



City of Waterford

Citizen's Guide to

Updating the General Plan

(Adapted from the "Citizen's Guide to the General Plan"
prepared by the Planning and Conservation League)

I EXECUTIVE SUMMARY

It has been projected that nearly 5 million people will be added to California's population between the year 2000 and 2010; an additional 12.5 million by the year 2020. A significant portion of this population growth is expected to find its way into the Central San Joaquin Valley. The City of Waterford, like other Central Valley communities, must be prepared to respond to the challenges and changes that population growth pressures will bring to this area.

According to the Planning and Conservation League, proper planning identifies community issues, projects future demands for services, avoids possible problems, and establishes goals and policies for directing and managing growth. Potentially one of the most effective planning tools a city or county has is its general plan, which is, in effect, the "constitution for all future development."

The best measure of a community's hopes and aspirations is the needs of its citizens. A true community vision can develop only through the active participation and involvement of those who live, work, and own homes and businesses in the community.

Accordingly, this guidebook focuses on citizen involvement in the City of Waterford's General Plan Update process. It explains what a general plan is and how citizens can participate in adopting or amending portions of a general plan. The guide describes the contents of the plan so that citizens of Waterford will know what to look for and the procedure for adoption and amendment so that citizens will know when and how they can become involved. Finally, the guide discusses the general plan's relationship with the environmental impact reports required under the California Environmental Quality Act (CEQA), the legal effect of inadequate general plans, and actions citizens can take when general plans are not properly implemented or enforced. In addition, examples of how general plans are used in California communities are included to help citizens see their effect.

A general plan is a document, as required by state law, which guides a community's development and the use of its land. It must be a comprehensive, long-term document, detailing proposals for the "physical development of the city, and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning" (Government Code §65300 et seq.). Time horizons vary, but the typical general plan looks 10 to 20 years into the future.

Preparing the general plan is an activity that sharpens and focuses the many concerns of citizens within the community and provides a structure by which these often conflicting concerns can be forged into a common vision of the future. By focusing attention on the issues facing the community and placing them in an expanded time frame, the general plan helps citizens to see their community as a complex system--a living entity that grows and responds to problems and opportunities--and helps to guide the community along an agreed-upon course.

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On a more concrete level, preparing, adopting, and maintaining a general plan serves the following purposes:

- ◆ Establishment within local government the capacity to analyze local and regional conditions and needs in order to respond effectively to the problems and opportunities facing the community;
- ◆ Identification of the community's environmental, social, and economic goals;
- ◆ Recording the local government's policies and standards for the maintenance and improvement of existing development and the location and characteristics of future development;
- ◆ Providing citizens with information about their community and with opportunities to participate in the local planning and decision-making process;
- ◆ Improving the coordination of community development and environmental protection activities among local, regional, state, and federal agencies; and
- ◆ Establishment of a basis for subsequent planning efforts, such as preparation of specific plans, redevelopment plans, and special studies, to deal with unique problems or areas in the community.

While the general plan sets out policies and identifies ways to put these policies into action, the actual implementation of the plan is a complex and lengthy process in its own right. In implementing the plan, local officials must take many separate, but interconnected actions according to the direction set out in the general plan.

These various implementing actions rest on two basic powers of local government: corporate and police powers. Using their "corporate power," local governments collect money through bonds, fees, assessments, and taxes, and spend it to provide services and facilities such as police and fire protection, streets, water systems, sewage disposal facilities, drainage facilities, and parks.

Using their "police power," local governments regulate citizens' use of their property through zoning, subdivision, and building regulations in order "to promote the health, safety, and welfare of the public." The general plan provides the framework for the exercise of these powers by local officials. By virtue of state law and case law, all discretionary and ministerial decisions, including all zoning, subdivision, and public works decisions, must be consistent with the general plan.

Because of the implications of the planning process, and its relationship to property rights, citizens are provided a unique role in the shaping of community planning policy and the General Plan. The City of Waterford has begun the process of updating the present City General Plan. This handbook is intended to provide an overview of the process and the role that the residents of the City of Waterford can play in reviewing the City's General Plan.

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II INTRODUCTION

Formulating, adopting, or amending a general plan is a multi-step process. Citizen involvement early on ensures that community members have a voice in that process in time to express opinions and provide input. A well-conceived general plan improves neighborhood livability and safety, eases traffic congestion, conserves open space, and promotes smart development. But, most importantly, planning should be done by people for people, and it should involve everyone in the community, not just those in the planning office or on the city council.

Cities (and counties) use a variety of other planning tools that implement or supplement the general plan such as specific plans, community plans, zoning and subdivision ordinances. While the general plan is a long-range look at the future of the community, specific and community plans address the immediate goals of a community at a greater level of detail than that of the general plan.

Specific plans implement, but are not part of, the general plan, while community plans are part of the general plan and supplement its policies. Zoning also implements the general plan and specific plans and must comply (be consistent) with them.

All development applications, public works projects, and zoning decisions must be consistent with the general plan as well. If they are not, they cannot legally be approved. The general plan addresses the types of development that will be permitted, the relationships among land uses, and the general pattern of future development. General plans strive to balance the competing interests of developers, homeowners, prospective homebuyers, environmentalists, current and prospective business owners, job seekers, taxpayers, and providers and recipients of city services.

One of today's most pressing issues is urban sprawl, the predominant pattern of growth in the U.S. since World War II. "Urban" or "Suburban Sprawl" has become a major growth concern in the Central Valley and Stanislaus County in recent years. Sprawl is characterized by the decentralization of urban job centers, and the spread of bedroom-community suburbs that encroach deeper and deeper into agricultural and environmentally-sensitive areas.

According to a Pew Center for Civic Journalism poll, sprawl now ties with crime as the leading local concern of Americans. The detrimental effects of sprawl include highway and roadway gridlock, increased air pollution, decaying downtowns, loss of open space and prime farmland, and loss of a sense of community—all of which can be effectively minimized by thoughtful general plan adoption, amendment, and implementation.

