the updates to existing unincorporated community plans and adoption of new unincorporated community plans.

2. COMMUNITY PLAN OBJECTIVES

As stated in the General Plan "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."³

Accordingly, community plans serve the same purpose as the general plan except that community plans function at the community level while the general plan functions at the county level. Given its scope and scale, a countywide general plan may not always adequately address the specific development and growth issues relevant to a particular area, such as an unincorporated community.

Community plans "refine policies of the general plan as they apply to a smaller geographic area." (Governor's Office of Research and Planning, *State of California General Plan Guidelines* (2017),

¹ Gov. Code, § 65300.

² County of Fresno, *Fresno County General Plan* (2000). The Fig Garden Neighborhood Plan is listed under Fresno-Clovis area community plans as one of the eight such plans. As discussed in section 3. *Plan Relationships*, a neighborhood plan is distinct from a community plan.

³ *Fresno County General Plan*, 2-33.

The General Plan identifies three categories of community plans: unincorporated community plans, incorporated community plans, and Fresno-Clovis area community plans.

- **Unincorporated Community Plans.** Unincorporated community plans apply to unincorporated areas of the County not located directly adjacent to a city. They cover many, but not all, of the County's unincorporated communities. The County is the unincorporated community's direct local government agency.
- **Incorporated Community Plans.** Incorporated community plans cover the unincorporated areas adjacent to city boundaries. Although still unincorporated and subject to the County's jurisdiction, such areas outside the city limits may be included in the city's general plan for two reasons: the city anticipates the area will be annexed or the city intends to communicate to the County the city's preferences for the area's development. Though the County's incorporated community plan controls development while those areas remain outside the city limits, its intention through the incorporated community plan is to consider the city's interest in the area's future.
- **Fresno-Clovis Area Community Plans.** Fresno-Clovis area community plans include both unincorporated community plans and incorporated community plans for the Fresno-Clovis area.

3. PLAN RELATIONSHIPS

The General Plan references and defines four types of plans: regional plans, community plans, specific plans, and neighborhood plans. The General Plan also references and defines rural settlement areas. All have their own purpose and authority, which means that the relationships among the plans vary.

- **Community Plans.** As mentioned above, community plans are a type of area plan with a geographic focus at the community level.⁴ Community plans are part of the General Plan. Since the General Plan is required to be internally consistent, the provisions of a community plan must be consistent with all other provisions of the General Plan. Community plans also have the same authority as the General Plan. Zoning, subdivisions, specific plans, conditional use permits, and other tools must be consistent with the General Plan, and therefore must also be consistent with an applicable community plan.⁵



⁴ The community plan under the Fresno County General Plan is not the community plan defined in the Planning and Zoning Law at Government Code section 65458. Instead, the community plan under the Fresno County General Plan (1) is an area plan as identified and described by the Governor's Office of Planning and Research in the State of California General Plan Guidelines (2017) (p. 23) and in The Planner's Guide to Specific Plans (2001) (p. 6) and (2) may serve as a community plan defined California Environmental Quality Act at Public Resources Code section 21083.3 for purposes of environmental review.

⁵ Applicable code sections and case law are as follows: zoning (Gov. Code, § 65860), subdivisions (Gov. Code, § 66473.5), specific plans (Gov. Code, §§ 65450, 65451, subd. (b)), conditional use permits (*Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal.App.3d 1176, 1184).

