CHAPTER 1

General Plan Basics

All statutory references are to the California Government Code unless otherwise noted.

California state law requires each city and county to adopt a general plan "for the physical development of the county or city, and any land outside its boundaries which bears relation to its planning" (§65300). The California Supreme Court has called the general plan the "constitution for future development." The general plan expresses the community's development goals and embodies public policy relative to the distribution of future land uses, both public and private.

As will be discussed in Chapter 9, the policies of the general plan are intended to underlie most land use decisions. Pursuant to state law, subdivisions, capital improvements, development agreements, and many other land use actions must be consistent with the adopted general plan. In counties and general law cities, zoning and specific plans are also required to conform to the general plan.

In addition, preparing, adopting, implementing, and maintaining the general plan serves to:

- Identify the community's land use, circulation, environmental, economic, and social goals and policies as they relate to land use and development.
- Provide a basis for local government decision-making, including decisions on development approvals and exactions.
- Provide citizens with opportunities to participate in the planning and decision-making processes of their communities.
- Inform citizens, developers, decision-makers, and other cities and counties of the ground rules that guide development within a particular community.

COMPREHENSIVENESS

Every city and county must adopt "a comprehensive, long term general plan" (§65300). The general plan must cover a local jurisdiction's entire planning area and address the broad range of issues associated with a city's or county's development.

Geographic Comprehensiveness

The plan must cover the territory within the boundaries of the adopting city or county as well as "any land outside its boundaries which in the planning agency's judgment bears relation to its planning" (§65300). For cities, this means all territory within the city limits, both public and private. Counties must address all unincorporated areas.

When establishing its planning area, each city should consider using its sphere of influence as a starting point. The Local Agency Formation Commission (LAFCO) in every county adopts a sphere of influence for each city to represent "the probable physical boundaries and service area" of that city (§56076). Although there is no direct requirement that the sphere and the planning area match, the former provides a convenient measure of the city's region of interest.

A county should consider the general plans of every city within the county in its own plans. City planning policies may be reflected in the county plan in various ways. The county plan may discuss city policies in the broad context of countywide policy. It may summarize city policies while laying out the county policies for the surrounding unincorporated area. It may examine city policies in the context of community plans that it has adopted for the surrounding unincorporated areas.

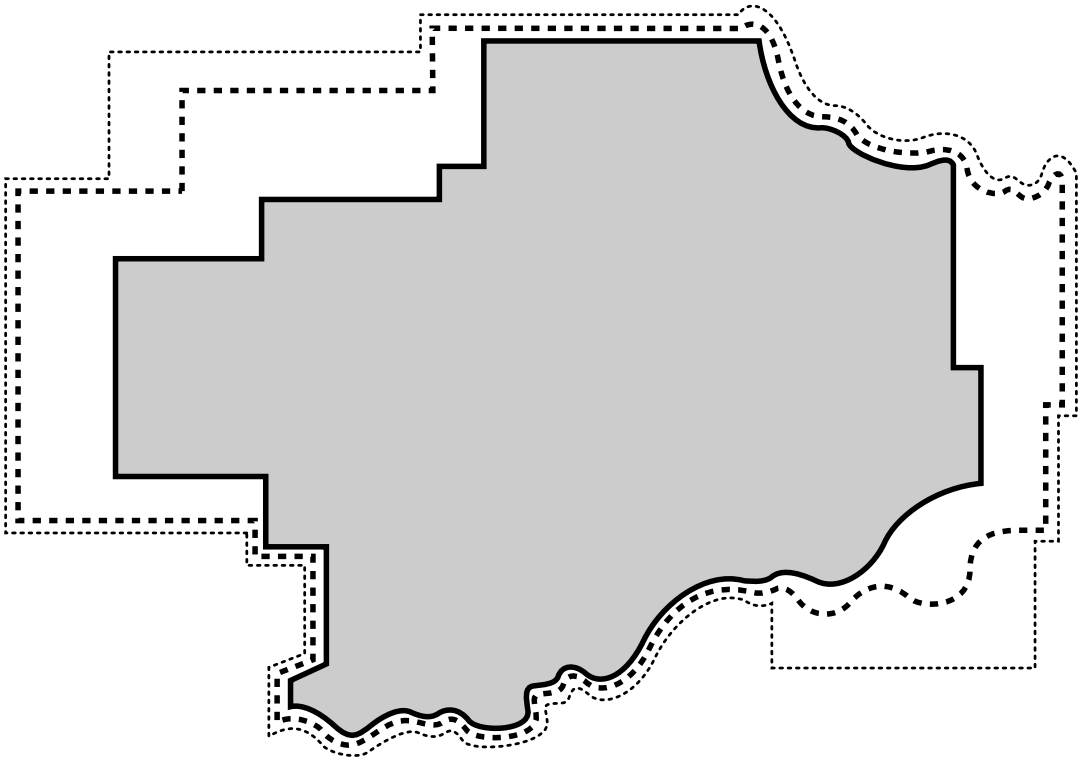
In addition, since issues are not confined to political boundaries, the law provides for planning outside of the jurisdiction's territory. Cooperative extraterritorial planning can be used to guide the orderly and efficient extension of services and utilities; ensure the preservation of open space, agricultural, and resource conservation lands; and establish consistent standards for development in the plans of adjoining jurisdictions.