The Waterford General Plan addresses Sprawl by carefully defining the ultimate "Urban" expansion area of the City and defining how these areas are to be developed and added to the City. One of the critical policy elements is the use of the specific plan process and the subsequent use of the Neighborhood Specific Plan as a tool guiding future urban growth around Waterford.

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III PUBLIC PARTICIPATION

Citizen participation plays such an important role in the general plan process that state law requires public hearings. State law also requires that local governments make copies of their plans available to the public for the cost of reproduction. However, citizens can become involved in the general plan process much earlier, during its preparation or amendment.

Opportunities for public participation include serving on planning commissions and advisory committees; providing input on community issues and needs; evaluating and selecting alternative plans; and reviewing the proposed general plan's environmental impact report. Public meetings and workshops- in addition to public hearings- provide a forum for discussion, give-and-take, and information sharing between the public and local government decision-makers.

The most effective citizen action is informed and well-organized. Educational materials to help citizens better understand the general plan and other planning processes are available from the American Planning Association (APA). Membership is open to all who are interested, and includes a monthly newsletter and information on conferences and workshops. For more information, see the California Chapter of the APA (CCAPA) Web site at www.calapa.org.

The California Governor's Office of Planning and Research (OPR)-www.opr.ca.gov-is another good place to start. OPR maintains a repository of all general plans, reviews general plans and approves extension requests, and maintains and updates general plan guidelines.

The state and counties are also good resources for information. County planning departments and commissions often prepare educational materials and statistical information, provide professional assistance to local communities, and hold meetings and conferences. The California State Association of Counties' Web page (www.csac.counties.org) lists all of the available sites for California counties. Information on county planning departments and agencies can then be found on the individual sites.

Two other good planning and land use information sources are the Local Government Commission's Center for Livable Communities (www.lgc.org/clc/welcome.html) and the California Land Use Planning Network (LUPIN) Web site (ceres.ca.gov/planning), which has county general plans available online. Please Appendix F for further contact information.

Ultimately, effective citizen involvement begins with individuals and organizations in the community becoming knowledgeable on local planning policies and practices and taking the time to participate in formal public involvement processes.

A. Boards, councils, agencies, departments, and committees

A confusing area for citizens new to the general plan process may be the identities and roles of the various groups with which they will come in contact and often work. Under state law, every city and county has a legislative body: either a city council or a county board of supervisors. Most have five to seven members, but some bigger cities and counties may have more. The City of Waterford has five City Council Members elected at-large from within the incorporated limits of the City.

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Most local governments also have a separate planning agency (often called the planning commission or board). The planning Commission has the power to make legally binding decisions. The Waterford Planning Commission is composed of five commissioners appointed by the City Council.

In addition, most cities and counties have a planning department, which is typically headed by a planning director in charge of all applications that come before the planning agency. In Waterford, like many smaller cities, the planning department is staffed with a single professional planner who acts as the planning director. The planning director interacts with both the legislative body and the planning agency in regard to creating a general plan as well as general plan amendments.

In a larger jurisdiction, the staff may include a large number of personnel. Regardless of the department's size, their staffs members are usually have considerable influence on planning decisions. They provide the professional expertise for the decision-makers and compile the information that shapes the debate in public hearings.

Planning Commission positions in the City of Waterford, like the City Council, are part-time and unpaid. In Waterford, the Planning Commission is a mix of citizens from different backgrounds and parts of the community. There are no prerequisite educational or career paths to becoming planning commissioners; they come from all walks of life. An interest in and concern for the community and its future are all that is required. In fact, many planning agencies have come into being as a result of citizen action.

The Waterford Planning Commission normally meets once a month in public meetings and subcommittees may meet more often. During public meetings, the Commission considers and votes on such things as development applications, requests for variances, and proposed zoning ordinances or changes. The Commission often discusses long-range planning needs as well.

Under the Ralph M. Brown Act, which governs open meetings for local government bodies (section 54950 et seq. of the Government Code), all regular meetings must be open to the public, and the Planning Commission must post an agenda in a location that is freely accessible to the public 72 hours prior to the meeting.

The term "meeting" includes any congregation of a majority of the members of a Planning Commission at the same time and place to hear, discuss or deliberate upon any matter that is under the subject matter jurisdiction of the agency. In addition, the Act specifically prohibits any use of direct communication, intermediaries or technological devices employed by a majority of the members of the planning agency to develop a collective concurrence as to action to be taken.

The Planning Commission must balance routine assignments with long-range objectives. Effective planning agencies have their own by-laws, which establish times and places for meetings, as well as the election of officers, formation of sub-committees, and operating procedures. Like most successful Planning Commission's the City of Waterford's Planning Commission works closely with the city council because the legislative bodies, ultimately, shape the community and its policies-including implementation of the general plan-and may overrule a Planning Commission's recommendation or decision.

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IV CITY OF WATERFORD IN THE REGION

Plan Coordination

The General Plan is generally compatible with the general plan of Stanislaus County. Areas for future expansion of the city are shown by sphere of influence. Although the City's plan does not regulate development outside of the City, it is applicable to lands within its sphere of influence. In some instances, the policies of the plan require the City to review and comment on proposed county actions.

Regional Planning Organizations

The planning process in California involves the coordination and cooperation of several levels of government in order to be effective. In the City of Waterford, several governmental entities have planning resources and authority that support the City's planning efforts.

- *The County of Stanislaus*

The County of Stanislaus operates under the same rules and standards as the City of Waterford with respect to land use planning and development review authority. The land use and development standards of lands located outside the City boundaries are subject to the rules and regulations of Stanislaus County. When these lands are located within the City's Sphere of Influence but outside the City's corporate boundaries, development projects are referred to the City for review and comment.

- *Local Agency Formation Commission(LAFCO)*

LAFCO's were created by the State in 1963 in order to oversee the growing complexity of overlapping, local governmental jurisdictions. Each county in the State has its own LAFCO. LAFCO's are responsible for coordinating logical and timely changes in local government boundaries (annexations), conducting special studies which review ways to reorganize and streamline governmental structure, and preparing "Spheres of Influence" or ultimate growth boundaries for each city and special district in each county.

