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Land Use Element

Introduction

The most fundamental decisions in planning begin with land use: what to put where. Land use planning envisions the future of a city or county and interacts with all other elements of planning. At its best, the land use element will reflect the community's vision; promote thoughtful, equitable, and accessible distribution of different land uses, including residential, commercial, industrial, agricultural, and open space; and align well with other general plan elements. Planners can also use the land use element as a tool to improve public health, reduce infrastructure costs, enhance local economies, and address long-term environmental issues such as climate change and water resources.

The land use element can also help resolve conflicts and identify trade-offs in land use decisions. For example, increasing density may result in a higher population, but it can also help enhance water supply reliability, reduce long-term costs of infrastructure maintenance, improve water use efficiency, land conservation, housing and transit options, and equity. Designating "least-conflict" areas for solar development may increase energy independence and generate local economic benefits while also preserving valuable agricultural lands. Pursuing urban infill projects may require higher intensity development directed at a limited number of parcels varying in suitability, but infill may also allow for more accessible transit and walkability thus reducing vehicle miles traveled and subsequent greenhouse gas emissions. Identifying and resolving such issues in the land use element can result in development patterns that are predictable, coherent, and reflect community values.

Gov. Code § 65302 (a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, greenways as defined in Section 816.52 of the Civil Code and other categories of public and private uses of land. The location and designation of the extent of the uses of the land for public and private uses shall consider the identification of land and natural resources pursuant to paragraph (3) of subdivision (d). The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify and annually review those areas covered by the plan that are subject to flooding identified by flood plain mapping prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources. The land use element shall also do both of the following:

(1) Designate in a land use category that provides for timber production those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5).

(2) Consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.

(A) In determining the impact of new growth on military readiness activities, information provided by military facilities shall be considered. Cities and counties shall address military impacts based on information from the military and other sources.

(B) The following definitions govern this paragraph:

(i) "Military readiness activities" mean all of the following:

(I) Training, support, and operations that prepare the men and women of the military for combat.

(II) Operation, maintenance, and security of any military installation.

(III) Testing of military equipment, vehicles, weapons, and sensors for proper operation or suitability for combat use.

(ii) "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States Department of Defense as defined in paragraph (1) of subsection (g) of Section 2687 of Title 10 of the United States Code.

In this way, the land use element functions as a guide to planners, the general public, and decision makers. Its objectives, policies, and programs relate directly to the other elements. In practice, the land use element is often the most visible and frequently used element in a general plan.

CORRELATIONS AMONG ELEMENTS

	Circulation	Housing	Conservation	Open Space	Noise	Safety	EJ
Land Use	IN STATUTE	IN STATUTE	IN STATUTE	RELATED	IN STATUTE	IN STATUTE	RELATED

■ Identified in statute ■ Closely related to statutory requirements

Completeness Checklist

Local agency staff can use the following checklist to help ensure that the land use element addresses all required issues. Please note that use of this checklist is purely advisory, and only contains issues that are legally required in Government Code section 65302(a). Conservation elements may address additional issues at the discretion of the local government. Because general plan formats may vary, this checklist suggests identifying where the particular government code provision is satisfied.

California Government Code Section	Brief Description of Requirement
§ 65302(a)	General distribution, location, and extent of:
§ 65302(a)	Housing Density and intensity Potential for flooding impacts.
§ 65302(a)	Business Density and intensity Potential for flood?
§ 65302(a)	Industry Density and intensity Potential for flood?
§ 65302(a)	Open space, including agriculture, natural resources, recreation, and scenic resources Potential for flood?
§ 65302(a)	Education Density and intensity Potential for flood?
§ 65302(a)	Public facilities Density and intensity Potential for flood?
§ 65302(a)	Solid and liquid waste disposal Density and intensity Potential for flood?
§ 65302(a)(1)	Timberland Production Intensity Potential for flood?
§ 65302(a)	Other Density and intensity Potential for flood?
§ 65302(a)	Greenways, as defined in Civil Code Section 816.52
§ 65302(a)	Identify areas subject to flood plain mapping Annual review
§ 65302(a)(2)	Impact on military land use compatibility and readiness
§ 65302(b)(1)	Correlation with the circulation element

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Required Contents

Government Code section 65302(a) describes the required content of a land use element. Specifically, the land use element must designate the proposed general distribution, general location, and extent of land uses for

- Housing, business, and industry
- Open space, including agricultural land, watersheds, natural resources, and recreation
- Recreation facilities and opportunities
- Educational facilities
- Public buildings and grounds
- Future solid and liquid waste facilities
- Greenways
- Timberland Preserve Zone lands
- Areas subject to flooding, identified by either flood plain mapping prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources or mapped flood areas adopted by the local community on Flood Insurance Rate Maps
- Military land use compatibility and impacts to military readiness
- Other categories of public and private uses of land, such as marine protected areas

The land use element should contain a sufficient number of land use categories to conveniently classify the various uses identified by the plan. Land use categories should be descriptive enough to distinguish between allowable levels of intensity and allowable uses. The element should include categories reflecting existing land uses as well as projected development. Additionally, the land use element must include "a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan" (*Camp v. County of Mendocino Board of Supervisors* (1981) 123 Cal. App.3d 334). There need not be an equal number of land use designations and zoning classifications. In many cases, there may be more than one zone that would be consistent with each land use designation.

The land use element must accommodate specific land uses identified in the conservation element pursuant to Government Code section 65302(g)(d)(3). The land use plan must identify waterways used in flood management and could also identify groundwater recharge areas.

The land use element must also consider the impact of new development on military readiness activities carried out on military bases, installations, and in operating and training areas. Planners must take such impacts into account when proposing zoning ordinances or designating land uses covered by the general plan for land that is either adjacent to military facilities or underlying designated military aviation routes and airspace (Gov. Code § 65302(a)(2)). For a GIS map of military aviation routes and airspace by

local government boundary, see the California Military Land Use Compatibility Analyst. For more information on community and military compatibility planning, see the supplement to the general plan guidelines.

The land use element must also be consistent with airport land use compatibility plans where applicable (Gov. Code § 65302.3). For more information on airport land use compatibility and requirements, see the California Airport Land Use Planning Handbook.

The land use element must reflect the specific contents from other elements. For example, the land use element must account for "rivers, creeks, streams, flood corridors, riparian habitats, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management," as identified in the conservation element (Gov. Code § 65302(d)(3)). The law also requires the land use element to correlate with the circulation element (Gov. Code § 65302(b)); and to use the noise element (Gov. Code § 65302(f)) as a guide for establishing a pattern of land use that minimizes the exposure of community residents to excessive noise. For more detailed discussions of those requirements, see the circulation, conservation, and noise elements.

As explained later in this chapter, in some circumstances the land use element must also identify disadvantaged communities and plan for infrastructure in those communities.

Density and Intensity

California's population continues to grow, and the general plan presents a platform to prepare for future needs. Jurisdictions must plan to accommodate the share of the regional housing need that is allocated to them by their Council of Governments (Gov. Code § 65584 (b)). In doing so, planners should consider several factors in their forecasts and build-out scenarios, including population growth and trends, community and regional demographics, the local mix of jobs and housing, economic trends, and infrastructure needs. The Demographic Research Unit within the California Department of Finance (DOF) prepares annual population estimates for the state and for individual counties and cities. This unit also produces information on housing units, vacancies, average household size, components of population change, and special populations. More broadly, the Department of Finance forecasts both population and public school enrollment for the state and for each county for 50 years into the future. DOF data are used to comply with various state codes, including the Regional Housing Needs Assessment (RHNA) process, and for research and planning purposes by federal, state, and local agencies, the academic community, and the private sector.

"Population density" refers to the "numbers of people in a given area and not to dwelling units per acre, unless the basis for correlation between the measure of dwelling units per acre and numbers of people is set forth explicitly in the plan" (*Twain Harte Homeowners Association v. County of Tuolumne* (1982) 138 Cal.App.3d 664). Quantifiable standards of population density must be provided for each of the land use categories contained in the plan. Population density standards need not be restricted solely to land use designations with residential development potential. As the court stated in Twain Harte, "it would not be unreasonable to interpret the term 'population density' as relating not only to residential density, but also to uses of nonresidential land categories and as requiring an analysis of use patterns for all categories . . . it appears sensible to allow local governments to determine whether the statement of population standards is to be tied to residency or, more ambitiously, to the daily usage [sic] estimates for each land classification." Although applied differently from one jurisdiction to another, residential population density can best be expressed as the relationship between two factors: the number of dwellings per acre and the number of residents per dwelling.