Cities and counties should work together to delineate planning areas and may establish formal agreements for processing development proposals. For example, Yolo County delegates a portion of its land use authority to the City of Davis within areas surrounding the city. As urbanization occurs and adjoining cities expand, the potential for conflict between cities competing for the same lands increases. Intercity cooperation in establishing planning areas can proactively help to avoid such disputes.

Regionalism

Viewing the local general plan in its regional con-

Theoretical Relationship Between a City's Planning Area and Sphere of Influence



Current City Limits:
Encompasses incorporated territory where land use is controlled by the city.

City's Sphere of Influence:
Adopted by the LAFCO, encompasses incorporated and unincorporated territory that is the city's ultimate service area.

City's Planning Area Boundary:
Encompasses incorporated and unincorporated territory bearing a relation to the city's planning. The planning area may extend beyond the sphere of influence.

text is important. Traditionally, the concept of "community" encompassed only a local entity—the city or county. With increasing urbanization, the growing interdependence of local governments, and important issues that transcend local boundaries, such as transportation, air quality, and floodplain management, the regional perspective should be considered. Cities and counties should identify risks from natural hazards that extend across jurisdictional boundaries, then use any available data from watershed-based floodplain management, mapped earthquake faults, or high fire-hazard areas as planning tools to address any significant issues. Each local planning agency carries a responsibility to coordinate its general plan with regional planning efforts as much as possible.

Regional planning efforts typically address single issues or have indirect links to the local planning process. Plans prepared by councils of government and other designated regional agencies provide the basis for allocating federal and state funds used for specific items,

such as transportation facilities. Other regional plans, such as those for air or water quality, spell out measures that local governments must institute in order to meet federal or state standards for the region. Still others, such as regional housing allocation plans, measure each local government's responsibility for satisfying a specific share of regional needs. Some regional agencies have put together useful information on seismic safety and other issues that can be helpful in the planning process.

The Legislature has mandated consideration of certain regional impacts in the general plan. For example, if a city or county adopts or amends a mandatory general plan element limiting the number of residential units that may be constructed on an annual basis, it must explain that action. The city or county must make specific findings concerning the efforts it has made to implement its housing element and the public health, safety, and welfare considerations that justify reducing housing opportunities in the region (§65302.8). Further, cities and counties must balance the housing needs of the region against the needs of their residents for public services and the available fiscal and environmental resources (§65863.6, §66412.3). In addition, the housing element of the general plan must include action programs to accommodate the locality's regional fair share of housing (§65583, §65584).

Local general plans should recognize the city's or county's regional role if regional needs are to be satisfied, federal and state standards met, and coordination achieved in the location of public facilities. Accordingly, general plans should include a discussion of the extent to which the general plan's policies, standards, and proposals correspond to regional plans and the plans of adjoining communities. A city or county may need to reexamine its own general plan when its neighbors make important changes to their plans.

