

CHAPTER SEVEN

Planning, Land Use and Housing

Section 1: GENERAL PRINCIPLES

General purpose local government performs the dominant role in the planning, development, conservation, and environmental processes. Within this context it is essential that the appropriate levels of responsibility of the various levels of government be understood and more clearly defined. These roles at the state, regional, county, and city level contain elements of mutual concern; however, the level of jurisdiction, the scale of the problem/issue, available funding and the beneficiaries of the effort do permit distinct and separate treatment.

The following policies attempt to capture these distinctions and are intended to assist government at all levels to identify its role, pick up its share of the responsibility, and refrain from interfering with the details of how other agencies carry out their responsibility.

The housing needs throughout the state, lack of revenue, and controversial planning law in the area of housing have resulted in the need for new focus on housing planning law. Housing principles are identified and included under a separate heading in this section.

Counties are charged with comprehensive planning for future growth, the management of natural resources and the provision of a variety of public services both within the unincorporated and incorporated areas.

Although Agriculture and Natural Resources are in this Platform as a separate chapter, there is a correlation between Planning and Land Use, and Agriculture and Natural Resources (Chapter III). These two chapters are to be viewed together on matters where the subject material warrants.

Additionally, climate change and the release of greenhouse gases (GHGs) into the atmosphere have the potential to dramatically impact our environment, land use, public health, and our economy. Due to the overarching nature of climate change issues this chapter should also be viewed in conjunction with Chapter XV, which outlines CSAC's climate change policy.

Counties have and should retain a primary responsibility for basic land use decisions.

Counties are concerned with the need for resource conservation and development, maintaining our economic and social well being, protecting the environment and guiding orderly population growth and property development.

Counties are responsible for preparing plans and implementing programs to address land use, transportation, housing, air quality, water distribution and quality, solid waste, and liquid waste, among other issues.

Counties play a major role in facilitating inter-jurisdictional cooperation between all levels of government in order to achieve the balanced attainment of these objectives.

Counties must have sufficient funding from state sources to meet state mandated planning programs.

Counties define local planning needs based on local conditions and constraints.

Section 2: THE COUNTY ROLE IN LAND USE

A. General Plans and Development

Counties should protect vital resources and sensitive environment from overuse and exploitation. General and specific plans are intended to be policy documents to be administered and implemented at the local level. State guidelines can serve as standards to insure uniformity of method and procedure, but not content.

State requirements for general plan adoption should be limited to major planning issues and general plan mandates should include the preparation of planning elements only as they pertain to particular counties. Zoning and other implementation techniques should be a logical consequence to well thought out and locally certified plans. Counties support a general plan judicial review process which first requires exhaustion of remedies before the Board of Supervisors, within a set time period, with further judicial review to be limited to matters directly related to the initial hearing record and based upon a substantial evidence test.

Land use and development problems and their solutions differ from one area to another and require careful analysis, evaluation, and appraisal at the local government level. Local government is the best level of government to equitably, economically and effectively solve such problems. Further, it is important that other public agencies, (e.g. federal, state, regional, cities, special districts, etc.) participate in the local general planning process to avoid conflicts with future local decisions that are consistent with the general plan.

Policy development and implementation should include meaningful public participation, full disclosure and wide dissemination in advance of adoption.

B. Public Facilities and Service

Within the framework of the general plan, counties should protect the integrity and efficiency of newly developing unincorporated areas and urban cores by prohibiting fringe area development, which would require services and compete with existing infrastructure. Counties should accept responsibility for community services in newly developing unincorporated areas where no other appropriate entity exists.

In the absence of feasible incorporation, County Service Areas or Community Service Districts are appropriate entities to provide needed services for urbanizing areas. They work against proliferation of single purpose districts, allow counties to charge the actual user for the service, permit direct control by the Board of Supervisors, and set the basis of reformation of multi-purpose districts.

County authority to require land and/or in-lieu fees to provide public facilities in the amount needed to serve new development must be protected.

C. Environmental Analysis

Environmental Impact Reports (EIR) are intended to be important informational documents to be constructively used in decision-making processes, but not as predicates for legal action.

The EIR process and requirements should be simplified wherever possible including the preparation of a master environmental document and use of tiered EIRs. The length of environmental reports should be minimized without impairing the quality. Further, other public agencies (federal, state, regional, affected local jurisdictions, special districts, etc.) should participate in the environmental assessment process for plans and projects in order to provide a thorough review and analysis up front and avoid conflicts in future discretionary actions.