Camp v. Mendocino County Board of Supervisors (1981) 123 Cal.App.3d 334 also held that, in addition to assigning different uses to different areas, an adequate general plan must also contain standards for building intensity.

Considerations for defining building intensity can include, but are not limited to:

- Intensity should be defined for each of the various land use categories in the plan.
- General use captions such as "neighborhood commercial" and "service industrial" may be insufficient measures of intensity by themselves.
- Building intensity is not synonymous with population density.

Intensity will be dependent upon the local plan's context and may be based upon a combination of quantifiable variables:

- Many jurisdictions prescribe minimum and maximum numbers of dwelling units per acre as a useful residential standard.
- Floor Area Ratio (FAR), which represents the ratio of the area of a building's floor to that of its total site, is a common measure of commercial and industrial intensity.
- A dual standard of maximum lot coverage and maximum building height may be suitable for agricultural and open-space areas, as well as recreational areas with development limits.
- Lot size has been widely used for agricultural and open-space designations, but it may be an inadequate standard for building intensity.

Coordinating land use and transportation can revitalize underused spaces

Image by Urban Advantage, Community Design + Architecture

Intensity standards can also include provisions for flexibility, such as density bonuses, cluster zoning, and planned unit developments. Standards for permitted uses and building types qualitatively determine the uses that will be allowable in each land use designation.

Many communities have chosen to incorporate form-based codes into their plans, regulating building and infrastructure forms in addition to—or in place of—uses. Form-based codes focus on the community's vision for the physical characteristics of a community, in addition to the statutory requirements presented in law. Government Code section 65302.4 permits form-based codes in general plans, stating that "[t]he text and diagrams in the land

use element that address the location and extent of land uses, and the zoning ordinances that implement these provisions, may also express community intentions regarding urban form and design. These expressions may differentiate neighborhoods, districts, and corridors, provide for a mixture of land uses and housing types within each, and provide specific measures for regulating relationships between buildings, and between buildings and outdoor public areas, including streets." This tool achieves certainty over the physical outcome of land use and development decisions while enhancing flexibility to create more infill or infrastructure as needed. Cities in California that have used form-based codes, such as Ventura, Benicia, and Petaluma, provide examples of this practice.

As defined by the National Center, development capacity analysis, sometimes called 'build-out analysis' represents "an estimate of the total amount of development that may be built in an area under a certain set of assumptions, including applicable land use laws and policies (e.g., zoning), environmental constraints, etc." Calculating the acreage within each land use category and multiplying that number by the applicable density and intensity factor estimate theoretical development capacity. Realistic development capacity involves analysis of growth forecasts and other factors, including inhibitions to development. The referenced report by the National Center for Smart Growth Research and Education, Maryland Department of Planning, and Lincoln Institute of Land Policy recommends a five-step process for capacity analysis based on best practices from Oregon, Maryland, and Washington:

i. "Identify vacant land and those lands that cannot be developed due to environmental constraints.

ii. Subtract land needed for urban public services.

iii. Add land that can be redeveloped or developed at greater intensity through infill.

iv. Identify land with public services.

v. Estimate development capacity."

An analysis should include a discussion of the realistic capacity of lands by zoning district, as related to housing and other development. Specifically, the element should demonstrate the ability to achieve the densities assumed in the land inventory either through a discussion of past development trends by zoning district or through city regulations, policies or programs requiring the assumed densities. Assumed densities should not include density bonuses. In communities with limited vacant land, the land inventory should identify and analyze sites with redevelopment potential for new and more intensive residential development. In such cases, the land inventory should describe the acreage, zoning and development standards, existing uses and ripeness for redevelopment, realistic development capacity, the general character and size of sites judged suitable for residential development, market trends, and any policies or incentives to facilitate their development. The inventory should estimate the realistic development capacity based on an analysis of these factors. Such sites may be made available by implementing programs applicable to redevelopment, including recycling, infill, re-designation, and rezoning of nonresidential sites for appropriate residential use.

4

Statutory Requirements

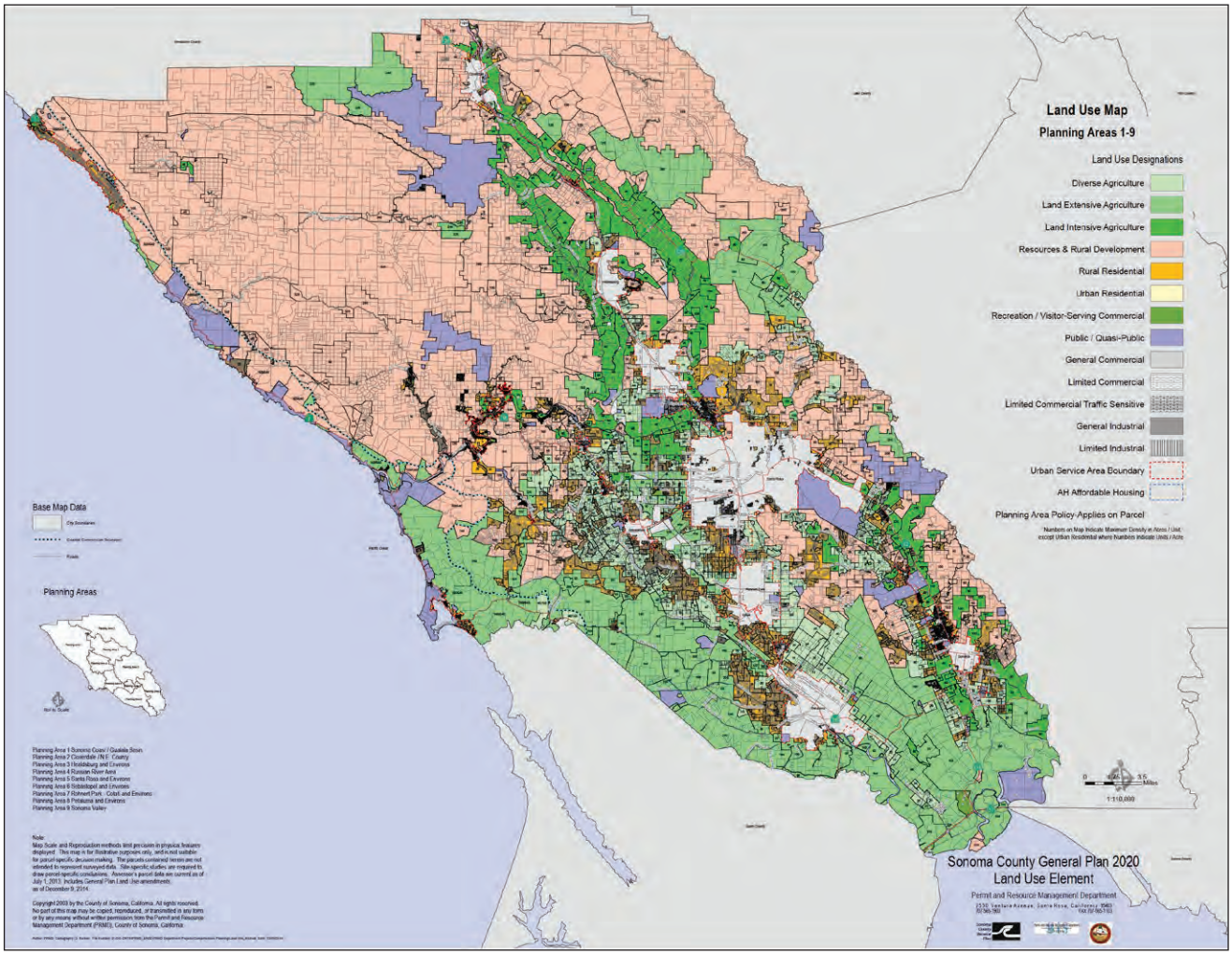
This section offers a general guide to the contents of the land use element. Note that while the focus is on the minimum requirements for an adequate land use element, an effective general plan will also focus on the issues of greatest relevance to the community.