Issue Comprehensiveness

A general plan must address a broad range of issues. Under the "shoe fits" doctrine discussed in Chapter 4, the plan should focus on those issues that are relevant to the planning area (§65301(c)). The plan must address the jurisdiction's physical development, such as general locations, appropriate mix, timing, and extent of land uses and supporting infrastructure. The broad scope of physical development issues may range from appropriate areas for building factories to open space for preserving endangered species (see Chapter 4 for examples). This may include not only those issues described in the planning statutes, but regional issues as well.

In the 1960s, planners began to assert that land use decisions have not only immediate and future physical and environmental impacts, but also social and economic impacts. Because a general plan represents the most comprehensive local expression of the general welfare as it relates to land use regulation, recognizing social and economic concerns in the general plan may be quite appropriate. Social and economic issues may be discussed within the context of the mandatory elements, such as housing and land use. Some jurisdictions have adopted an optional economic development element as part of their general plans (see Chapter 6). Environmental justice, which recognizes that land use decisions have consequences for social equity, may also be addressed within the context of the mandatory elements. This is discussed in Chapter 2.

INTERNAL CONSISTENCY

The concept of internal consistency holds that no policy conflicts can exist, either textual or diagrammatic, between the components of an otherwise complete and adequate general plan. Different policies must be balanced and reconciled within the plan. The internal consistency requirement has five dimensions, described below.

> *"In construing the provisions of this article, the Legislature intends that the general plan and elements and parts thereof comprise an integrated, internally consistent and compatible statement of policies for the adopting agency." (§65300.5)*

Equal Status Among Elements

All elements of the general plan have equal legal status. For example, the land use element policies are not superior to the policies of the open-space element.

A case in point: in S*ierra Club v. Board of Supervisors of Kern County (1981) 126 Cal.App.3d 698*, two of Kern County's general plan elements, land use and open space, designated conflicting land uses for the same property. A provision in the general plan text reconciled this and other map inconsistencies by stating that "if in any instance there is a conflict between the land use element and the open-space element, the land use element controls." The court of appeal struck down this clause because it violated the internal consistency requirement under §65300.5. No element is legally subordinate to another; the gen-

eral plan must resolve potential conflicts among the elements through clear language and policy consistency.

Consistency Between Elements

All elements of a general plan, whether mandatory or optional, must be consistent with one another. The court decision in *Concerned Citizens of Calaveras County v. Board of Supervisors (1985) 166 Cal.App.3d 90* illustrates this point. In that case, the county land use element contained proposals expected to result in increased population. The circulation element, however, failed to provide feasible remedies for the predicted traffic congestion that would follow. The county simply stated that it would lobby for funds to solve the future traffic problems. The court held that this vague response was insufficient to reconcile the conflicts.

Also, housing element law requires local agencies to adopt housing element programs that achieve the goals and implement the policies of the housing element. Such programs must identify the means by which consistency will be achieved with other general plan elements (§65583(c)).

A city or county may incorporate by reference into its general plan all or a portion of another jurisdiction's plan. When doing so, the city or county should make sure that any materials incorporated by reference are consistent with the rest of its general plan.

Consistency Within Elements

Each element's data, analyses, goals, policies, and implementation programs must be consistent with and complement one another. Established goals, data, and analysis form the foundation for any ensuing policies. For example, if one portion of a circulation element indicates that county roads are sufficient to accommodate the projected level of traffic while another section of the same element describes a worsening traffic situation aggravated by continued subdivision activity, the element is not internally consistent (*Concerned Citizens of Calaveras County v. Board of Supervisors (1985) 166 Cal.App.3d 90*).

Area Plan Consistency

All principles, goals, objectives, policies, and plan proposals set forth in an area or community plan must be consistent with the overall general plan.