Counties should continue to assume lead agency roles where projects are proposed in unincorporated territory requiring discretionary action by the county and other jurisdictions.

Most EIRs should include economic and social data when applicable; however, this data should not be made mandatory.

D. Coast Development

Preservation, protection, and enhancement of the California coastline is the planning responsibility of each county and city with shoreline within its boundaries. Planning regulation and control of land use are the implementation tools of county government whenever a resource is used or threatened.

Counties are committed to preserve and provide access to the beaches and support where appropriate beach activities, boating activities, and other recreational uses in developing and implementing precise shoreline plans and appropriate zoning. Comprehensive plans should also include preservation of open space, development of commercial and recreational small craft harbor facilities, camping facilities, and commercial and industrial uses.

Local jurisdictions must have the statutory and legal authority to implement coastline programs.

E. Open Space Lands

Counties support open space policy which states an intent to preserve open space lands and ensures that local government will be responsible for developing and implementing open space plans and programs.

In order for counties to fully implement open space plans, it will be necessary to have:

1. Condemnation powers for open space purposes.
2. Additional revenues for local open space acquisition programs.
3. Reimbursement to local agencies for property tax losses.
4. Greater use of land exchange powers.
5. Protection of current agricultural production lands through the purchasing of development rights.

In some cases, open space easements should be created and used by local jurisdictions to implement open space programs. Timber preserve zones and timber harvesting rules should enhance protection of this long-term renewable resource.

F. Healthy Communities

Counties support policies and programs that aid in the development of healthy communities which are designed to provide opportunities for people of all ages and abilities to engage in routine daily physical activity. This encompasses promoting active living via bicycle- and pedestrian-oriented design, mixed-use development, providing recreation facilities, and siting schools in walkable communities.

Section 3: STATE ROLE IN LAND USE

Local government recognizes that state government has a legitimate interest in proper land use planning and utilization of those lands which are of critical statewide concern. The state interest shall be statutorily defined and strictly limited to those lands designated to be critical statewide concern in concert with attainable and specified state goals and policies.

The state shall concisely determine the precise statewide interest in each designated area of critical statewide concern and its participation in land use decisions in those designated areas shall be strictly limited to insuring the defined state interest is protected at the local level. Any regulatory activity necessary to preserve the determined statewide interest shall be carried out by local government.

Climate change is one such issue of statewide concern which requires a clear understanding of the roles and responsibilities of each level of government as well as the State's interest in land use decisions to ensure statewide climate change goals are met. Population growth in the state is inevitable, thus climate change strategies will affect land use decisions in order to accommodate and mitigate the expected growth in the state. Local government, as the chief land use decision-maker and integral part of the housing planning process, must have a clearly defined role and be supported with the resources to achieve the State's climate change goals.

In determining those lands of crucial statewide concern, a mechanism should be created which ensures significant local involvement through a meaningful state/local relationship. The state should prepare a statewide plan that reconciles the conflicts between the various state plans and objectives in order to provide

local governments with greater certainty of areas of statewide concern. This is not intended to expand the State's authority over land use decisions; rather it should clarify their intent in relation to capital projects of statewide significance.

Adequate financial resources shall be provided to insure local government has the ability to carry out state-mandated local requirements.

Section 4: REGIONAL GOVERNMENTS

Counties support voluntary participation within regional agencies as appropriate to resolve regional problems throughout the State. Regional approaches to planning and resolution to issues that cross-jurisdictional boundaries are increasingly important, particularly in light of the continuation of California's expected population growth of 600,000 new residents annually.

Regional agencies in California play an important role in the allocation of regional housing need numbers, programming of Federal and State transportation dollars, in addressing air quality non-attainment problems, and climate change to name a few. Regional collaboration remains an important goal to address issues associated with growth in California, such as revenue equity issues, service responsibilities, a seamless transportation network, reducing GHGs and tackling climate change, job creation, housing, agricultural and resource protection, and open space designation.

However, land use decisions shall remain the exclusive province of cities and counties based on zoning and police powers granted to them under the State Constitution. Further, cities and counties are responsible for a vast infrastructure system, which requires that cities and counties continue to receive direct allocations of revenues to maintain, operate and expand a variety of public facilities and buildings under their jurisdiction. As an example, cities and counties own and operate 82 percent of the State's maintained miles, thus must retain direct allocations of transportation dollars to address the needs of this critical network and protect the public's existing investment.