- *San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD)*

The City of Waterford is located near the central portion of the San Joaquin Valley Air Basin (SJVAB) in California's Central Valley. The SLVAB is bounded on the west by the Coast Ranges, on the east by the Sierra Nevada, and on the south by the Sierra Madre and Tehachapi Mountains. To the north is the Sacramento Valley Air Basin. The SJVUAPCD has primary responsibility for air quality management within the SJVAB. Those responsibilities include developing air quality plans designed to bring the SJVAB into attainment with the state and federal ozone and PM 10 standards, enacting air quality rules and regulations, and enforcing those regulations.

- *California Department of Transportation, District 10*

The mission of the California Department of Transportation (Caltrans) is to "provide leadership on major transportation issues while working with other governmental jurisdictions to plan, develop, manage, and maintain a safe and efficient transportation system." The state is divided into twelve planning districts. Stanislaus County is in District 10, which also includes the San Joaquin Valley counties of San Joaquin, Merced and Stanislaus, five mountain counties (Alpine, Amador, Calaveras, Mariposa, and Tuolumne), and Solano County in the Bay Area. Caltrans has permitting authority for all access to and from Highways 33 and therefore work very closely with the City to assure that this important roadway continue to function in a safe and efficient manner.

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V CONTENT OF THE GENERAL PLAN

Most general plans consist of a written text discussing the community's goals, objectives, policies, and programs for the distribution of land uses, and diagrams or maps illustrating the general location of existing and future land uses.

According to the General Plan Guidelines, prepared by the Governor’s Office of Planning and Research (OPR), the general plan should contain a discussion of how citizens were involved in its formation. The discussion should include whether suggestions came from neighborhood groups, whether citizen organizations were contacted, whether and how they participated, and whether there was a concerted, structured effort to develop the goals and objectives of the general plan using citizen input. Citizen input into the General Plan process must, however, conform to the requirements of California State Planning Law.

A. State Planning Law

Statutory authority for a general plan is expressed in Title 7, Division 1 of the State of California Government Code. Article 5, Section 65302 et seq. requires the county to adopt a comprehensive general plan to guide its future physical development. The plan may recognize local conditions in a format that is appropriate for the local agency. Although the general plan must address a number of different subject and elements, the City may choose the degree of specificity and level of detail that is appropriate for its circumstances.

The law requires that cities and counties make a “consistency” finding with the General Plan for any subdivision map, zoning action, and, public facility plans and many other functions of local government. Court decisions have concluded that these “consistency” determinations cannot be made if the local jurisdiction does not have a legally adequate General Plan. In effect, local governments cannot issue development permits or perform many vital public functions without a General Plan.

The question of “legal adequacy” is addressed in the standards of state law and further guidance is provided by the General Plan Guidelines prepared by the Governor’s Office of Planning and Research (OPR). In general, however, local governments have a considerable amount of discretion with respect to the form and contents of the General Plan.

Local governments have the sole responsibility for the review, approval and adoption of the General Plan; however, some state agencies have review and comment authority over the local government’s actions. In California, the courts have been given the final authority to determine if local governments have complied with the requirements of law.

This general plan serves as the blueprint for the community’s future growth and development. The general plan must address certain issues that are directly related to, and influence land use decisions.

The law specifies that each general plan addresses seven issue areas, known as “elements,” which must be consistent with each other. The seven required elements are land use, transportation, open space, conservation, housing, noise, and safety. Because each element correlates with the land use element and the other elements, there is a certain amount of overlap among them.

In addition to the seven mandatory elements, the general plan may include other elements or address other subjects that the city or county deems related to the physical development of the city. Once adopted,

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optional elements become part of the general plan and have the same legal force as the mandatory elements. Common subjects include air quality, recreation, economic development, infrastructure, energy, historic preservation, and redevelopment. Other, more unique elements include tourism, urban forestry, law enforcement, quality of life, and the arts.

The plan must analyze issues of importance to the community, set forth policies for conservation and development, and outline specific programs or actions for implementing these policies. City actions, such as those relating to the approval of development projects, zoning and subdivision ordinances, specific plans, and capital improvements must be consistent with the General Plan.

B. The Elements

Land use

The land use element is the central framework for the entire general plan. Its goals, objectives, policies, programs, diagrams, and maps relate directly to the other elements. This element identifies the proposed general distribution and intensities of land use for housing, business and industry, open space, natural resources, public facilities, waste disposal sites, and other public and private uses. It includes standards of population and building density, areas subject to flooding, and land parcels designated for timberland production.

Circulation

The circulation element identifies the general location and extent of existing and proposed major roads, transportation routes, terminals, and public utilities and facilities. This element includes detailed maps, operational standards, policies, and financial plans. It also includes plans for specific components, such as public transit, bicycle facilities, parking, truck routes, sewage transport and treatment, electric and gas transmission lines, drainage facilities, and waterways.

Housing

The housing element is a comprehensive assessment of current and projected housing needs for all economic segments of the community and region. It sets forth local housing policies and implementation programs, and requires cooperative participation between government and the private sector.

Unlike the other elements of the general plan, state law explicitly requires that the housing element be reviewed and updated as frequently as is appropriate, but not less than every five years.

Cities and counties must review their housing elements with regard to the state housing goal. The goal states that "the availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order" (Government Code, section 65580). In addition, the review must address whether the housing element is attaining the community goals and objectives, as well as the progress in implementing the housing element.

The State Department of Housing and Community Development then reviews and comments upon local housing elements for conformity with state law on a geographically-staggered update cycle.

Conservation

The conservation element addresses the identification, conservation, development, and use of natural resources, including water and waterways, forests, soils, wildlife, and mineral deposits. It also considers

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issues such as flood control, water and air pollution, erosion, farmland conversion, endangered species, and timing and impact of logging and mining activities if applicable.

Open space

The open-space element is a comprehensive and long-range preservation, conservation, and management plan for both private and public open space property. This element specifies plans and measures for preserving open space for natural resources, the managed production of resources (e.g., forest lands, lands used for the production of food, commercial fisheries, and areas containing mineral deposits), outdoor recreation, public health and safety, and agricultural land. It also describes specific programs that the legislative body intends to pursue that can include an open-space zoning ordinance, large-lot zones, and special requirements for hazardous areas.