The general plan should explicitly discuss the role of area plans if they are to be used. Similarly, each area plan should discuss its specific relationship to the general plan. In 1986, the Court of Appeal ruled on an area plan that was alleged to be inconsistent with the larger general plan. The court upheld both the area plan and the general plan when it found that the general plan's "nonurban/rural" designation, by the plan's own description, was not intended to be interpreted literally or precisely, especially with regard to small areas. The court noted that the area plan's more specific "urban residential" designation was pertinent and that there was no inconsistency between the countywide general plan and the area plan (*Las Virgenes Homeowners Federation, Inc. v. County of Los Angeles (1986) 177 Cal.App.3d 300*). However, the court also noted that in this particular case the geographic area of alleged inconsistency was quite small.

Text and Diagram Consistency

The general plan's text and its accompanying diagrams are integral parts of the plan. They must be in agreement. For example, if a general plan's land use element diagram designates low-density residential development in an area where the text describes the presence of prime agricultural land and further contains written policies to preserve agricultural land or open space, a conflict exists. The plan's text and diagrams must be reconciled, because "internal consistency requires that general plan diagrams of land use, circulation systems, open-space and natural resources areas reflect written policies and programs in the text for each element." (*Curtin's California Land-Use and Planning Law*, 1998 edition, p. 18)

Without consistency in all five of these areas, the general plan cannot effectively serve as a clear guide to future development. Decision-makers will face conflicting directives; citizens will be confused about the policies and standards the community has selected; findings of consistency of subordinate land use decisions such as rezonings and subdivisions will be difficult to make; and land owners, business, and industry will be unable to rely on the general plan's stated priorities and standards for their own individual decision-making. Beyond this, inconsistencies in the general plan can expose the jurisdiction to expensive and lengthy litigation.

LONG-TERM PERSPECTIVE

Since the general plan affects the welfare of current and future generations, state law requires that the plan take a long-term perspective (§65300). The general plan projects conditions and needs into the future as a basis for determining objectives. It also establishes long-term policy for day-to-day decision-making based upon those objectives.

The time frames for effective planning vary among issues. The housing element, for example, specifically

involves time increments of five years. Geologic hazards, on the other hand, persist for hundreds or thousands of years. Sewer, water, and road systems are generally designed with a 30- to 50-year lifespan. Capital improvement planning is typically based upon a five- or seven-year term. Economic trends may change rapidly in response to outside forces.

Differences in time frame also affect the formulation of general plan goals, objectives, policies, and implementation measures. Goals and objectives are longer term, slowly evolving to suit changing community values or to reflect the success of action programs. Specific policies tend to be shorter term, shifting with the political climate or self-imposed time limits. Implementation programs tend to have the shortest span because they must quickly respond to the demands of new funding sources, the results of their own activities, and the jurisdiction's immediate needs and problems.

"The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals." (§65302)

Most jurisdictions select 15 to 20 years as the long-term horizon for the general plan. The horizon does not mark an end point, but rather provides a general context in which to make shorter-term decisions. The local jurisdiction may choose a time horizon that serves its particular needs. Remember that planning is a continuous process; the general plan should be reviewed regularly, regardless of its horizon, and revised as new information becomes available and as community needs and values change. For instance, new population projections that indicate that housing will be needed at a greater clip than anticipated, an unexpected major development in a neighboring jurisdiction that greatly increases traffic congestion, or a ballot initiative that establishes an urban growth boundary may all trigger the need to revise the general plan. A general plan based upon outdated information and projections is not a sound basis for day-to-day decision-making and may be legally inadequate. As such, it will be susceptible to successful legal challenge.

DEFINING THE PARTS 0F A GENERAL PLAN

A general plan is made up of text describing goals and objectives, principles, standards, and plan proposals, as well as a set of maps and diagrams. Together, these constituent parts paint a picture of the community's future development. The following discussions help to clarify the meanings of these and other important terms.

Development Policy

A development policy is a general plan statement that guides action. In a broad sense, development policies include goals and objectives, principles, policies, standards, and plan proposals.