Regional approaches to tax sharing and other financial agreements are appropriate and often necessary to address service needs of future populations; however, cities and counties must maintain financial independence and continue to receive discretionary and program dollars directly. Counties support voluntary revenue-sharing agreements for existing revenues at the regional level, and any mandated revenue sharing must be limited to new revenues.

Regional agencies must consider financial incentives for cities and counties that have resource areas or farmland, for the purposes of, for example, transportation investments for the preservation and safety of the city street or county road system, farm to market, and interconnectivity transportation needs.

Regional agencies should also consider financial assistance for counties to address countywide service responsibilities in counties that contribute towards the GHG emissions reductions targets by implementing policies for growth to occur within their cities.

Section 5: SPECIAL DISTRICTS

Local Agency Formation Commissions (LAFCOs) have been generally successful at regulating incorporations, annexations, and the formation of new special districts. The large number of independent special districts does constitute a fragmentation of local government. There are many fully justified districts, which properly serve the purpose for which they were created. However, there are districts whose existence is not "defensible." Nothing is served by rhetorically attacking "fragmentation." LAFCO should retain the authority to evaluate special districts to test their value to the community for whom they were initially formed to serve and identify those districts, which no longer serve the purposes for which they were created.

Section 6: HOUSING

Housing is an important element of economic development. The responsibility to meet the State's housing needs must be borne by all levels of government and the private sector. CSAC supports a role by the state Department of Housing and Community Development that focuses on assisting local governments in financing efforts and advising them on planning policies--both of which strive to meet the State's housing needs. HCD's role should focus on production of housing, rather than an onerous planning and compliance process that detracts from local governments' ability to seek funding and actually produce housing. Counties support the following principles in relation to housing:

1. Reform housing element law. Existing housing element law must be improved. A greater emphasis should be placed on obtaining financing and enabling production, rather than undertaking and meeting extensive planning requirements now found in state law. A sweeping reform of the current requirements should be undertaken. The fair share housing needs currently identified by the state and regional agencies far exceed local governments'

ability to meet those needs. CSAC supports the allocation of housing needs consistent with infrastructure investment at the regional level, as well as consideration of planning factors and constraints.

State law should contain uniform, measurable performance standards based on reasonable goals for construction, preservation, rehabilitation, the homeless and those with special needs, and land supply. In addition to the development of meaningful performance standards, state and federal laws, regulations and practices should be streamlined to promote local government flexibility and creativity in the adoption of local housing elements, comprehensive housing assistance strategies and local plans and programs.

2. Identify and generate a variety of financing resources and subsidy mechanisms for affordable housing. Greater funding and financing sources need to be developed to address California's housing needs, particularly with the reduction of federal and state contributions in recent years. The need for new housing units at all income levels exceed the number of new units for which financing and subsidies will be available each year. Therefore, additional funding is necessary to insure (a) production of new subsidized units, and (b) adequate funds for housing subsidies to households. Policies should be established to encourage continued flow of capital to market rate ownership housing in order to assure an adequate supply of low-cost, low-down payment mortgage financing. In addition, a need exists to educate the building and private financial community on the opportunities, which exist with the affordable housing submarket so as to encourage new investments.
3. Restructure local government funding to support housing affordability. The current property and sales tax systems in California are not supportive of housing development and work against housing affordability. In other words, housing is not viewed as a "fiscal winner" by local governments as they make land use and policy decisions. To the extent possible (given constitutional restrictions) local government finance should be restructured at the state level to improve the attractiveness and feasibility of affordable housing development at the local level. At a minimum, there should be better mechanisms to allow and encourage local governments to share tax revenues.
4. Promote a full range of housing in all communities. Local governments, builders, the real estate industry, financial institutions and other concerned stakeholders should recognize their joint opportunities to encourage a full range of housing and should work together to achieve this goal. This will require a cooperative effort from the beginning of the planning and approval process as

well as creatively applying incentives and development standards, minimizing regulations and generating adequate financing. Using this approach, housing will become more affordable and available to all income groups.

5. Establish federal and state tax incentives for the provision of affordable housing. The tax codes and financial industry regulations need to be revised to provide stimulus to produce affordable housing, particularly for median, low and very low-income households. The concept of household-based assistance, such as the current mortgage credit certificate, should be extended to all types of affordable housing.

These principles must be taken as a whole, recognizing the importance of their interdependence. These principles provide a comprehensive approach to address the production of housing, recognizing the role of counties, which is to encourage and facilitate the production of housing. They should not be misinterpreted to hold counties responsible for the actual production of housing, instead they should recognize the need for various interests to cooperatively strive to provide affordable housing to meet the needs of California.