Noise

The noise element calculates and maps current and projected noise levels for roadways, railroads, airports, industrial plants, and other major noise sources. The projected noise levels are used as a guide for establishing a land-use pattern that minimizes the exposure of the community residents to excessive noise. This element also identifies and appraises noise problems in the community, and includes implementation measures and possible solutions to the problems, such as sound barriers, restricted operating hours for stationary noise generators, protective building designs, and roadway location.

Safety

The safety element establishes policies and programs that protect the community from risks associated with seismic, geologic, flooding, and wildlife hazards. It maps known hazardous areas-including fault zones and areas at risk of mudslides, floods, dam-collapse inundation, and fire-and addresses such issues as emergency evacuation routes and water supplies for fire fighting. Some cities expand the safety element to cover locally relevant issues, such as the use, transport, and disposal of hazardous materials, power failure, and vehicle accidents.

The legal requirements, with respect to the contents of the various General Plan Elements, are contained in Appendix "B" of this Guide.

C. Geographic Comprehensiveness

State planning law requires that a city's general plan include plans for the physical development of any land outside the city's boundaries that is affected by the city's general plan. This area is referred to as a city's "sphere of influence," which is adopted by the Local Agency Formation Commission (LAFCO) in every county, and serves as a convenient measure of the city's region of interest. LAFCO members are elected officials for the county, city, and, in some cases, special districts within the counties. Similarly, counties must address all unincorporated areas in their general plans.

Cities and counties should coordinate with regional planning efforts, especially in metropolitan areas, and in regard to issues that have significant regional impacts, such as transportation, air quality, and floodplain management.

D. Objectives, Principles, Policy, Standards, Plan Proposals and Implementation Measures

The heart of the General Plan is the set of integrated and internally consistent Objectives, Principles, Policy, Standards, Plan Proposals and Implementation Measures in each chapter. Together, they establish who will carry out the activities needed to meet the General Plan

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Objectives as well as how and when the Objectives will be met. Policies, Standards and Implementation Measures guide day-to-day decision-making, so there is continuing progress toward the attainment of Objectives. Some Policies, Standards and Implementation Measures may need to be re-examined and revised during the course of the Plan. While not changing the basic desirability of the Objectives, Policies, Standards and Implementation Measures in the long term, they will be carried out when suitable resources are available.

An example of how the *Objectives, Principles, Policy, Standards, Plan Proposals and Implementation Measures* are set forth in this plan can be seen below along with a definition of each as set forth in the State of California General Plan Guidelines, as published in November 1998 by the Governor's Office of Planning and Research.

Definitions of Objectives, Policies, Implementation Measures and Standards
<p>OBJECTIVES</p> <ul style="list-style-type: none"> ■ Objective = A general direction-setter. It is a future goal or end related to the public health, safety or general welfare toward which planning and planning implementation measures are directed. An objective is a general expression of community values and, therefore, may be abstract in nature. Consequently, an objective may or may not be quantifiable or time-dependent
<p>PRINCIPLE</p> <p>Principle = An assumption, fundamental rule or doctrine guiding general plan policies, proposals, standards and implementation measures. Principles are based on community values, generally accepted planning doctrine, current technology and the general plan's objectives. In practice, principles underlie the process of developing the plan but seldom need to be explicitly stated in the plan itself.</p>
<p>POLICY</p> <p>Policy = A specific statement that guides decision-making. It indicates a commitment of the local legislative body to a particular course of action. A policy is based on and helps implement a general plan's objectives.</p> <p>A policy is effectuated by implementation measures. For a policy to be useful as a guide to action, it must be clear and unambiguous.</p>
<p>STANDARD</p> <p>Standard = A rule or measure establishing a level of quality or quantity that must be complied with or satisfied. Standards define the abstract terms of objectives and policies with concrete specifications.</p>
<p>PLAN PROPOSAL</p> <p>Plan Proposal = A description of the development intended to take place in an area. Plan proposals are often expressed on the general plan diagram.</p>

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Policy Statement

A specific statement that guides decision-making.

Implementation Measure:

Implementation Measure = An action, procedure, program or technique that carries out general plan policy. Each policy must have at least one corresponding implementation measure.

Following an **Implementation Measure**, a statement may be included clarifying its meaning or explaining the specific manner in which it will be carried out.

VI PROCEDURE FOR ADOPTION AND AMENDMENT

The process of adopting a general plan can be complex and time-consuming, or simple and straightforward, depending on the nature and size of the community, the complexity of the issues that the plan attempts to address and the extent of public involvement.

Wholesale revisions of general plans occur about every 10 to 15 years, usually when the data on which the plan is based becomes dated, when a community's growth patterns have accelerated or changed, or when the plan is perceived as vulnerable to legal challenges. The process of revision involves many citizen groups and large-scale debate over the community's future.

While planning law grants a large degree of legislative discretion to local jurisdictions in the general plan process, state law requires that local governments hold public hearings prior to major planning actions. In the City of Waterford, public hearings are required for subdivisions approvals, re-zonings, general plan amendments and several types of zoning permits (use permits and variances). Architectural or design review occurs before the City’s Architectural Review Committee.

Updating a new general plan can take a considerable amount of time and resources, and normally involves a series of more or less predictable steps. Each step invites public participation at various levels:

- The Planning Department typically develops a work program that defines the responsibilities of each individual or department, the scope and direction of the work to be performed, funding mechanisms, public participation, and budget. This is reviewed by the Planning Commission and City Council, which also decides whether to hire an outside consultant to assist in the preparation of the updated plan. (In the City of Waterford, City staff will be responsible for preparation of the General Plan Update but outside consultants will be retained for special studies; i.e. traffic).
- The planning department and/or the consultant gathers the data needed for reviewing the general plan (e.g., existing land uses, environmental hazards and resources, infrastructure, commitments and policies, population and social characteristics, housing needs, and economic conditions), including samples of community attributes and preferences (e.g., demographic studies, surveys).
- The planning department and/or consultant analyze the data, which the planning agency then uses to evaluate problems, opportunities, and alternatives available to the community, and to define the general scope and course of action in formulating the general plan.
- The planning department and/or consultant (and the advisory committee if appointed by the Commission) will draft the proposed general plan. Usually, the planning department and/or the

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consultant will provide the technical data and make recommendations, while the advisory committee/Commission will make the initial policy choices.