- **Regional Plans.** Like community plans, regional plans are a type of area plan and are also part of the General Plan. Regional plans have a wider geographic focus than community plans but must still be consistent with the General Plan. Zoning, subdivisions, specific plans, conditional use permits, and other tools that must be consistent with the General Plan must also be consistent with an applicable regional plan. Although the area covered by a regional plan may surround the area covered by a community plan, the community plan area is carved out from the regional plan area. This means that the regional plan does not apply to the community plan area.
- **Specific Plans.** A specific plan is not part of the General Plan—it is a tool authorized by the Planning and Zoning Law to implement a general plan.⁶ Specific plans must be consistent with the General Plan, and therefore must also be consistent with applicable community plans and regional plans. Zoning, conditional use permits, and other tools must be consistent with a specific plan.
- **Neighborhood Plans.** A neighborhood plan establishes the vision and implementation strategies for a specific neighborhood. Unlike community plans and regional plans, neighborhood plans are not part of the General Plan and therefore do not carry the same regulatory weight as community plans, regional plans, or specific plans.
- **Rural Settlement Areas.** As provided in the General Plan, rural settlement areas apply “only to those areas where a small concentration of housing and commercial or industrial uses serve the surrounding agricultural area.”⁷ A rural settlement area is akin to a land use designation, but with special policy features and standards outlined in General Plan policies LU-E.22 to LU-E.26. A rural settlement area includes a set of policies and standards contained within the General Plan and regulates the land but is not a separate regulatory document.
- **Disadvantaged Unincorporated Communities (DUCs).** In response to Senate Bill (SB) 244, Section E (Non-Agricultural Rural Development) of the Agriculture and Land Use Element of the General Plan was amended to include reference to the 36 legacy DUCs⁸ identified within Fresno County. No specific policies were included; however, the County completed an analysis of water, wastewater, stormwater drainage, and structural fire protection needs or possible infrastructure deficiencies for the identified communities, which is contained in Appendix B-2 of the General Plan. Although the presence of a DUC does not necessitate a separate planning policy area, they often overlap with one of the plan area boundaries identified above, such as a community plan, and the presence of a DUC is a consideration in land use and infrastructure planning.

⁶ Gov. Code, § 65450, et seq.

⁷ County of Fresno 2000, Policy LU-E.21.

⁸ A DUC is defined in Senate Bill (SB) 244 to include “an inhabited and unincorporated community that includes 10 or more dwelling units in proximity or where 12 or more registered voters reside and has an annual median household income that is 80 percent or less of the statewide median housing income.” A legacy community is further defined as a “geographically isolated community that is inhabited and has existed for at least 50 years.”

4. APPLICABILITY

As noted above, community plans provide a mechanism to refine the policies of the countywide general plan for a specific sub-area, such as an unincorporated community. However, not all unincorporated communities require a community plan to provide for the level of direction desired or needed to effectively guide development for the area. Instead, a neighborhood plan may be more appropriate to articulate a vision for the area without the regulatory control of a community plan. Specific amendments to the General Plan may also be appropriate, such as a specific change to the land use diagram or the addition of a special policy for the area, rather than establishing a community plan.

The following considerations provide guidance for considering whether a community plan is advisable or appropriate for a certain area. The first consideration concerns the area itself and the second consideration concerns the relationship to the General Plan. Please note that the considerations provided below are intended specifically to determine whether an unincorporated community plan is appropriate for a given area.

CONSIDERATION NO. 1: THE AREA

The area must present certain characteristics that together demonstrate suitability for a community plan. The following criteria provide objective standards for evaluating whether a community plan is appropriate for an unincorporated area; however, the criteria still provide some level of discretion to allow for flexibility in application.

Criterion 1. Is the area a census designated place? Criterion 1 is a categorical matter of whether the area is identified by the U.S. Census Bureau as a census-designated place. As determined by the Bureau, “Census designated places (CDPs) are statistical geographic entities representing closely settled, unincorporated communities that are locally recognized and identified by name. They are the statistical equivalents of incorporated places, with the primary differences being the lack of a legally defined boundary and an active, functioning governmental structure, chartered by the state and administered by elected officials.”⁹

Criterion 2. Does the area have a sufficient presence and mix of community-supportive land uses? While Criterion 1 concerns whether the area is a statistical equivalent to an incorporated place and whether the area is locally recognized as a named community, Criterion 2 concerns the land use composition of the area. The question here is whether the area is sufficiently supported by its land uses (e.g., retail, employment, and/or public uses). One consideration is whether the area has an identifiable and viable

CONSIDERATIONS

1 AREA CRITERIA

- ☐ Is the area a census designated place?
- ☐ Does the area have a significant presence and mix of community-supportive land uses?
- ☐ Does the area present a feasibility for infrastructure and in-fill development?