Diagram

A diagram is a graphic expression of a general plan's development policies, particularly its plan proposals. 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 (§65300.5) and should have the same long-term planning perspective as the rest of the general plan. The Attorney General has observed that "...when the Legislature has used the term 'map,' it has required preciseness, exact location, and detailed boundaries...." as in the case of the Subdivision Map Act. No such precision is required of a general plan diagram (*67 Cal.Ops.Atty.Gen. 75,77*).

As a general rule, a diagram or diagrams, along with the general plan's text, should be detailed enough so that the users of the plan, whether staff, elected and appointed officials, or the public, can reach the same general conclusion on the appropriate use of any parcel of land at a particular phase of a city's or county's physical development. Decision-makers should also be able to use a general plan, including its diagram or diagrams, in coordinating day-to-day land use and infrastructure decisions with the city's or county's future physical development scheme.

At the same time, given the long-term nature of a general plan, its diagram or diagrams 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, but the precise location of the park may not be known when the plan is adopted. The plan would not need to pinpoint the location, but it should have a generalized diagram along with policies saying that the park site will be selected and appropriate zoning applied at the time the area is subdivided. In this sense, while zoning must be consistent with the general plan, the plan's diagram or diagrams and the zoning map are not required to be identical.

Goal

A goal is a general direction-setter. It is an ideal future end related to the public health, safety, or general welfare.

A goal is a general expression of community values and, therefore, may be abstract in nature. Consequently, a goal is generally not quantifiable or time-dependent.

Although goals are not mentioned in the description of general plan contents in §65302, they are included here for several reasons. First, defining goals is often the initial step of a comprehensive planning process, with more specific objectives defined later, as discussed in Chapter 3. Second, goals are specifically mentioned in the statutes governing housing element contents (§65583). Third, while the terms "goal" and "objective" are used interchangeably in some general plans, many plans differentiate between broad, unquantifiable goals and specific objectives. Either approach is allowable, as flexibility is a characteristic of the general plan.

Examples of goals:

- Quiet residential streets
- A diversified economic base for the city
- An aesthetically pleasing community
- A safe community

Goals should be expressed as ends, not actions. For instance, the first example above expresses an end, namely, "quiet residential streets." It does not say, "Establish quiet residential streets" or "To establish quiet residential streets."

Objective

An objective is a specified end, condition, or state that is an intermediate step toward attaining a goal. It should be achievable and, when possible, measurable and time-specific. An objective may pertain to one particular aspect of a goal or it may be one of several successive steps toward goal achievement. Consequently, there may be more than one objective for each goal.

Examples of objectives:

- The addition of 100 affordable housing units over the next five years.
- A 25 percent increase in downtown office space by 2008.
- A 50 percent reduction in the rate of farmland conversion over the next ten years.
- A reduction in stormwater runoff from streets and parking lots.

Principle

A principle is 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.

Examples of principles:

- Mixed use encourages urban vitality.
- The residential neighborhoods within a city should be within a convenient and safe walking distance of an elementary school.
- Parks provide recreational and aesthetic benefits.
- Risks from natural hazards should be identified and avoided to the extent practicable.

Policy

A policy is 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.

A policy is carried out by implementation measures. For a policy to be useful as a guide to action it must be clear and unambiguous. Adopting broadly drawn and vague policies is poor practice. Clear policies are particularly important when it comes to judging whether or not zoning decisions, subdivisions, public works projects, etc., are consistent with the general plan.

When writing policies, be aware of the difference between "shall" and "should." "Shall" indicates an unequivocal directive. "Should" signifies a less rigid directive, to be honored in the absence of compelling or contravening considerations. Use of the word "should" to give the impression of more commitment than actually intended is a common but unacceptable practice. It is better to adopt no policy than to adopt a policy with no backbone.

Solid policy is based on solid information. The analysis of data collected during the planning process provides local officials with the knowledge about trends, existing conditions, and projections that they need to formulate policy. If projected community conditions are not in line with a general plan's objectives, local legislative bodies may adopt policies that will help bring about a more desirable future.

Examples of policies:

- The city shall not approve a parking ordinance vari-

ance unless the variance pertains to the rebuilding of an unintentionally destroyed non-conforming use.