- The Planning Commission, and the City Council, review the draft and make changes.
- The draft is then referred to: cities within or abutting the area covered; counties adjacent to the area covered; regional planning agencies and federal agencies that may be significantly affected; and the State Clearinghouse (a unit of the Governor's Office of Planning and Research, which provides technical assistance on land use planning and CEQA matters).
- The draft is made available to the public for the cost of reproduction, or at local libraries.
- The Planning Commission gives notice of its public hearing.
- The public hearing is held; the draft is explained and considered in light of local regulations and environmental effects, and interested parties offer testimony.
- The Planning Commission votes on whether to amend or adopt the draft, and then sends its recommendation to the City Council.
- The City Council gives notice of its public hearing.
- The hearing is held where the public again has the opportunity to review and comment on the draft.
- Upon completion of these steps, the City Council approves, modifies, or disapproves the draft plan. To be approved, the general plan must be adopted by an affirmative majority vote of the City Council. If there are substantial modifications that were not previously considered by the Planning Commission, the proposal should be referred back to the agency for further review.

There are usually significant changes made to the draft document after the initial public comment and between the draft and final versions. In addition, general plan adoption and amendment is subject to the California Environmental Quality Act (CEQA), which requires local governments to consider the environmental effects of a project before deciding whether to approve it. Compliance under CEQA often requires preparation of an environmental impact report (EIR), and the environmental review process usually occurs concurrently with the drafting and review process. (See Chapter VI for more information on CEQA.)

Initiating amendments

The Waterford Planning Commission may initiate general plan amendments, or they may be initiated by the City Council, or an amendment may be part of an application for development. In 1995 the California Supreme Court ruled, in DeVita v. County of Napa, that general plans can be amended by initiative, which is a legislative action by voters, rather than by a legislative body.

By law, mandatory general plan elements cannot be amended by a legislative body more than four times a year. City Councils (and Boards of Supervisors) can, however, bundle more than one general plan amendment together. Some jurisdictions have regularly scheduled "Open Windows" for hearing general plan amendments four times a year.

Exempted from this limitation are certain amendments for affordable housing projects where at least 25 percent of the project encompasses low- or moderately-priced.

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VII THE GENERAL PLAN AND THE ENVIRONMENT

As previously noted, the General Plan is the primary document that guides growth and development in a city or county. The Plan is also closely linked to the State's environmental law. The California Environmental Quality Act (CEQA) recognizes the authority of the local general planning process in several areas and the environmental review process is also an integral part of the local development review and decision making process.

As a "Project", the general plan adoption process is subject to CEQA review. As a policy document, the General Plan provides guidance and sets standards for several areas of mandatory environmental review for other "projects" undertaken by local governments and the private sector.

In recognition of this close relationship between general plan policy and the environmental review process, the *City of Waterford General Plan Update* will be prepared to include several recent changes in the State's CEQA regulations and the broad authorities provided to local governments under State General Plan Law.

A The California Environmental Quality Act

General plan adoption and amendment is subject to the California Environmental Quality Act (CEQA), which requires local governments to consider the potential environmental effects of a project before deciding whether to approve it. Compliance under CEQA often requires preparation of an environmental impact report (EIR). The EIR's primary purpose is to inform decision-makers and the public of possible significant environmental effects of a proposal, less damaging alternatives, and possible ways to reduce or avoid the potential damage.

Prior to drafting the EIR, the "lead agency" under CEQA (the public agency that has the principal responsibility for carrying out or approving a project, such as the City Council, must send out a Notice of Preparation describing the draft general plan proposal to all affected state "responsible agencies" (e.g., the regional water quality board, the local air quality management district, and other affected local agencies) and "trustee agencies" (e.g., the California Department of Fish and Game and the State Department of Parks and Recreation, who hold unique public resources "in trust" for the citizens of California). The lead agency then normally holds "scoping" meetings or consultations with the responsible and trustee agencies to solicit their input. Their responses help identify important issues and focus the scope and content of the draft EIR.

Scoping meetings also invite public comment on the focus and content of the draft EIR, offering an early opportunity for the community to suggest mitigation measures or alternatives that will reduce or avoid adverse environmental effects of the new plans. Early citizen involvement in the scoping portion of the environmental review process is critical to shaping the outcome of the final document.

Like the general plan process, CEQA also requires that the draft EIR be circulated to citizens, and to local, regional, and state agencies for review. Most cities and counties place copies in local libraries. Public hearings are not required, but the CEQA Guidelines do encourage them. In general, the hearing process attempts to reflect the level of public interest in the environmental aspects of the General Plan Update. Where there is little public controversy or interest in the environmental aspects of a project, the CEQA public review process can be limited.

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In cases where hearings are needed, there are often one or more EIR hearings in conjunction with their consideration of the draft general plan or separate hearings to review the EIR only. For example, some cities and counties hold a hearing on the last day of the draft EIR's 45-day review period specifically for public comment. The general plan and EIR process should proceed concurrently, and share both planning department resources and information.

B. EIR content

The EIR describes the relationship between the proposed land use outlined in the general plan and the land's carrying capacity (the maximum number of plants, animals, and humans that the land can support over an extended time period without significant degradation of the ecosystem).

The EIR must also describe the existing local and regional physical environment, especially those features that are likely to be affected by the plan and the environmental constraints and resources that are rare or unique to the area. In addition, the EIR must also analyze the cumulative effects of the general plan's policies and proposals on the environment.

Finally, the EIR must identify alternatives and mitigation measures that would avoid or minimize potential impacts. For example, a general plan might anticipate a significant increase in employment in the community, leading to increased automobile commuting. The EIR then would identify measures to reduce peak-hour traffic, such as new public transit routes or improved bicycle facilities.

An analysis of the general plan's impacts that are likely to stimulate community growth and development is also required. These impacts would include plans for street and highway improvements in undeveloped areas, wastewater treatment plant expansion, and proposals for employment growth that are likely to lead to the need for additional residential and other development.