2 GENERAL PLAN REFINEMENT

- ☐ Does the community require more specificity than the County General Plan provides in one of the following areas?
 - Land use
 - Circulation
 - Public facilities
 - Floods, fires, or other Hazards

⁹ Bureau of the Census, U.S. Dept. of Commerce, Census Designated Places (CDPs) for the 2020 Census—Final Criteria, Federal Register, vol. 83, no. 219, p. 56290 (Nov. 13, 2018).

node of nonresidential activity or central district, which may take the shape of a downtown, commercial center, or main street.

Criterion 3. Does the area present a feasibility for infrastructure and in-fill development? Criterion 3 concerns the pattern of development in the area and how proximity of development relates to feasibility for provision of community-serving infrastructure. The pattern of development may already support existing community-serving infrastructure, or the area may demonstrate the opportunity, through in-fill development, to support community-serving infrastructure. One consideration is whether the area has a circulation network that supports, or could facilitate, meaningful connectivity throughout the area.

CONSIDERATION NO. 2: THE GENERAL PLAN

As discussed above, the purpose of community plans is to “refine” the General Plan’s policies for targeted geographic areas. Whether an area warrants a community plan is a matter of whether the General Plan should be refined for that area. As discussed below in **Section 5. Community Plan Content**, community plans are required to reference each of the adopted elements of the General Plan.

To determine whether an unincorporated community plan is necessary or appropriate, the County should consider whether additional policies or a greater level of detail than are included in the countywide General Plan are necessary to adequately address issues for the area. Typical issues that may warrant additional detail or refinement could include:

- Land use designations;
- Circulation classifications or network;
- Public facilities (e.g., water, wastewater, storm drainage);
- Floods, fires, or other hazards; and/or
- Provision of housing to satisfy the County’s regional housing needs allocation.

If the countywide General Plan policies adequately address development and growth issues for the area, then a community plan is not advisable as it may serve to only duplicate, not refine, existing General Plan policies.

The **Agriculture and Land Use, Transportation and Circulation, and Public Facilities and Services** elements present the greatest opportunity for refinement for a targeted geographic area.

The **Economic Development, Open Space and Conservation, Health and Safety, and Housing** elements are typically more appropriately applied at the countywide level. For example, the Health and Safety element addresses hazards that, if not countywide, are shared across areas.

5. COMMUNITY PLAN CONTENT

A community plan should be composed of three parts: background, authority, and elements, as described below and reflected in a recommended format for unincorporated community plans (see **Appendix A: Sample Community Plan Format & Guide**).

It is not the intent of this document to require that unincorporated community plans strictly adhere to the content requirements discussed below or outlined in the recommended Community Plan Format. Instead, this document is intended to guide updates to existing unincorporated community plans and to guide adoption of new unincorporated community plans, to provide consistency in how such plans are structured.

BACKGROUND

As part of the General Plan, community plans should reference background information that may already be included in the General Plan document. Community plans should not include an extensive discussion of the area covered by the community plan.

The background section of the community plan should include:

- A brief profile of the community;
- A map of the community;
- The vision statement; and
- Explanation as to why the community warrants a community plan.

AUTHORITY

Each community plan should establish its authority relative to the General Plan and other planning documents, policies, and ordinances.

Community plans should state that:

- The community plan is part of the General Plan;
- The community plan is consistent with the General Plan;
- The community plan carries the same weight as the General Plan;
- Specific plans, zoning ordinances, subdivisions, conditional use permits, and other tools must be consistent with the community plan; and
- Where the community plan is silent, the General Plan controls.

Standard language has been included in the Community Plan Format document to satisfy the intent of the authority of community plans.

ELEMENTS

Given that community plans carry the same weight as the General Plan and refine the General Plan for a focused area, community plans should be composed of the same elements of the General Plan, as reflected in the Community Plan Format (see Appendix A). Following are the elements currently contained in the adopted Fresno County General Plan.¹⁰ However, as revisions are made to the General Plan, this list of elements may change and should be updated to align with the General Plan elements in place at the time, including all state-mandated elements.