Diagram

Requirement Description:

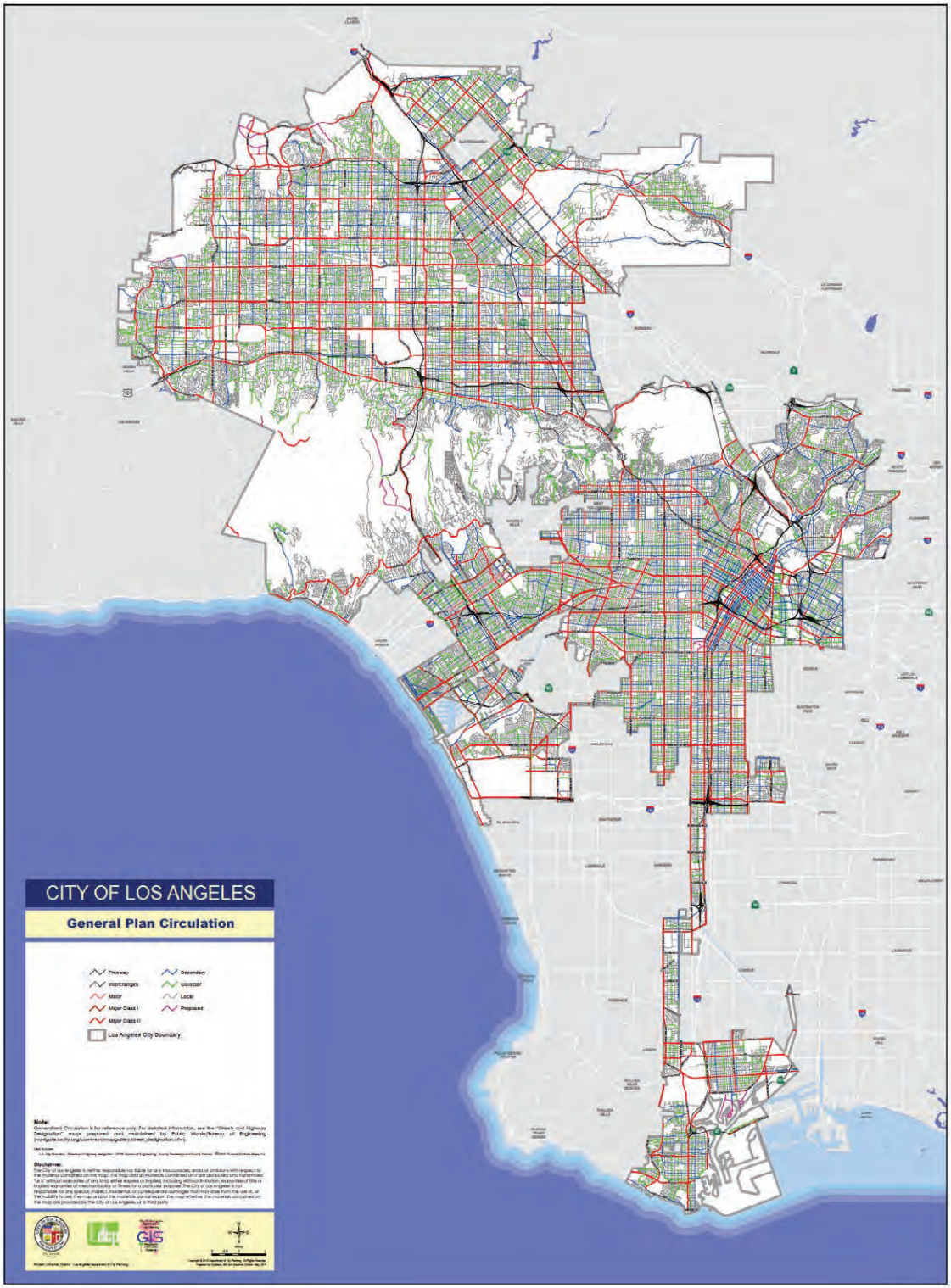
The land use element must designate the proposed general distribution, location, and extent of land uses, and shall include a diagram or diagrams (Gov. Code §§ 65302-65302(a)). For examples of such diagrams, see figures 6-8.

Figure 8: Land Use Map for Sonoma County



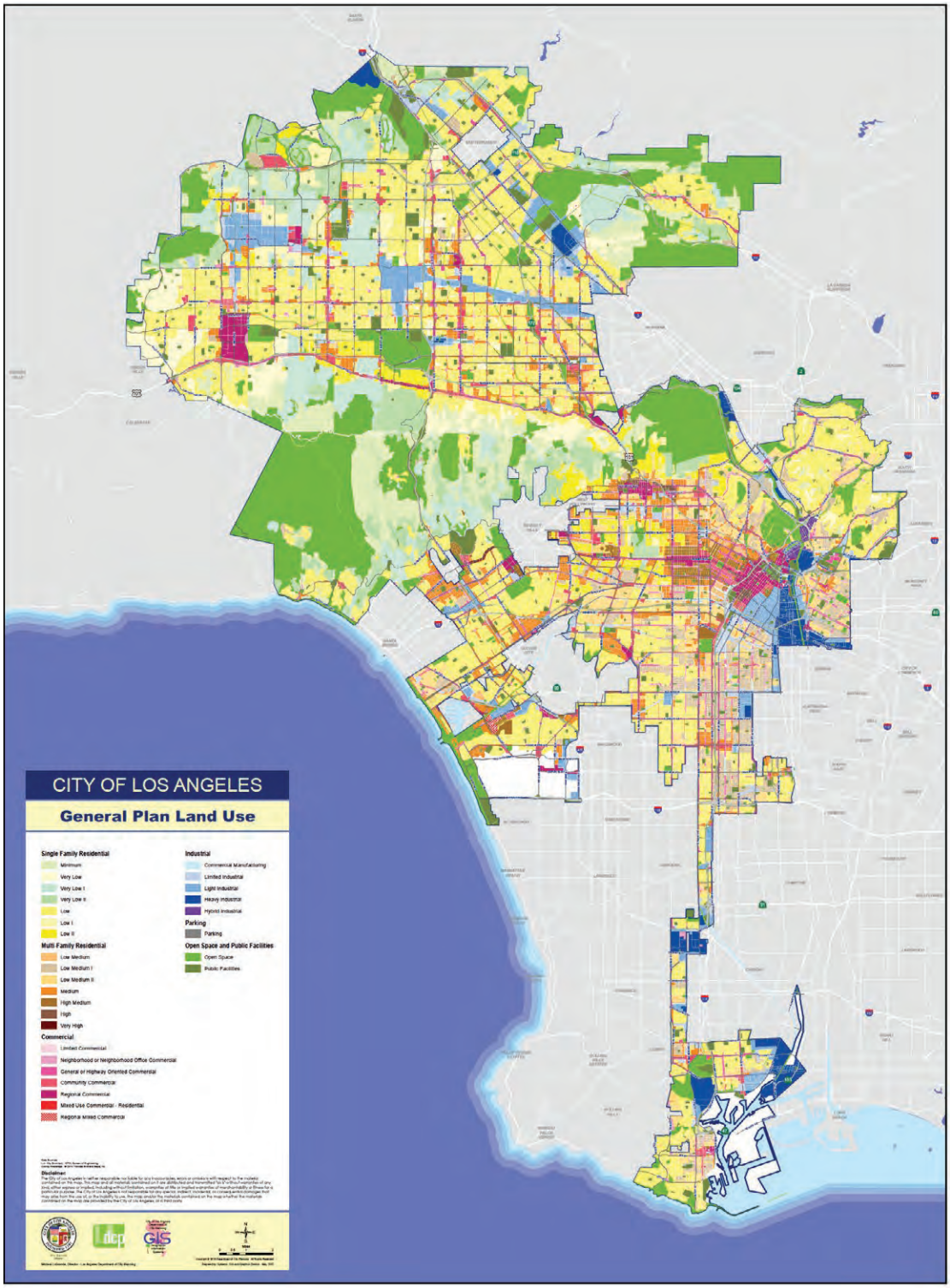
Source: http://www.sonoma-county.org/prmd/gp2020/fig-lu1.pdf

Figure 9: City of Los Angeles Circulation Map



Source: http://planning.lacity.org/mapgallery/Image/Citywide/GenCirculation.pdf

Figure 10: City of Los Angeles Land Use Map



Source: planning.lacity.org

Many types of development policies lend themselves well to graphic treatment, such as the distribution of land uses, urban design, infrastructure, and geologic and other natural hazards. A diagram must be consistent with the general plan text and should have the same long-term planning perspective as the rest of the general plan. The text and diagrams in the land use element that address the location and extent of land uses, and the zoning ordinances that implement these provisions, may also express community intentions regarding urban form and design. Such diagrams and text may differentiate neighborhoods, districts, and corridors; provide for a mixture of land uses and housing types; and provide specific measures for regulating relationships between buildings as well as between buildings and outdoor public areas (Gov. Code § 65302.4). Jurisdictions may adopt traditional land use typologies, such as mixed use or residential, that are based on urban form and design—for example, Sacramento has created categories for "transit centers" and "new growth areas"—or they may use a combination of typologies. Caltrans' Smart Mobility Framework suggests seven place type categories with sub-categories to fit local context and relates community design to circulation and access through efficiency factors. Some communities have adopted similar place types, modified for local context.