- The city shall not approve plans for the downtown shopping center until an independently conducted market study indicates that the center would be economically feasible.
- The city shall give favorable consideration to conditional use permit proposals involving adaptive reuse of buildings that are designated as "architecturally significant" by the cultural resources element.

Standards

A standard is 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.

The Government Code makes various references to general plan standards. For example, §65302(a) states in part that 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." Other examples of statutory references to general plan standards include those found in §66477 (the Quimby Act) and §66479 (reservations of land within subdivisions). Of course, a local legislature may adopt any other general plan standards it deems desirable.

Examples of standards:

- A minimally acceptable peak hour level of service for an arterial street is level of service C.
- The minimum acreage required for a regional shopping center is from 40 to 50 acres.
- High-density residential means 15 to 30 dwelling units per acre and up to 42 dwelling units per acre with a density bonus.
- The first floor of all new construction shall be at least two feet above the base flood elevation.

Plan Proposal

A plan proposal describes the development intended to take place in an area. Plan proposals are often expressed on the general plan diagram.

Examples of plan proposals:

- First Street and Harbor Avenue are designated as arterials.
- The proposed downtown shopping center will be located within the area bound by D and G Avenues and Third and Fourth Streets.
- A new parking structure shall be located in the vicinities of each of the following downtown intersections: First Street and A Avenue, and Fifth Street and D Avenue.

Implementation Measure

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

Examples of implementation measures:

- The city shall use tax-increment financing to pay the costs of replacing old sidewalks in the redevelopment area.
- The city shall adopt a specific plan for the industrial park.
- Areas designated by the land use element for agriculture shall be placed in the agricultural zone.

Linking Objectives to Implementation

The following examples show the relationships among objectives, policies, and implementation measures. The examples are arranged according to a hierarchy from the general to the specific—from goals to implementation measures. In an actual general plan, there might be more than one policy under each objective, more than one implementation measure under each policy, etc.

Goal:

- A thriving downtown that is the center of the city's retail and service commercial activities.

Objective:

- Development of a new regional shopping center in the downtown.

Policy:

- The city shall not approve discretionary projects or building permits that could impede development of the downtown regional shopping center.

Implementation measures:

- The city shall adopt an interim zoning ordinance restricting further development in the general vicinity of the proposed downtown shopping center

until a study has been completed determining its exact configuration.

- During the interim zoning period, the city shall adopt a special regional shopping center zoning classification that permits the development of the proposed downtown mall.
- Upon completion of the study, the city council shall select a site for the downtown mall and shall apply the shopping center zone to the property.

Goal:

- Affordable, decent, and sanitary housing for all members of the community.

Objective:

- 500 additional dwelling units for low-income households by 2010.

Policy:

- When a developer of housing within the high-density residential designation agrees to construct at least 30 percent of the total units of a housing development for low-income households, the city shall grant a 40 percent density bonus for the housing project.

Implementation measure:

- The city shall amend its zoning ordinance to allow for a 40 percent density bonus in the high-density residential zone.

COMMUNITY PLANS, AREA PLANS, AND SPECIFIC PLANS

Area and community plans are part of the general plan. A specific plan, on the other hand, is a tool for implementing the general plan but is not part of the general plan. The following paragraphs look briefly at each of these types of plans.

"Area plan" and "community plan" are terms for plans that focus on a particular region or community within the overall general plan area. An area or community plan is adopted by resolution as an amendment to the general plan, in the manner set out in §65350, et seq. It refines the policies of the general plan as they apply to a smaller geographic area and is implemented by ordinances and other discretionary actions, such as zoning. The area or community plan process also provides a forum for resolving local conflicts. These plans are commonly used in large cities and counties where there are a variety of distinct communities or regions.

As discussed earlier, an area or community plan must be internally consistent with the general plan of which it is a part. To facilitate such consistency, the general plan should provide a policy framework for the detailed treatment of specific issues in the various area or community plans. Ideally, to simplify implementation, the area or community plans and the general plan should share a uniform format for land use categories, terminology, and diagrams.