¹⁰ County of Fresno 2000.

- Economic Development
- Agriculture and Land Use
- Transportation and Circulation
- Public Facilities and Services
- Open Space and Conservation
- Health and Safety
- Housing

The housing element is a special case. Housing should be included so that the community plan aligns with all adopted elements of the General Plan and meets the requirements for the streamlining provisions specific to community plans under CEQA in Public Resources Code Section 21083.3. However, creating new policies or refining existing housing element policies is not advisable. The County's housing element is updated cyclically and certified by the California Department of Housing and Community Development per Government Code Section 65580, et seq.

For each element, the community plan may identify some or all of the following components. To avoid redundancy, the community plan should not restate existing policies and action items already contained in the General Plan.

- **New policies** that are not already in the General Plan.
- **Refined Policies** that take existing General Plan policies and focus in on the community.
- **Action Items** for implementation (e.g., review and revise the zoning ordinance; update improvement standards).
- **Figures** that contain refinements or a greater level of detail than contained in the General Plan figures (e.g., land use diagram, circulation diagram).

The countywide General Plan may sufficiently address the community's needs regarding a particular element. In that case, the community plan element will not include new or refined policies, action items, or figures and should instead note that the area is covered by the countywide General Plan.

Standard language has been included in the Community Plan Format document (Appendix A) to refer to the countywide General Plan for those elements of the community plan that do not require area-specific content.

6. APPROVAL ACTIONS REQUIRED

Adoption and amendment of a community plan follow similar procedures. Both are to be accomplished by resolution of the Board of Supervisors following noticed public hearings of the Planning Commission and the Board. Adoption of a new community plan also requires an amendment to the General Plan. However, an amendment to a community plan, including updates to existing community plans, may or may not require an amendment to the General Plan, depending on the scope of change.

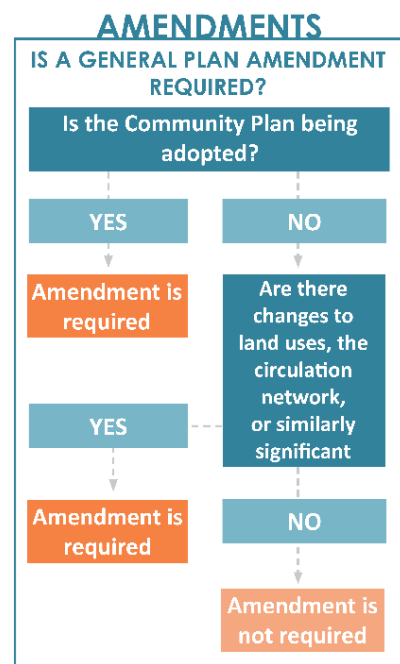
Adoption of a new community plan, at a minimum, requires the establishment of a community plan area boundary, requiring amendment to the General Plan to reflect the newly established plan area. The General Plan may also integrate additional policies and discussion to establish the community plan area in the context of the General Plan, further underscoring the need to amend the General Plan.

AMENDMENT TO THE GENERAL PLAN

The determination as to whether an amendment to a community plan also necessitates an amendment to the General Plan depends on the scope of changes proposed. An amendment to a community plan may only further refine existing policies, such as adding detail necessary for implementation, that is consistent with and does not redirect policies of the community plan and the General Plan. Such changes would not constitute an amendment to the General Plan. However, should the proposed amendments to the community plan require changes to a policy or figure contained in the General Plan, an amendment to the General Plan would also be required. Common amendments to a community plan that would likely result in the need to amend the General Plan relate to changes proposed to the land use or circulation diagrams.

While more refined maps can be included in the community plan, new additions or other changes to the land use or circulation diagrams should be in the General Plan. For example, a more detailed street network may be shown in a community plan map but realigning or adding arterials should be reflected on the General Plan circulation diagram, necessitating a General Plan amendment concurrent with the amendment to the community plan.

Consideration should also be made as to how the General Plan discusses community plans in determining whether an amendment to the General Plan would also be required.



