



# CITY of CLOVIS

## REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission  
FROM: Planning and Development Services  
DATE: October 22, 2020  
SUBJECT: Consider Approval - Res. 20-\_\_\_\_ - GPA2020-003, A request to amend the text of the General Plan to incorporate language to ensure consistency between the General Plan and the Fresno County Airport Land Use Compatibility Plan. City of Clovis, applicant.

**Staff:** Dave Merchen, City Planner

**Recommendation:** Approve

ATTACHMENTS: 1. Resolution  
2. Proposed Amendment to General Plan Policy 3.11  
3. Airport Land Use Compatibility Plan Consistency Analysis

### CONFLICT OF INTEREST

None

### RECOMMENDATION

Staff recommends the adoption of a resolution recommending approval of the general plan amendment as presented.

### EXECUTIVE SUMMARY

The Fresno Yosemite International (FYI) Airport is located in the City of Fresno, immediately southwest of the city limits for the City of Clovis. A portion of the planning area for the Clovis General Plan overlaps the Airport Influence Area (AIA) for the FYI Airport, as designated by the Fresno County Airport Land Use Compatibility Plan (ALUCP). The area with the City's General Plan is further defined as being within the FYI Airport's Traffic Pattern Zone (TPZ), also referred to as "Safety Zone 6". State Law and the ALUCP require that that City's General Plan be reviewed for consistency with ALUCP, and that revisions or amendments to the General Plan be adopted, if necessary, to eliminate any conflicts.

### BACKGROUND

The Fresno County ALUCP was prepared by the Fresno County Airport Land Use Commission (ALUC), under the authority of the California State Aeronautics Act, California Public Utilities Code Section 21001 et seq. The ALUCP is a land use compatibility plan that is intended to

ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, to protect the public from adverse effects of aircraft noise, and to ensure that no structures or activities adversely affect navigable space. The ALUCP identifies standards for development in the airport's planning area based on noise contours, safety zones, and building heights. Primary areas of concern for ALUC are noise, safety hazards, and airport operational integrity (2014 Clovis General Plan EIR, Page 5.10-3).

Local agencies are required to conduct a review of their land use plans and regulations for consistency with the ALUCP within 180 calendar days of the adoption or amendment of an ALUCP which overlaps the agency's boundaries. These plans and regulations must be amended to eliminate any conflicts that are identified, unless the local agency goes through an "over rule" process. If the ALUC finds that a local agency has not revised its general plan or specific plan or overruled the commission in accordance with State law, the ALUC may require that the local agency submit all subsequent actions, regulations, and permits to the ALUC for review until the local agency's general plan or specific plan is revised or the specific findings are made (Public Utilities Code Section 21676.5).

The Fresno County ALUC adopted a comprehensive update to the ALUCP in December of 2018. The update included adjustment to the interface between the ALUCP and the City's General Plan. The City of Clovis did not perform a consistency analysis and revise its General Plan to be consistent with the ALUCP within 180 days, nor did it take steps to overrule the ALUCP. Though no formal action on the part of the Fresno County ALUC has occurred to require follow up action on the part of the City, the City has been submitting individual projects to the ALUC for review until a General Plan consistency determination can be made.

### **PROPOSAL AND ANALYSIS**

The 2014 General Plan represents the long term development plan for the City of Clovis. While the City has also adopted several specific plans, each with a defined and smaller geographic scope than the General Plan, none are geographically relevant to the AIA. Prior to its adoption in 2014, the City's General Plan was determined to be consistent with the ALUCP that was in effect at that time. However, because the ALUCP was revised in 2018, including changes to the safety zones and noise contours that affect the City of Clovis, a new consistency analysis is required.

A consistency analysis was undertaken to determine whether there are any conflicts between the 2014 General Plan and the 2018 ALUCP (see **Attachment 3**). Key elements of the analysis are summarized below:

- Existing General Plan Policy 3.11 requires that land uses be approved in a manner that is consistent with the Fresno Yosemite International Airport Land Use Compatibility Plan.
- The entirety of the Clovis Planning Area that overlaps the FYI's Airport Influence Area is within Safety Zone 6, the Traffic Pattern Zone (TPZ).
- The aircraft accident risk level is considered to be low within the Zone 6 and the relevant compatibility criteria are the least restrictive of all safety zones within the AIA.