The Attorney General has observed that "...when the Legislature has used the term 'map,' it has required preciseness, exact location, and detailed boundaries but no such precision is required of a general plan diagram." As a general rule, a diagram or diagrams, along with the general plan's text, should be detailed enough so that all users of the plan can reach the same conclusion on the appropriate use of any parcel of land at any particular phase in the physical development of a city or a county. Decision makers should also be able to use a general plan and its diagram(s) to make day-to-day land use and infrastructure decisions that are consistent with the future physical development scheme of a city or a county. Given the long-term nature of a general plan, however, its diagram(s) and text should be general enough to allow a degree of flexibility in decision-making as times change. For example, a general plan may recognize the need for and desirability of a community park in a proposed residential area without immediately designating its precise location. Accordingly, the plan should have a generalized diagram along with policies stating that selection of the park site and appropriate zoning will take place when subdivision of the area is approved.

Many communities use a map as the general plan diagram. The land use element should focus on the future growth and physical development of the community in accordance with the land use map while ensuring the provision of adequate infrastructure and services to existing communities. Maps are useful for designating land use categories, as well as building densities, FAR, and other development goals. The maps in figures 6-8 demonstrate some of these varying uses. Observing proposed land uses side by side on a map will help decision makers and the public understand the relationships between them. It may also be helpful to include other elements, such as circulation and infrastructure, in the land use map when possible. Including known assets such as roads, transit routes, job centers, and service centers can help inform decisions about future land uses and needs. For example, the City of San Diego created numerous maps in which community features such as wastewater facilities and bikeways are overlaid onto more traditional depictions of land use and the street system, while the City of Emeryville used mapping to designate density and intensity in each land use category. The GPG Mapping Tool can help communities layer data to identify areas of need and opportunity as well as potential locations for specific types of land use.

Categories used in the land use element should align with the goals of the general plan. For example, a jurisdiction wanting to promote infill development and compact growth may consider setting minimum density standards along with traditional maximums.

In some instances, land use policies provide the basis for requiring exactions and development fees of new projects (for example, parks and recreational facilities under the Quimby Act of 1975 (Gov. Code § 66477). The distribution of land use categories that are reflected in the plan diagram must conform to the plan's policies. Law does not require existing development to fully adhere to all of the development policies set forth by the plan; however, new and future development must be in uniform compliance.

The land use element requirements provide an opportunity to determine the future of a community. By ensuring thoughtful, equitable, and accessible distribution of different densities, intensities, and land uses and by aligning with other general plan elements, the land use element can address long term environmental issues such as climate change, enhance local economies, reduce infrastructure costs, facilitate healthy lifestyles, improve air quality, increase transportation choices, create community resilience, also address emerging developments in technology, such as connected and autonomous vehicles, and resulting changes in land use, and promote quality housing for all residents of the community.

Housing, Business, and Industry

Requirement Description:

A land use element must designate the general distribution, location and allowable intensity of use for housing, business, and industry. To do so, a jurisdiction should

- Examine population data, including regional and local population and growth forecasts.
- Identify demographic trends (age, income, persons per household, vehicle ownership rates, etc.).
- Inventory existing residential, commercial, and industrial land use in the planning area.
- Identify key community assets (i.e., a thriving downtown, waterfronts, or open spaces, particularly those identified in the open space and conservation elements) that should be enhanced or preserved.
- Identify geographic, fiscal, and institutional limitations that may affect the location and type of future growth, such as infrastructure capacity (water and energy service, sewage treatment, storm drainage adequacy, fiber optics, etc.) and environmental concerns (flooding, fire hazard, noise, etc.).
- Consider functional and physical differentiation of land uses – neighborhoods, districts, corridors, employment centers, etc.
- Analyze existing urban form – blocks, connectivity, building footprints, relationship to street frontages, parking allocations, etc.
- Analyze properties subject to land use development—vacant, underdeveloped, transit-oriented, etc.—and include a discussion of the methodology used to identify such properties.
- Determine project needs for specific land use considerations, including watershed and groundwater recharge; residential, commercial, and industrial development based upon estimates of future population; anticipated changes in environmental conditions such as those resulting from climate change; and economic conditions.

Additionally, the land use element should consider the appropriate methodology for identifying land use designations aligned with general plan goals. For example, it may designate residential and commercial growth in a series of connected areas or along existing

transit routes so as to encourage compact development and promote access for various populations, or it may require buffer zones surrounding industrial land and hazardous materials sites.

The general plan tends to be more about long-range planning and looking forward. However, considering current conditions and past planning decisions is important to ensure that the land use element does not perpetuate or exacerbate existing problems. Data and tools such as the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment has developed Cal EnviroScreen as a screening methodology that identifies California communities that are disproportionately burdened by pollution. In the context of planning for future growth, such data may inform future decisions about whether certain locations are appropriate for additional commercial and industrial facilities. It is good planning for all jurisdictions to address this. Certain jurisdictions subjected to SB 1000 will now be required to address environmental justice issues. (See EJ section and Chapter 5 for more information on equity and environmental justice).

Land use decisions can have other significant impacts on health. Increases in density, development intensity, and a mix of land uses can promote physical activity and the use of active transportation and transit. The use of flexible and context sensitive urban design strategies can promote walkable and bikeable environments, which has been shown to be beneficial for health.

SAMPLE OF OPR RECOMMENDED DATA FOR CONSIDERATION IN ANALYSIS OF THIS ELEMENT

Intent of analysis	Recommended Data
Identify locations in need of particular community assets.	Population density (US Census).
Identify potential gaps in services.	Types of businesses geographically.
Support mixed-use communities and vibrant places supportive of recreation, retail, and housing.	Diversity of functional zoning.

Open Space, Including Agricultural Land, Natural Resources, and Recreation

Requirement Description:

A land use element must provide for the general location and distribution of land uses for "open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty" (Gov. Code § 65302(a)). Determining policies and locations for open space in the land use element may help create a foundation to build detailed policies in the conservation and open space element, or connect to themes such as economic development, climate change, equity, or healthy communities for general plans not organized by elements.

The land use diagram should designate and correspond to the inventory of existing open space and identify public land for future open space, as detailed in the open space element. This may include designation of parks, greenways, forests, community gardens, public beaches, fishing piers, access points to marine protected areas, and other open space categories identified by the community. Promoting equitable access to parks, open space, and recreational assets, will afford all communities the opportunity to be physically active.

Statewide policies favor preservation of open space.

(a) "That the preservation of open-space land ... is necessary not only for the maintenance of the economy of the state, but also for the assurance of the continued availability of land for the production of food and fiber, for the enjoyment of scenic beauty, for recreation and for the use of natural resources.

(b) That discouraging premature and unnecessary conversion of open-space land to urban uses is a matter of public interest and will be of benefit to urban dwellers because it will discourage noncontiguous development patterns which unnecessarily increase the costs of community services to community residents" (Gov. Code § 65561).

For cities and counties with agricultural lands, consideration of those lands specifically in a broader land use context may help identify better policies to achieve their general plan goals. In addition to their value as an economic driver, agricultural lands can help cities and counties preserve open space lands' aesthetic qualities, maintain physical separation between urban areas, and preserve biological resources. However, some of the most valuable agricultural lands are located closest to growing cities and are thus at highest risk for conversion. Without appropriate land use planning and policies that encourage conservation, many of these spaces may be permanently lost. Tax incentives for converting vacant space into urban agricultural zones provide potential tools for cities with smaller plots of useable land.

The land use element policies and maps must be consistent with the conservation and open space element, both of which contain more specific requirements.

SAMPLE OF OPR-RECOMMENDED DATA FOR CONSIDERATION IN ANALYSIS OF THIS ELEMENT

Intent of Analysis	Recommended Data
Identify proportion of the population, especially vulnerable or disadvantaged communities, within X miles of recreational open space and with ready access to it (e.g. transit).	Census tract data with geo-mapping overlay of recreational open space overlaid with mass transit routes.
Identify areas important to water supply or water quality to ensure protection.	Water supply source areas, infiltration areas, areas above groundwater supplies, wetlands, natural filtration basins, and priority recharge zones.