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Appendix A
Sample Community Plan Format & Guide

Sample Community Plan Format & Guide

Text in brackets is directive to guide preparation of community plans. Text not in brackets, including headings, is recommended content for all community plans. Note that the subsections identified below (A, B, C, etc.) within each numbered section are intended as a guide to ensure specific topics are addressed within community plan section. The order and structure of the subsections may change, as appropriate, for each specific community.

1 BACKGROUND

A. Purpose of the Community Plan

[Text here would confirm the reasons the community plan was necessary and would align with the rationale outlined in the Community Plans Chapter (i.e., not all communities need a community plan). This section would also include any discussion of specific issues applicable to the community plan area. The planning history of the community may also be included, as appropriate.]

Anticipated length of this section is 1-2 pages.

B. Community Location and Setting

[Text would be brief and focus on key geographic features that may be relevant to the community plan area. A map would be included to define the boundaries of the community plan area.]

Anticipated length of this section is 1-3 pages

C. Community Profile

[Community profile would generally be limited to demographics information for the community plan area and potentially a comparison to the larger County. This section is not intended to include a description or reiteration of the Countywide profile.]

[This section may also reference the Regional Plan setting discussions, should the County proceed with formalizing those documents.]

Anticipated length of this section is 1-3 pages

D. Community Vision [May be combined with A]

[A vision statement for the community plan area would be included here. Should a refined vision statement not be necessary, reference may be made to the General Plan Policy Documents' Vision

Statement. There may also be a summary of the outreach conducted in the establishment or update of the community plan.]

Anticipated length of this section is less than 1 page, 2 pages with summary of outreach conducted

2 AUTHORITY

A. Subset of the General Plan

As defined in the General Plan, a community plan is a subset of the General Plan and carries the same weight as the General Plan. Therefore, specific plans, zoning ordinances, subdivisions, conditional use permits, and other actions, which must be consistent with the General Plan, must also be consistent with this community plan.

B. Consistency with the General Plan

This community plan is consistent with the General Plan. The content in this community plan has been identified to refine the intent of the General Plan as it applies to the community to address issues of local importance. The content in this plan complements, and does not conflict with, the General Plan. Where the community plan is silent on a matter, the General Plan controls.

3 ELEMENTS

[The following elements reflect those currently contained in the adopted Fresno County General Plan.¹ As revisions are made to the General Plan, this list of elements should be updated to align with the General Plan elements in place at the time, including all State-mandated elements.]

Like the General Plan, this community plan is composed of the following elements:

- Economic Development;
- Agriculture and Land Use;
- Transportation and Circulation;
- Public Facilities and Services;
- Open Space and Conservation;
- Health and Safety; and
- Housing.

These elements may consist of new or refined policies specific to the community plan area, as well as action items to implement the policies. All policies and action items of this community plan are in addition to the applicable General Plan policies. Where no additional policies or action items are identified, the policies of the General Plan apply.

¹ County of Fresno, *Fresno County General Plan* (2000).

A. Economic Development

[For elements that have no additional or refined policies, the following language can be used:

“The policies of the General Plan’s Economic Development Element apply to this community.”]

B. Agriculture and Land Use

[The goals, policies, and action items are named with the initials of the community plan then the initials of the element as used in the General Plan. Note that goals are optional at the community plan level. Should no goals be included, the policy and implementation program numbering structure may be simplified.]

Goals

[**Goal SCP-LU-1 Goal for Land Use.** Ensure that new development in the community plan area occurs according to this goal.]

Policies and Implementation Programs

[**SCP-LU-1.1 New or Refined Land Use Policy.** The County shall apply this new or refined land use policy in addition to the policies in the General Plan.]

[**SCP-LU-1.1a Action Item Implementing the Policy.** The County shall take this action to implement the policy. Actions should include a specific action or deliverable, timing, and responsible party.]

C. Transportation and Circulation

D. Public Facilities and Services

E. Open Space and Conservation

F. Health and Safety

G. Housing

The policies of the General Plan’s Housing Element apply to this community. The General Plan’s Housing Element is subject to review and certification by the California Department of Housing and Community Development per Government Code section 65580 et seq. and updates are required on a prescribed schedule.