Other components of the EIR might be a description of existing infrastructure, such as roads, water systems, and sewage treatment facilities, along with their capacities and current levels of use, and a discussion of any inconsistencies between the proposed general plan and adopted regional plans in terms of environmental issues. Additional information regarding CEQA and its implementation by the City of Waterford can be found in the "*City of Waterford CEQA Handbook and Policies and Procedures Guide*".

IX CONCLUSION

The City of Waterford has begun a process of updating its General Plan. The city's citizens can, and should, take an active role in determining the future of their community. Involvement in the general plan update process is an effective way to do this. Whether it's attending public hearings and reviewing draft general plans, or serving on advisory boards and planning commissions, citizens can make a difference in how their city is developed.

Becoming knowledgeable about the issues and challenges facing your community is the first step. Then you are ready, with this guidebook in hand, to become a true participant in the task of shaping your community's future.

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Appendix A: Planning law milestones

- 1907** First Subdivision Map Act enacted, which regulates the division of land into parcels for the purposes of sale, lease or financing.
- 1915** Cities authorized to create planning commissions.
- 1917** Initial zoning law enacted.
- 1927** Cities and counties authorized to prepare general plans.
- 1929** Adoption of general plans made mandatory for those cities and counties establishing planning commissions. Subdivision Map Act revised enabling local governments to require dedication of improvements.
- 1937** All cities and counties required to adopt general plans.
- 1953** Planning law recodified into Government Code § 65000, et seq.
- 1955** Land use and circulation elements required in general plan.
- 1965** Planning and Zoning Law reorganized. Cities and counties authorized to prepare specific plans. Williamson Act or California Land Conservation Act enacted in response to the loss of agricultural land that was occurring in areas of increasing land value.
- 1967** Housing element required in the general plan.
- 1970** Conservation and open-space elements required in the general plan. California Environmental Quality Act (CEQA) enacted as a system of checks and balances for land-use development and management decisions.
- 1971** Safety, seismic safety, noise, and scenic highway elements required in the general plan. Zoning and subdivision approvals required to be consistent with the adopted general plan. Statements of legislative intent clarify the internal consistency requirement of the general plan.
- 1974** Subdivision Map Act recodified from the Business and Professions Code into the State Planning and Zoning Law.
- 1976** California Coastal Act requires each community within the coastal zone to prepare a local coastal program, including a coastal land use plan.
- 1980** Detailed content standards and adoption procedures added to the housing element requirement.
- 1984** Planning statutes substantially revised, seismic safety, and scenic highways elements dropped as required elements; seismic safety merged with safety element.
- 1985** Cortese-Knox Local Government Reorganization Act established a Local Agency Formation Commission (LAFCO) in each county to encourage and provide "planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space lands within those pattern."
- 1990** California Supreme Court struck down a growth control initiative that conflicted with the City of Walnut Creek's general plan in Leshar Communications v. City of Walnut Creek. In Citizens of Goleta Valley v. Board of Supervisors, the California Supreme Court ruled that the general plan is the "constitution for all future development within the city or county" and noted that local agencies must review and revise their general plans to keep them current.
- 1995** California Supreme Court held in DeVita v. Napa County that the authority to amend a general plan is not limited solely to a city council or county board of supervisors, and extends to voters via initiative.

Sources: *California Land-use and Planning Law*, by Daniel J. Curtin, and *State of California General Plan Guidelines*, Governor's Office of Planning and Research

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Appendix B: Statutory requirements for a valid general plan

LEGAL REQUIREMENTS

California State law requires cities to prepare general plans consisting of seven mandated elements, which must be consistent with each other. The General Plan derives its authority as the summit of land use regulations from the California Government Code. The City Council adopts the General Plan by ordinance as a legal document.

The General Plan is to be used as a whole. One section is not to be used at the expense of others, but all of them should be used together, with flexibility. Used in this way, the General Plan becomes a powerful tool for ensuring consistency of City actions, while remaining responsive to the changing needs of the times. When optional subjects are added to the general plan, they have the same status as a mandated element, and no single chapter or subject supersedes the other.

Maps & Diagrams

The City's Land Use Diagram is an integral part of the general plan. The diagram graphically expresses the Plan's development policies by showing the desired arrangement and general location of land uses. The diagram is required to be consistent with the General Plan text under California Government Code Section 65302. To be useful to City officials, staff, and the public, the Land Use Diagram must allow anyone who uses the Plan to reach the same conclusion about the designated use of any property covered by the plan.

The word "Diagram" is distinguished from "Map" in the context of a California Attorney General Opinion (67 OPS.CAL.ATTY. GEN.75 (3/7/84)) to provide a certain limited degree of flexibility in applying the Land Use Designations to specific parcels of land. A "diagram" shows the approximate arrangement of and relationships between land uses rather than the precise location and detailed boundaries of land use which a "map" (like a zoning map) would show.

The land use diagram and text together specify the number of people and dwelling units per net acre of land for each property planned for residences and the building intensity for all other proposed development. This building intensity is expressed in terms of a floor area ratio, which is the gross floor area permitted on a site divided by the total net land area of the lot. Other pertinent features of the Land Use Diagram include the locations of existing and proposed parks, public schools, and other public facilities such as fire stations.

General plans also must contain a circulation element. This element shows the location and extent of existing and proposed thoroughfares, transportation routes, terminals, and other local public utilities and facilities, and correlates them with the land use element. Maps are needed to show location. The City of Waterford's General Plan Circulation Maps show current and proposed arterials, collector streets, and local streets as well as bikeways and rail lines. This roadway system has been tested against the planned level proposed in this plan and has been found to be adequate.

Together, the Land Use Diagram and Circulation Maps graphically show the managed growth of the City for future years. The General Plan also contains other maps and diagrams that show various features of Waterford and help illustrate the Goals and Policies of the General Plan.