- Within Safety Zone 6, there is no limit on residential density. The criteria for non-residential uses (i.e. commercial, industrial, institutional) allow up to 300 persons per acre.
- Prohibited uses with Safety Zone 6 include outdoor stadiums and similar uses. Any other uses which are deemed hazards to flight are also prohibited, a standard which applies in all safety zones.
- Within Safety Zone 6, generally, there is no concern with regard to any object up to 100 feet above ground level unless it is located on high ground or is a solitary object (such as antenna) more than 35 feet above ground level. Communication towers presented the most likely source of potential concerns.
- Buyer awareness measures, in the form of real estate disclosure notices, are recommended within Safety Zone 6 to notify residential buyers and lessees of airport proximity and the presence of overflights.

The consistency analysis concludes that although no direct conflicts have been identified between the 2014 General Plan and the ALUCP, there are several compatibility criteria which are not clearly referenced in the 2014 General Plan. It is possible that the lack of clear policy requirements in the General Plan could lead to incompatible uses being developed, or to a lack of compliance with ALUCP policies as new projects within the AIA are proposed and approved. For this reason, Staff recommends that existing General Plan Policy 3.11 be amended to clearly reference the applicable compatibility criteria in the ALUCP. The recommended language is included as **Attachment 2**.

#### California Environmental Quality Act (CEQA)

The City has determined that the general plan amendment is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3), the “common sense exemption,” which provides that CEQA applies only to projects that have the potential for causing a significant effect on the environment. GPA 2020-003 is proposed to modify the existing General Plan to ensure consistency between the General Plan and the ALUCP. This will also ensure that future projects are developed in accordance with the compatibility criteria in the ALUCP. As such, the proposed GPA does not have the potential to result in environmental effects.

#### **REASON FOR RECOMMENDATION**

Local agencies are required to conduct a review of their land use plans and regulations for consistency with the ALUCP. These plans and regulations must be amended to eliminate any conflicts that are identified, unless the local agency goes through an “over rule” process. A consistency analysis for the City’s 2014 General Plan suggests that amendments to Policy 3.11 are necessary to achieve full consistency with the ALUCP. After the ALUC has confirmed General Plan consistency, individual projects within the AIA will no longer be required to be submitted to the ALUC for review.

The findings to consider when making a decision on a general plan amendment application include:

1. The proposed amendment is internally consistent with the goals, policies, and actions of the General Plan.

*The 2014 General Plan currently includes policies addressing land use compatibility and consistency with the ALUCP. The proposed general plan amendment would add language to existing Policy 3.11 to make specific references to the applicable land use compatibility criteria in the most recently adopted ALUCP. The proposed changes do amplify the intent of the original policy and no conflicts with General Plan goals, policies, or actions will result.*

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

*The project amendment to Policy 3.11 was determined not to be detrimental to the public interest, health, safety, convenience, or general welfare of the City. Further, the requested action will enhance the health, safety and general welfare of the public by furthering ensuring compliance with the adopted ALUCP as projects within the City are developed.*

3. There is a compelling reason for the amendment.

*The policy change is in response to the update of the ALUCP in 2018 and the requirement in Public Utilities Code that the General Plan be reviewed for consistency with an adopted or amended ALUCP. The proposed amendment to Policy 3.11 is the result of the consistency analysis.*

#### **ACTIONS FOLLOWING APPROVAL**

The general plan amendment and associated consistency analysis will be presented to the Fresno County Airport Land Use Commission for review and determination as to general plan consistency, followed by the final consideration of the recommended general plan amendment by the City Council.

#### **FISCAL IMPACT**

None

#### **NOTICE OF HEARING**

The City published notice of this public hearing in The Business Journal on Friday, October 9, 2020.

Prepared by:



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Dave Merchen  
City Planner