Educational Facilities

Requirement Description:

The land use element must plan for the use of land for "education" (Gov. Code § 65302(a)). Educational facilities may include district-run facilities, but also charter schools, private schools, parochial schools, preschools, closed and surplus school properties, career colleges, higher education satellite campuses, home school centers, independent study centers, adult education and regional occupational programs. Local governments and school districts have separate but related statutory requirements and authority, as explained in the list below, and coordination is mutually beneficial. Land use may affect school functions—for example, by facilitating safe routes to schools. Similarly, the placement of schools within a community may influence circulation patterns and housing decisions. School siting should consider regional growth characteristics as well as changes in demographics and density as state

and local laws change to prioritize more resource efficient development patterns, including agricultural farmland preservation. Additionally, school districts and communities should consider climate related risks, such as flooding, fire, and other hazards, when planning new facilities. Ensuring that school districts participate in the planning process through outreach, engagement, and coordination where possible can benefit the community, reduce potential future issues, and facilitate alignment between city, county, and district goals.

California Code of Regulations, Title 5, §14001. Minimum Standards:
Educational facilities planned by school districts shall be:

(a) Evolved from a statement of educational program requirements which reflects the school district's educational goals and objectives.

(b) Master-planned to provide for maximum site enrollment.

(c) Located on a site which meets California Department of Education standards as specified in Section 14010.

(d) Designed for the environmental comfort and work efficiency of the occupants.

(e) Designed to require a practical minimum of maintenance.

(f) Designed to meet federal, state, and local statuary requirements for structure, fire, and public safety.

(g) Designed and engineered with flexibility to accommodate future needs

School districts are required to comply with city/county zoning ordinances if the city/county has an adopted general plan and the ordinances make provisions for the location of public schools. Nevertheless, a school district governing board that has complied with notification requirements may, by a two-thirds vote, "render a city or county zoning ordinance inapplicable to a proposed use of property by the school district" for classroom facilities (Gov. Code § 53094) pursuant to Attorney General Opinion No. 99-401, "even though such use would not be in conformity with the general plan" (82 Ops.Cal.Atty.Gen. 135). There are certain exceptions to the ability of a school district to render zoning inapplicable (Gov. Code § 53094), such as property within a farmland security zone or property covered by regional plans, such as those adopted by the Coastal Commission or Tahoe Regional Planning agency. School districts must also comply with city and county ordinances regulating improvements in drainage, roads, and on-site grading plans (Gov. Code § 53097). Additionally, charter schools may have separate rules and requirements, including exemption from certain laws governing school districts (Ed. Code § 47610). Early coordination between school districts and planners can help improve outcomes for all. The National Safe Routes to School Partnership outlines numerous best practices for school siting, as well as case studies on communities around the nation. Although cities and counties control land use approvals, and school siting is controlled by local school districts, consultation between those entities is required at several points in the planning process. Before adopting a general plan, a local government must solicit input from affected school districts (Gov. Code § 65352(a)(2)). The Local Agency Formation Commission (LAFCO) should also be consulted early in the process of school site consideration.

- Before completing any long-range plans that contemplate school site acquisition, a school district must notify local government planning agencies and must participate in a meeting if requested (Gov. Code § 65352.2(b)).
- Before the acquisition of property for facilities, school districts must consult with the planning agency of local governments (Gov. Code § 65402(c)).
- Before obtaining the title to land for a proposed school site or adjacent to a present school site, the governing board of each school district shall give written notice to the planning commission with jurisdiction. The planning commission shall then investigate the proposed site (Pub. Resources Code § 21151.2).
- "The governing board of any school district shall meet with appropriate local government recreation and park authorities to review all possible methods of coordinating planning, design, and construction of new school facilities and school sites or major additions" (Ed. Code § 35275).
- Prior to acquiring a school site that is designated in a local general plan for agricultural uses, a school district must consult with the local government (Ed. Code § 17215.5(a)). If the proposed school site is within an agricultural preserve, additional notification to the California Department of Conservation is required (Gov. Code § 51291(b)).
- Additional notification to the local airport land use commission may also be required (Pub. Utilities Code § 21676).

Consultation between local governments and school districts at these various points in the planning process may resolve conflicts before they arise, creating a more efficient process. Useful consultation topics may include

- District school facilities' master plans and the acreage necessary to build a school, as well as other location factors.
- The ability of potential school sites to be accessed by parents and students on foot, or by public transit.
- The potential impacts that agricultural operations, industry, waste facilities, or other polluting land uses may have on schools.
- The potential for joint use of parks or co-location with other facilities, given the tendency for schools to function as hubs for the community during school and non-school hours

SAMPLE OF OPR-RECOMMENDED DATA FOR CONSIDERATION IN ANALYSIS OF THIS ELEMENT

Intent of Analysis	Recommended Data
Proximity of schools to housing and transportation.	School locations, including private and charter schools, residential areas, transit maps, bike and pedestrian routes.
Potential joint use programs between schools and communities.	Community assets and needs, school facilities and hours.
Density of fast food outlets within ½ mile of schools (most relevant for high schools with open campuses).	City/county permit records.
Proximity of schools to safe active transportation options to/from home/school.	Circulation element (sidewalks, bike paths; school catchment areas), motor vehicle related pedestrian and bicycle crash rates.
Health impacts of location.	Youth obesity prevalence.

Public Buildings and Grounds

Requirement Description:

The land use element must plan for the use of land for "public buildings and grounds" (Gov. Code § 65302(a)). Such "public buildings and grounds" may include community centers, libraries, and clinics. New or enhanced public facilities can catalyze other planned development as well as redevelopment of existing areas. Additionally, thoughtful distribution of public buildings can help ensure equitable access to public resources and services throughout the community. Consideration should be given to housing and transportation access surrounding proposed public buildings, as well as preservation of access to existing buildings and grounds. Depicting planned future public facilities in the general plan diagram or using symbols to identify possible future use may help align these uses with other community assets and needs.

An inventory of public buildings and grounds will help assess the distribution of public facilities across the community and identify underserved areas. The land use element should also assess the need for additional facilities based upon existing need for enhanced services and projected increases in land use intensity and population. An inventory of public and private historical landmarks (Pub. Resources Code § 5024) and existing public surplus land should also be included.

SAMPLE OF OPR-RECOMMENDED DATA FOR CONSIDERATION IN ANALYSIS OF THIS ELEMENT

Intent of Analysis	Recommended Data
Equitable distribution of public facilities. Increased opportunity for community access to public facilities.	Community asset maps.
Access to public facilities.	Transit maps and timetables; population and demographics.
Density of fast food outlets within ½ mile of schools (most relevant for high schools with open campuses).	City/county permit records.
Opportunities for shared use of public buildings by communities, e.g., meeting spaces, auditoriums, etc.	Inventory of publicly owned facilities, including size, location, resources, and access.

Solid and Liquid Disposal Facilities

Requirement Description:

The land use element must plan for the use of land for "solid and liquid waste disposal facilities" (Gov. Code § 65302(a)). Plans should include an inventory of existing solid and liquid waste disposal, recycling, anaerobic digestion, remanufacturing and composting facilities to aid compliance with the Countywide Integrated Waste Management Plan and other associated laws as noted below. Waste reduction and recycling is an essential element of a sustainable community. In addition to conserving resources and protecting the environment, reducing waste and remanufacturing products using recycled materials benefits local communities by reducing greenhouse gas emissions, creating jobs, addressing food insecurity, and has many other benefits. Based upon projected land uses and population growth as well as potential opportunities to reduce waste streams, the land use element should consider the infrastructure that is needed to recover edible food waste and facilitate its delivery to food banks and other appropriate entities. The element should also consider the potential need for additional recycling, anaerobic digestion, composting and remanufacturing facilities. For example, recycling organic materials through composting, mulching, and anaerobic digestion – pursuant to SB 1383,

the Short Lived Climate Pollutants Act of 2016, the Solid Waste: Diversion Act of 2011, the Solid Waste: Organic Waste Act of 2014 (SWOWA), the AB 32 Scoping Plan, and local requirements – can produce renewable energy and fuel and reduce GHG emissions. As jurisdictions establish organic material recycling programs, the general plan should consider the infrastructure that is needed to support increased diversion of organics from landfills, including the location of new facilities, the possibility of upgrading existing facilities to accommodate organic material specifically, (i.e., co-locating composting and digestion facilities at existing facilities such as transfer stations, material recovery facilities, and landfills), or the creation of new curbside collection requirements for food scraps with yard waste. The land use element should also include a transparent and proactive process to involve potentially impacted or disadvantaged communities in the early stages of facility planning and permitting processes. These issues may also be addressed in the county climate action plan. If relevant, cities and counties should consult with special districts and utilities providers to ensure the proposed land use plan is supported by adequate facilities.

In October of 2015, Governor Brown signed AB 876 (McCarty) to address longer-term planning for organics infrastructure by requiring counties and regional agencies to report the following information to CalRecycle commencing on August 1, 2017:

(1) An estimate of the amount of organic waste in cubic yards that will be disposed by the county or region over a 15-year period.