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**GENERAL PLAN
MANDATED ELEMENTS AND DISCUSSION AREAS
MANDATED ELEMENTS/SUBJECT AREAS**

LAND USE ELEMENT

Distribution of Housing, Business, & Industry
Distribution of Agricultural Lands & Open Space
Standards of Population Density and Building Intensity
Land Use Map
Distribution of Recreation Facilities, Educational Facilities, and Public Buildings and Grounds
Flood Areas
Future Solid and Liquid Waste Facilities
Mineral Resources
Timberland Preserve Zone Lands
Implementation

CIRCULATION ELEMENT

Description of Existing System
Maps of Existing and Proposed Systems
Description of Proposed System
Major Thoroughfares and Transportation Routes
Terminals and Local Public Utilities and Facilities
Implementation

OPEN SPACE ELEMENT

Open Space for Preservation of Natural Resources
Open Space for Managed Production of Resources
Ground Water Recharge
Agricultural Lands
Open Space for Outdoor Recreation
Scenic, Historic, and Cultural Values
Trails, Links, and Park and Recreation Access
Open Space for Public Health and Safety
Integration with California Recreational Trails System
Implementation

CONSERVATION ELEMENT

Forests, Rivers, and Wildlife
Water
Soils
Flood Control
Archeological Resources
Harbors and Fisheries
Minerals
Air Quality

HOUSING ELEMENT

Assessment of Immediate Housing Needs
Projected New Construction Needs
Potential Housing Sites
Map of Housing Sites
Governmental Constraints
Non-governmental Constraints
Energy Conservation
Quantified Objectives
Implementation
Public Participation
Progress on Housing Programs

SAFETY ELEMENT

Seismic and Geologic Hazards
Seiche and Dam Failure
Slope Instability/Subsidence
Flooding
Fire Hazards and Peak Water Supply
Emergency Response and Evacuation
Hazardous Materials

NOISE ELEMENT

Noise Sources
Extent of Noise Problems in Community
Existing and Projected Noise Contours
Noise Attenuation Methods
Implementation

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LEGAL ADEQUACY OF THE GENERAL PLAN

There is more to a "Legal" general plan than having the mandated elements with all the relevant discussions and diagrams. According to a well know land use attorney, Daniel J. Curtin, the key to the validity of the general plan is legal adequacy, which means that the plan must show "substantial compliance with the statutory requirements." Mr. Curtin states that the following checklist can be helpful in determining whether a general plan is legally adequate and meets statutory requirements:

1. Does it address all seven mandatory elements?
2. Are the elements set forth in a logical, understandable manner?
3. Is the general plan available to the public?
4. Are the data, assumptions, and projections (e.g., for population, housing, jobs) as used in various parts of the plan consistent with one another?
5. Does the plan comport with legislative policies relating to
 - **Airport land use plans (ALUP)**, Public Utilities Code, section 21675, Government Code 65302.3.
 - **California Coastal Act**, Public Resources Code, section 30000 et seq.
 - **Housing**, Government Code, section 65561.
 - **Open-space**, Government Code, section 65580.
 - **Surface Mining and Reclamation Act (SMARA)**, Public Resources Code, section 2712.
6. Does it cover all territory within its boundaries and any land outside its boundaries that relates to its planning?
7. Is it long-term in perspective?
8. Does it address locally relevant issues with a degree of detail that reflects local conditions and circumstances?
9. Is it current?
 - The housing element must be updated every five years.
 - The other elements shall be periodically reviewed and revised as necessary to reflect changed circumstances.
10. Do the diagrams and maps show proposed land uses for the entire planning area and are they consistent with the text?
11. Can you take an individual parcel and check it against the plan and know how you can use the property?
12. Does it contain an action or implementation plan?
13. Did it receive the proper environmental review?
14. Was the draft housing element sent to the Housing and Community Development Department (HCD)- the state agency that has the principal responsibility for assessing, planning for, and assisting communities to meet the needs of low-and moderate-income households-for its review before adoption?

Source: *California Land-use and Planning Law*, by Daniel J. Curtin

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Appendix C: Glossary of terms

Board of Supervisors A county's legislative body. Board members are elected by popular vote and are responsible for enacting ordinances, imposing taxes, making appropriations, and establishing county policy. The board adopts the general plan, zoning, and subdivision regulations.

CEQA The California Environmental Quality Act (commencing with Public Resources Code Section 21000). In general, CEQA requires that all private and public projects be reviewed prior to approval for their potential adverse effects on the environment.

Charter City A city that has been incorporated under its own charter rather than under the general laws of the state. Charter cities have broader powers to enact land use regulations than do general law cities.

City Council A city's legislative body. The popularly elected city council is responsible for enacting ordinances, imposing taxes, making appropriations, establishing policy, and hiring some city officials. The council adopts the local general plan, zoning, and subdivision ordinance.

Environmental Impact Report (EIR) A detailed review of a proposed project, its potential adverse impacts upon the environment, measures that may avoid or reduce those impacts, and alternatives to the project.

General Law City A city incorporated under and run in accordance with the general laws of the state.

General Plan A statement of policies, including text and diagrams, setting forth objectives, principles, standards, and plan proposals for the future physical development of the city or county (see Government Code Sections 65300 et seq.).

Infrastructure A general term describing public and quasi-public utilities and facilities such as roads, bridges, sewers and sewer plants, water lines, power lines, fire stations, etc.

Initiative A measure that has been placed on the election ballot as a result of voter signatures that, if approved, has the same force and effect as a legislative action. The right to initiative is guaranteed by the California Constitution.

LAFCO Local Agency Formation Commission. The Cortese-Knox Act (commencing with Government Code Section 56000) establishes a LAFCO made up of elected officials of the county, cities, and, in some cases, special districts in each county. LAFCOs establish spheres of influence for all the cities and special districts within the county. They also review and consider incorporation and annexation proposals.

Mitigation Measure The California Environmental Quality Act requires that when an environmental impact or potential impact is identified, measures must be proposed that will eliminate, avoid, rectify, compensate for, or reduce those environmental effects.

Planning Board or Commission A group of residents appointed by the city council or board of supervisors to consider land use planning matters. The commission's duties and powers are established by the local legislative body and might include hearing proposals to amend the general plan or rezone land, initiating planning studies (road alignments, identification of seismic hazards, etc.), and taking action on development proposals.