(2) An estimate of the additional organic waste recycling facility capacity in cubic yards that will be needed to process the amount of organic waste identified.

(3) Areas identified by the county or regional agency as locations for new or expanded organic waste recycling facilities capable of safely meeting the additional organic waste recycling facility capacity need identified.

Addressing the facilities that may need to be expanded or sited to process the organic materials in 15 years will require each county or regional agency to assess its unique situation, including existing facilities and their ability to process the material, and any new or expanded facilities that can be identified.

In addition, the general plan should consider the potential impacts of solid and liquid waste facilities, waste-to-energy plants, and similar facilities on surrounding land uses and access routes as identified in the circulation element. Generally, schools, hospitals, residences, and other potentially sensitive buildings should not be located where nearby facilities could have adverse health impacts. When designating new areas in the land use plan for waste facilities, the city or county should carefully consider whether surrounding areas are already burdened by existing sources of pollutants.

The publication, Model Goals, Policies, Zoning, and Development Standards for Composting and Remanufacturing Facilities, is intended to educate and inform local policy-makers and planners about land use planning approaches and zoning tools to encourage the economically beneficial use of recyclable materials generated in California. It identifies options and model language for general plan goals and policies, as well as zoning ordinance standards related to anaerobic digestion, composting, and remanufacturing facilities using recycled materials. These examples provide a starting point that can be modified to fit individual city or county circumstances.

Planning for Organic Waste Diversion

California has an ambitious goal of 75 percent recycling, composting, or source reduction of solid waste by 2020. Achieving that goal will require the recycling, composting, or source reduction of an additional 23.5 million tons of recyclables annually, a significant portion of which is organic material. To redirect that much organic material by 2020 will require major efforts on many fronts, including the expansion or siting of many facilities to accommodate higher recycling volumes, stronger markets for recycled materials, ideally within underserved regions of the state, that are sustainable and responsive to local needs and opportunities.

In September 2016, Governor Brown signed SB 1383 (Lara, Chapter 395, Statutes of 2016), establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants (SLCP) in various sectors of California's economy. Actions to reduce short-lived climate pollutants are essential to address the many impacts of climate change on human health, especially in California's most at-risk communities, and on the environment. SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The law also establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025. Additional information on the organic waste recycling requirements can be found at CalRecycle's SLCP Webpage.

SB 1383 builds upon California's leading commitments to reduce greenhouse gas emissions and air pollution statewide. Governor Brown identified reductions of short-lived climate pollutant emissions, including methane emissions, as one of five key climate change strategy pillars necessary to meet California's target to reduce greenhouse gas emissions 40 percent below 1990 levels by 2030 as established in SB 32 (Pavley, Chapter 249, Statutes of 2016). SB 1383 will further support California's efforts to achieve other policies, such as increased commercial recycling as mandated by the Solid Waste: Organic Waste Act of 2014, hereafter referred to as SWOWA, and greater recycling by the general public.

To achieve these goals and targets, local agencies are turning to innovative technologies like anaerobic digestion to convert waste into energy and to reduce greenhouse gas emissions that contribute to climate change. Local anaerobic digestion projects provide a number of benefits including landfill disposal cost savings, the ability to meet greenhouse gas reduction and state waste diversion goals, and increased community pride and recognition for their role as an environmental leader. Anaerobic digestion facilities have the option of producing electricity or natural gas with heat as a co-product. Electricity can be used to power the facility itself or can be exported to the electrical grid. Natural gas can be used to fuel natural gas vehicles, including solid waste and recycling trucks, delivery trucks, passenger vehicles, and buses. Either energy choice will generate a revenue stream which can help offset the costs of the facility.

The Sacramento BioDigester started in 2012 with the capacity to process 10,000 tons of food waste per year, and its capacity expanded to four times that amount in early 2015. The 40,000 ton input capacity includes food waste from area restaurants, food processors, hospitals, the international airport, elementary schools, and supermarkets. The 730,000 gallons of biofuel produced annually are used at an onsite fueling station to fuel all of the natural gas trucks of the local trash and recycling collection fleet (24 of 55 trucks) as well as a portion of the city's and county's waste fleets, security cars, California State University, six Sacramento commuter buses, and two local

catering companies. The BioDigester also has an exclusive contract to provide natural gas to Sacramento School District's 6-12 buses and is the backup provider for Elk Grove's 6-12 buses. The waste gas that is not clean enough to use for transportation fuel is used to produce one million kilowatts of electricity which powers both the facility and the fueling station. The digestate is used to produce eight million gallons of organic soils and fertilizers for Sacramento area farms.

Alameda County adopted its Community Climate Action Plan in February of 2014. It builds off the county's already exemplary waste management programs by establishing a target of diverting 90 percent of all waste from landfills by 2030 with an interim goal of 82.5 percent by 2020. To achieve this, the county has outlined measures and strategies that include mandatory household and commercial food waste recycling and a corresponding outreach and education program. The Alameda County Waste Management Authority Board, also known as StopWaste.Org, is a joint powers authority. Its members include the county, the fourteen cities in the county, and two special districts that provide solid waste and recycling services. Its education activities aim to encourage businesses to recycle and include technical assistance for waste prevention and recycling, targeted outreach and assistance to large businesses, online resources for smaller businesses, grants for businesses, and a high profile recognition program for businesses that recycle.

SAMPLE OF OPR-RECOMMENDED DATA FOR CONSIDERATION IN ANALYSIS OF THIS ELEMENT

Intent of Analysis	Recommended Data
Safety and health concerns for vulnerable populations.	Locations of schools and hospitals as well as populations of children and elderly facilities or communities.
Vehicle miles traveled (VMT) effects of waste facility location.	Distances and frequency of truck travel between residential and commercial centers and facilities; local sustainable communities strategies (SCS).
15 years capacity needed for organics recycling.	Capacity needed and available/planned infrastructure.

Greenways

Requirement Description:

A land use element must designate the proposed general distribution, location, and extent of uses of land for greenways, defined by Civil Code 816.52(b) as "a pedestrian and bicycle, nonmotorized vehicle transportation, and recreational travel corridor that meets the following requirements:

(1) Includes landscaping that improves rivers and streams, provides flood protection benefits, and incorporates the significance and value of natural, historical, and cultural resources, as documented in the local agency's applicable planning document, including, but not limited to, a master plan, a general plan, or a specific plan.

(2) Is separated and protected from shared roadways, is adjacent to an urban waterway, and incorporates both ease of access to nearby communities and an array of amenities within an urbanized area and services for the users of the corridor and nearby communities.

(3) Is located on public lands or private lands, or a combination of public and private lands, where public access to those lands for greenway purposes has been legally authorized by, or legally obtained from, the fee owner of the land and, if applicable, the operator of any facility or improvement located on the land, through leases, easements, or other agreements entered into by the fee owner and the operator of any affected facility or improvement on the land.

(4) Reflects design standards regarding appropriate widths, clearances, setbacks from obstructions, and centerlines protecting directional travel, and other considerations, as appropriate, that are applicable for each affected local agency, as documented in the local agency's applicable planning document, including, but not limited to, a master plan, general plan, or specific plan, and that are consistent with plans and facilities for controlling the floodwater of rivers and their tributaries, as applicable.

(5) May incorporate appropriate lighting, public amenities within an urbanized area, art, and other features that are consistent with a local agency's planning document, including, but not limited to, a general plan, master plan, or specific plan."

Planning for greenways should coordinate closely with the circulation, conservation, and open space elements, and consider implications on community health, economic development, environmental justice, and social equity.

Identify and Annually Review Areas Subject to Flooding

Requirement Description:

In addition to the requirement to designate specific land uses, the land use element must "identify and annually review those areas covered by the plan that are subject to flooding identified by flood plain mapping prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources" (Gov. Code § 65302(a)).

When fully informed by applicable flood information and assessments of climate change impacts and management practices, careful land use planning can effectively reduce vulnerability to potential flood damage in cities and counties. Such careful planning can include non-structural flood protection measures, low impact development, and improved stormwater management practices. Federal, state, and local agencies may construct and operate flood protection facilities to reduce flood risks, but some amount of risk will remain for those residing in floodplains. Therefore, increasing awareness can help ensure Californians recognize the potential threat and are better prepared to respond to flood emergencies.

The Land Use: Water Supply Act of 2007 (AB 162, Wolk) requires additional consideration of flood risk in local land use planning throughout California and named the Department of Water Resources (DWR) as a source for floodplain information and technical data for local governments. The Sustainable Groundwater Management Act of 2014, hereinafter referred to as SGMA, considers the connections between groundwater management, land use, and flood management and allows local agencies to customize plans to their regional needs.

DWR published two reports—Implementing California Flood Legislation into Local Land Use Planning: A Handbook for Local Communities and Guidance on General Plan Amendments for Addressing Flood Risk—to provide assistance and recommendations for local government compliance with 2007 flood legislation. DWR also created a sustainable groundwater management toolbox to assist with SGMA.

Local jurisdictions must assess floodplain mapping, groundwater recharge, and stormwater management information and determine any needed changes in the general plan. If new data comes to light, then the existing general plan's background information, maps, goals, policies, and implementation measures may need updating. As flood risk may change over time, cities and counties should establish policies for land use that are consistent with evolving flood risks.

The land use element policies addressing flooding should also be consistent with additional flood control policies required in the conservation and safety elements, as well as any policies related to climate change, and should consider the potential for groundwater recharge benefits for water supply. When linked to consistent policies in other elements, addressing flooding through hazard area identification and land use management policies may help jurisdictions reduce redundancy in their general plans

SAMPLE OF OPR-RECOMMENDED DATA FOR CONSIDERATION IN ANALYSIS OF THIS ELEMENT

Intent of Analysis	Recommended Data
Incorporate stormwater capture and low impact development (LID) for water supply benefits and safety into site planning.	Levee flood protection zones; 100-year floodplain maps; 200-year floodplain maps (if available); 500-year floodplain maps; Awareness floodplain maps; Best available maps.
Identify populations with evacuation challenges.	US Census data on disabled persons, the elderly, and households with transportation barriers.
Identify opportunities for integration between habitats.	Choices in site planning – see DWR Land Use Surveys.

Identification of Timberland Production Zone Lands

Requirement Description:

The land use element must designate "parcels of real property zoned for timberland production pursuant to the Timberland Productivity Act of 1982 ..." (Gov. Code § 65302(a)(1)). Under the Z'berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976, land zoned for timber production receives substantial tax benefits. Such timber production zones (TPZ), also known as timber preserve zones, are restricted to the production of timber or compatible use for ten years, followed by annual automatic renewal unless otherwise terminated (Gov. Code § 51114, 51115). These acres of TPZ represent the State's long-term, privately owned forestland base.

As population increases, encroaching development threatens timberland production zones. The state discourages the expansion of urban services into timberlands and "premature or unnecessary conversion of timberland to urban and other uses" (Gov. Code § 51102(a)). Ensuring the continual growing and harvesting of timber is important "to ensure the long-term productivity of the forest resource, the long-term economic viability of the forest products industry, and long-term stability of local resource-based economies" (Gov. Code § 51101(c)). The land use element regarding TPZ should support and remain consistent with policy objectives in the conservation and open space elements

4

Impact of New Growth on Military Readiness Activities

Requirement Description:

A land use element must include consideration of impacts to the military's operations. Specifically, Government Code section 65302(a)(2) requires consideration of impacts of land use decisions on military. The law states that the land use element of the general plan shall "[c]onsider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace" (Gov. Code § 65302(a)(2)).

To encourage collaboration between the military and local jurisdictions and to prevent land use conflicts with military installations and training activities, California law created a notification process to inform the military of local land use proposals that might have an impact on military facilities and operations. The law requires that local governments 1) use development permit applications that identify proposed projects within 1,000 feet of a military installation, beneath a low-level flight path, or within special use airspace and 2) notify the military when a proposed project, or an updated or revised general plan, might have an impact on military facilities and operations (Gov. Code § 65944(d)). The California Military Land Use Compatibility Analyst (CMLUCA) can help identify where military operations are in relation to cities and counties. CMLUCA can also generate a report to notify the military when there is a project proposed under military airspace.

Military Compatibility Planning Resources

For more information on military compatibility issues, please see OPR's California Advisory Handbook for Community and Military Compatibility Planning and the Community and Military Compatibility Planning: Supplement to the General Plan Guidelines.

Military staff are available to work with local governments on military compatible land use planning. For more information, and a memo on Government Code section 65352(a)(6)(A) and Government Code section 65944(e) notification requirements, please see OPR's California Strategic Coordination and Engagement Program.

Local military activity or Department of Defense Service points of contact can provide specific information about military installations and training areas within your county or city. It is important to check with the military points of contact to discuss the particular military operations in your area and how a local government's vision for development can be compatible with those operations. In the case of areas with low-level flight paths, it is particularly important to coordinate with the branch points of contact. OPR maintains a list of military branch points of contact.

Each city and county should implement a process to identify, coordinate, and assist in resolving potential land use conflicts within nearby military training areas or under military special use airspace to ensure that new development is compatible with military operations and with mission training and testing requirements. New development should be reviewed and regulated to avoid impact to military operations areas (MOAs) and to maintain public safety. The General Plan Mapping Tool and the CMLUCA both can help map locations of military operations. The local jurisdiction should inform the military officials of any changes by school districts, charter schools or other state level agencies that may affect military readiness.

SAMPLE OF OPR-RECOMMENDED DATA FOR CONSIDERATION IN ANALYSIS OF THIS ELEMENT

Intent of Analysis	Recommended Data
Map military sites in relation to general plan area.	CMLUCA

Identify Unincorporated Island or Fringe Communities (Cities) or Legacy Communities (Counties)

Requirement Description:

According to legislative findings in Senate Bill 244 (Wolk, 2011), hundreds of unincorporated communities in California lack access to basic community infrastructure like sidewalks, safe drinking water, and adequate waste processing. These communities range from remote settlements throughout the state to neighborhoods that have been surrounded by, but are not part of, California's fast-growing cities. This lack of investment threatens residents' health and safety and fosters economic, social, and education inequality. Moreover, when this lack of attention and resources becomes standard practice, it can create a matrix of barriers that is difficult to overcome.

The purpose of SB 244 is to begin to address the complex legal, financial, and political barriers that contribute to regional inequity and infrastructure deficits within disadvantaged unincorporated communities.

Including these communities in the long range planning of a city or county, as required by SB 244, will result in a more efficient delivery system of services and infrastructure, including sewer and water services, structural fire protection, and other needs. In turn, investment in these services and infrastructure will result in the enhancement and protection of public health and safety for these communities.

The land use element must identify fringe, island, and legacy communities that are disadvantaged unincorporated communities. The identification must include a description of the community and a map illustrating its location. General plan law defines a community as "an inhabited area within a city or county that is comprised of no less than 10 dwellings adjacent or in close proximity to one another" (Gov. Code § 65302.10(a)(1)). SB 244 defines a "disadvantaged community" as a community with an annual median household income that is less than 80 percent of the statewide annual median household income (Gov. Code § 65302.10(a)(2).)[1]

Building infill development can maximize urban space and conserve resources

Image by Urban Advantage, Contra Costa County, CA

1 It should be noted that this definition of "disadvantaged community" is slightly different than the definition that applies for purposes of the environmental justice element required by SB 1000 (Gov. Code § 65302(h)(4)(A)).

"[I]sland communities" are defined as any inhabited and unincorporated territories that are surrounded or substantially surrounded by one or more cities or by one or more cities and a county boundary or the Pacific Ocean (Gov. Code § 65302.10(a)(4)); and "fringe communities" are defined as any inhabited and unincorporated territories that are within a city's sphere of influence (Gov. Code § 65302.10(a)(3)).

"Legacy communities" are defined as any geographically isolated communities that are inhabited and have existed for at least 50 years (Gov. Code § 65302.10(a)(5)).

Certain terms within these definitions can be interpreted differently based on local context. For example, terms such as "substantially surrounded" or "close proximity" can differ greatly between rural and urban communities.

Cities and counties should not rely solely on lists of disadvantaged unincorporated communities compiled by their LAFCO. Instead planners must do their own independent identification of all communities that meet the definition given above. Cities and counties may consult other agencies, organizations and reports that have identified unincorporated communities for assistance.

Planning for Disadvantaged Unincorporated Communities (Gov. Code § 65302.10)

(b) On or before the due date for the next adoption of its housing element pursuant to Section 65588, each city or county shall review and update the land use element of its general plan ... [to] include all of the following:

(1) In the case of a city, an identification of each island or fringe community within the city's sphere of influence that is a disadvantaged unincorporated community. In the case of a county, an identification of each legacy community within the boundaries of the county that is a disadvantaged unincorporated community but not including any area within the sphere of influence of any city. This identification shall include a description of the community and a map designating its location.