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Referendum A ballot measure challenging a legislative action by the city council or county board of supervisors. The California Constitution guarantees the right to referendum.

Specific Plan A plan addressing land uses, open space, infrastructure, and infrastructure financing for a smaller portion of the area than is covered by the general plan. Specific plans are usually more detailed as to land use than the general plan (see Government Code Sections 65450 et seq.).

Sphere of influence The potential physical boundaries and service area of a local government, as determined by the Local Agency Formation Commission (LAFCO) of the county.

Subdivision ordinance Law or regulation set forth and adopted by a governmental authority, usually a city or county, that governs the division of a tract of land into defined lots, either improved or unimproved, which can be separately conveyed by sale or lease, and which can be altered or developed.

Zoning Local codes regulating the use and development of property. The zoning ordinance divides the city or county into land use districts or "zones", represented on zoning maps, and specifies the allowable uses within each of those zones. It establishes development standards such as minimum lot size, maximum height of structures, building setbacks, and yard size.

Source: *California Land-use and Planning Law*, Daniel J. Curtin, *State of California General Plan Guidelines*, Governor's Office of Planning and Research, and *A Guide to Planning in California*, Governor's Office of Planning and Research

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Appendix D: The Ahwahnee Principles

In 1991, the Local Government Commission brought together a group of renowned architects and urban planners who had led the way in innovative land use planning. They were asked to come to an agreement about what new planning ideas have in common and to develop a set of community principles; to decide how each community should relate to the region and to develop a set of regional principles; and to define how these ideas might be implemented by cities and counties. The ideas were compiled into a form that would be useful to local elected officials and that would provide an alternative to urban sprawl. The principles, as outlined below, were presented to 100 local elected officials at a conference at Yosemite's Ahwahnee Hotel.

Preamble:

Existing patterns of urban and suburban development seriously impair our quality of life. The symptoms are: more congestion and air pollution resulting from our increased dependence on automobiles, the loss of precious open space, the need for costly improvements to roads and public services, the inequitable distribution of economic resources, and the loss of a sense of community. By drawing upon the best from the past and the present, we can plan communities that will more successfully serve the needs of those who live and work within them. Such planning should adhere to certain fundamental principles.

Community Principles:

1. All planning should be in the form of complete and integrated communities containing housing, shops, work places, schools, parks and civic facilities essential to the daily life of the residents.
2. Community size should be designed so that housing, jobs, daily needs and other activities are within easy walking distance of each other.
3. As many activities as possible should be located within easy walking distance of transit stops.
4. A community should contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.
5. Businesses within the community should provide a range of job types for the community's residents.
6. The location and character of the community should be consistent with a larger transit network.
7. The community should have a center focus that combines commercial, civic, cultural and recreational uses.
8. The community should contain an ample supply of specialized open space in the form of squares, greens and parks whose frequent use is encouraged through placement and design.
9. Public spaces should be designed to encourage the attention and presence of people at all hours of the day and night.
10. Each community or cluster of communities should have a well-defined edge, such as agricultural greenbelts or wildlife corridors, permanently protected from development.
11. Streets, pedestrian paths and bike paths should contribute to a system of fully-connected and interesting routes to all destinations. Their design should encourage pedestrian and bicycle use by being small and spatially defined by buildings, trees and lighting; and by discouraging high speed traffic.
12. Wherever possible, the natural terrain, drainage and vegetation of the community should be preserved with superior examples contained within parks or greenbelts.
13. The community design should help conserve resources and minimize waste.
14. Communities should provide for the efficient use of water through the use of natural drainage, drought tolerant landscaping and recycling.

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15. The street orientation, the placement of buildings and the use of shading should contribute to the energy efficiency of the community.

Regional Principles:

1. The regional land-use planning structure should be integrated within a larger transportation network built around transit rather than freeways.
2. Regions should be bounded by and provide a continuous system of greenbelt/wildlife corridors to be determined by natural conditions.
3. Regional institutions and services (government, stadiums, museums, etc.) should be located in the urban core.
4. Materials and methods of construction should be specific to the region, exhibiting a continuity of history and culture and compatibility with the climate to encourage the development of local character and community identity.

Implementation Principles:

1. The general plan should be updated to incorporate the above principles.
2. Rather than allowing developer-initiated, piecemeal development, local governments should take charge of the planning process. General plans should designate where new growth, infill or redevelopment will be allowed to occur.
3. Prior to any development, a specific plan should be prepared based on these planning principles.
4. Plans should be developed through an open process and participants in the process should be provided visual models of all planning proposals.

For more information on the Ahwahnee Principles, contact the Center for Livable Communities, Local Government Commission at (916) 448-1198, or on the Web at www.lgc.org/clc/ahwahnee/principles.html.

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Appendix F: Contact list

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Web site: www.calapa.org

California Land Use Planning Network (LUPIN)

Web site: ceres.ca.gov/planning

California State Association of Counties (CSAC)

1100 K Street, Suite 101
Sacramento, CA 95814
Phone: (916) 327-7500
Fax: (916) 441-5507
Web site: www.csac.counties.org

Governor's Office of Planning and Research (OPR)

1400 Tenth Street
P.O. Box 3044
Sacramento, CA 95812-3044
Phone: (916) 322-2318
Fax: (916) 322-3785
Web site: www.opr.ca.gov

Local Government Commission (LGC)

1414 K Street, Suite 250
Sacramento, CA 95814
Phone: (916) 448-1198
Fax: (916) 448-8246
Web site: www.lgc.org

Natural Communities Conservation Planning (NCCP)

Web site: ceres.ca.gov/CRA/NCCP/index.html

San Joaquin Valley Air Pollution Control District (SJVAPCD) Northern Region

4230 Kiernan Avenue, Suite 130
Modesto, CA 95356-9322
Phone: (209) 557- 6400
FAX: (209) 557- 6475
Web site: www.valleyair.org

Planning and Conservation League Foundation

926 J Street, Suite 612
Sacramento, CA 95814
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Web site: <http://www.pcl.org>

California Environmental Resource Evaluation System (CERES)

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Sustainable Communities Network (SCN)

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