(1) For each identified community, an analysis of water, wastewater, stormwater drainage, and structural fire protection needs or deficiencies.

(1) An analysis, based on then existing available data, of benefit assessment districts or other financing alternatives that could make the extension of services to identified communities financially feasible.

(c) On or before the due date for each subsequent revision of its housing element pursuant to Section 65588, each city and county shall review, and if necessary amend, its general plan to update the analysis required by this section.

As part of the analysis of disadvantaged unincorporated communities, the land use element must analyze the water, water supply, wastewater, stormwater drainage, and structural fire protection needs or deficiencies for each community. The analysis should consider both the horizon year and the impacts of a changing climate. This analysis should also consider adequacy of groundwater resources, and be consistent with utilities planning in the circulation element and the fire and flood protection policies in the safety element. LAFCo municipal service reviews can be helpful in supporting this analysis.

The analysis must also review the use of benefit assessment districts or other financing alternatives that could make the extension of services to identified communities financially feasible. Each time the housing element is updated, the analysis for these communities must be reviewed, and if necessary, updated.

For more information, please see OPR's SB 244 Technical Advisory.

Cities and counties should use this chart to ask these questions while undergoing disadvantaged communities analysis:

Type of Infrastructure	What is serving the community now?	What is the need for additional infrastructure?	How can finance mechanisms meet the need?	Which other programs and policies could address the infrastructure deficiency?	What is the community's input?
Required (§65302.10)					
Water					
Wastewater					
Stormwater Drainage					
Structural Fire Protection					
Potential Additional Services					
Police Protection					
Sidewalks					
Lighting					
Libraries, Schools, Community Centers, etc.					
Alleys and other unsafe roadways					
Public transit/ transportation					
Preschools and childcare providers					

The land use element should be updated to include disadvantaged unincorporated communities analysis (Gov. Code § 65302.10). Since all elements of a general plan must be internally consistent, the safety element, the circulation element, and other elements as necessary should be reviewed to ensure consistency (Gov. Code § 65300.5).

The disadvantaged unincorporated analysis should consider where there may be opportunities to provide more efficient, high quality service through consolidation, extension of services, and other regional solutions to address inadequacy of services and infrastructure. In addition, the analysis should consider whether the reorganization will unify or divide any other public agencies such as school districts, transit districts, and flood management agencies.

Correlation with Circulation Element

Senate Bill 375, the Sustainable Communities and Climate Protection Act of 2008 (Steinberg), hereinafter referred to as SB 375, supports the state's climate action goals to reduce GHG emissions through coordinated transportation and land use planning and to create sustainable communities. This concept is discussed further in the circulation element section.

4

The Land Use Element and Regional Sustainable Communities Strategies

> *California's land is an exhaustible resource, not just a commodity, and is essential to the economy, environment and general well-being of the people of California. It is the policy of the state ... to protect California's land resource, to insure its preservation and use in ways which are economically and socially desirable in an attempt to improve the quality of life in California.* (Gov. Code § 65030).

Most land use approvals occur at the local government level. Nevertheless, local land use elements must reflect their statewide and regional contexts. For example, Government Code section 65030.1 states:

> [D]ecisions involving the future growth of the state, most of which are made and will continue to be made at the local level, should be guided by an effective planning process, including the local general plan, and should proceed within the framework of officially approved statewide goals and policies directed to land use, population growth and distribution, development, open space, resource preservation and utilization, air and water quality, and other related physical, social and economic development factors."

When adopting a general plan, local governments must consult with other entities that may be affected by the plan, such as neighboring cities, counties and special districts, school districts, local agency formation commissions, area-wide planning agencies, federal agencies, the military, water providers, and California Native American tribes (Gov. Code § 65352).

Several regional activities may directly bear on local land use planning. One significant example is the sustainable communities strategy contained within regional transportation plans. While the Government Code states that a sustainable communities strategy does not regulate the use of land (Gov. Code § 65080(b)(2)(K)), local governments should consider and, if appropriate, incorporate applicable policies into local land use elements for several reasons.

First, sustainable communities strategies should already reflect the basic outlines of local plans. Second, some transportation funding is tied to consistency with the regional transportation plan. Third, consistency with the sustainable communities strategy may help streamline benefits under the California Environmental Quality Act of 1970 (CEQA). Fourth, CEQA analysis for the general plan requires analysis of any inconsistency with the regional transportation plan.

A sustainable communities strategy might be relevant to a local land use element in several ways. A sustainable communities strategy should identify locations within the region where land use and transportation investments can be maximized. Therefore, a local government planning agency should consider whether the land use element places development in transportation-efficient locations as identified in the sustainable communities strategy. Other relevant policies include density and intensity maximums and minimums, as well as policies related to active transportation and protection of public health. Incorporating such policies into a local land use element and diagram may assist the local government in avoiding conflicts with neighboring jurisdictions and perhaps more importantly, in maximizing the benefits of transportation funding and regulatory streamlining.

Transit Oriented Development (TOD)

Cities and counties should promote more livable communities by expanding opportunities for transit-oriented development (TOD) so that residents minimize traffic and pollution impacts from traveling for work, shopping, school, and recreation. TOD is defined as moderate to high-density development located within an easy walk of a major transit stop, generally with a mix of residential, employment, and shopping opportunities. TOD encourages walking and transit use without excluding the automobile. According to the California Department of Transportation, "TOD can be new construction or redevelopment of one or more buildings whose design and orientation facilitate transit use." A well-designed, vibrant TOD community can provide many benefits for local residents and businesses, as well as for the surrounding region. Compact development near transit stops can increase transit ridership and decrease rates of vehicle miles traveled (VMT) thereby yielding a good return on transit system investments. TOD can also provide mobility choices, increase public safety, increase disposable household income by reducing transportation costs, reduce air pollution and energy consumption rates, help conserve resources and open space, assist in economic development, and increase the housing supply. TOD is a strategy that may help a community achieve its general plan goals related to circulation, housing, environmental quality, and economic development. Additionally, by improving access to jobs and housing and revitalizing existing neighborhoods, TOD can be a tool for promoting environmental justice. A variety of factors need to be considered during the development and implementation of TOD. These factors include transit system design; community partnerships; understanding of local real estate markets; coordination among local, regional, and state organizations; and providing the right mix of planning and financial incentives and resources. A successful TOD will reinforce the community and the transit system. Transit operators, property owners, and residents should be involved in the development of TOD proposals. Planners should consult data to identify and assess potential locations for TOD during preparation of the land use, circulation, and housing elements of the general plan. An inventory of potential development (and redevelopment) sites within a quarter to a half mile of existing and proposed transit stops may reveal potential locations for TOD. Additional data may be used to verify the optimum location and mix of uses to further refine the viability of TOD at specific transit hubs. These data may include origin and destination studies, transit ridership protections, and information related to the appropriate jobs-to-housing ratio and level of retail services. The appropriate density and intensity will support a high level of transit service. Local governments can promote TOD through general plan policies that encourage supportive densities and designs and a mix of land uses. TOD-supportive policies provide for higher land use densities, reduced parking requirements, decreased automobile traffic levels of service, and increased transit levels of service. TOD policies should facilitate a pedestrian-oriented environment with features such as traffic calming strategies, traditional street grid patterns with smaller blocks, and architecture that orients buildings to sidewalks, plazas, and parks rather than to parking.

Land use policies should align with other elements to provide opportunities for innovation and co-benefits

Image by Urban Advantage, JBG Companies; Duany Plater-Zyberk & Company

OPR Recommended Policies

These policies are an example of recommended policies adopted by varying jurisdictions, to be modified and used as appropriate. A full list of recommended policies and examples can be found here

Sample Policy	Example of Application	Relationship to Other Elements
Provide for and encourage the development of a broad range of uses in the [city/county]'s commercial centers and corridors that reduce the need to travel to adjoining communities and capture a greater share of local spending.	La Habra	Circulation, economic development, climate change
[City, county shall] require that new neighborhoods be designed to locate all housing within ½ mile of a central gathering place that incorporates public spaces, shopping areas, access to transit, and/or community-supportive facilities and services.	Sacramento	Circulation, open space, equitable and resilient communities, healthy communities, economic development
[City, county shall] prioritize the provision of necessary major street infrastructure and utility capacities for properly zoned land, consistent with the general plan so that such land can be developed in a timely manner to supports economic development.	Fresno	Circulation, economic development
[City, county shall] review the general plan's residential and commercial capacities every five years and modify, as necessary, to reflect development that has occurred, its impacts, evolving market and economic conditions, and consistency with community values.	Pasadena	Open space, conservation, healthy communities, climate change