Each area or community plan need not address all of the issues required by §65302 when the overall general plan satisfies these requirements. For example, an area or community plan need not discuss fire safety if the jurisdiction-wide plan adequately addresses the subject and the area or community plan is consistent with those policies and standards. Keep in mind that while an area or community plan may provide greater detail to policies affecting development in a defined area, adopting one or a series of such plans does not substitute for regular updates to the general plan. Many of the mandatory general plan issues are most effectively addressed on a jurisdiction-wide basis that ties together the policies of the individual area or community plans.

A specific plan is a hybrid that can combine policy statements with development regulations (§65450, et seq.). It is often used to address the development requirements for a single project such as urban infill or a planned community. As a result, its emphasis is on concrete standards and development criteria. Its text and diagrams will address the planning of necessary infrastructure and facilities, as well as land uses and open space. In addition, it will specify those programs and regulations necessary to finance infrastructure and public works projects. A specific plan may be adopted either by resolution, like a general plan, or by ordinance, like zoning.

Specific plans must be consistent with all facets of the general plan, including the policy statements. In turn, zoning, subdivisions, and public works projects must be consistent with the specific plan (§65455). See Chapter 9 for more about specific plans. The publication *A Planner's Guide to Specific Plans,* by the Governor's Office of Planning and Research (OPR), is another good source of information.

ELEMENTS, ISSUES, AND FLEXIBILITY

In statute, the general plan is presented as a collection of seven "elements," or subject categories (see §65302). These elements and the issues embodied by each are briefly summarized below. They are discussed in detail in Chapter 4.

The land use element designates the type, intensity, and general distribution of uses of land for housing, business, industry, open space, education, public buildings and grounds, waste disposal facilities, and other categories of public and private uses.

The circulation element is correlated with the land use element and identifies the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities.

The housing element is a comprehensive assessment of current and projected housing needs for all economic segments of the community. In addition, it embodies policies for providing adequate housing and includes action programs for that purpose. By statute, the housing element must be updated every five years.

The conservation element addresses the conservation, development, and use of natural resources, including water, forests, soils, rivers, and mineral deposits.

The open-space element details plans and measures for the long-range preservation and conservation of open-space lands, including open space for the preservation of natural resources, the managed production of resources (including agricultural lands), outdoor recreation, and public health and safety.

The noise element identifies and appraises noise problems within the community and forms the basis for land use distribution.

The safety element establishes policies and programs to protect the community from risks associated with seismic, geologic, flood, and wildfire hazards.

The level of discussion given to each issue in the general plan depends upon local conditions and the relative local importance of that issue. When a city or county determines that an issue specified in the law is not locally relevant, the general plan may briefly discuss the reason for that decision but does not otherwise have to address that issue (§65301).

A local general plan may also include other topics of local interest. For instance, a city or county may choose to incorporate into its land use element a detailed program for financing infrastructure and timing capital improvements. The safety element of a city or county that suffers from wildfire hazards may contain strategic fire protection planning policies to mitigate such hazards.

In the statutory descriptions of the elements, a number of issues appear in more than one element. In order to minimize redundancies or internal conflicts in the general plan, combining elements or organizing the plan by issue often makes practical sense. This idea is explored further in Chapter 5.

There are a number of state and federal laws, such as the Surface Mining and Reclamation Act, the Seismic Hazards Mapping Act, the Endangered Species Act, and others, that can affect the content of the general plan. These are discussed in detail in Chapter 9.

In addition to the mandatory elements, a city or county may adopt any other elements that relate to its physical development (§65303). Once adopted, these optional elements become an integral part of the general plan with the same force and effect as the mandatory elements. Accordingly, zoning, subdivisions, public works, specific plans, and other actions that must be consistent with the general plan must be consistent with any optional elements.

Common themes for optional elements include air quality, capital improvements, community design, economic development, energy, parks and recreation, and water. Suggestions for preparing a number of optional elements are provided in Chapter 6.

An optional element may clarify how a local government exercises its police powers, and in some instances, can expand a local government's authority. For example, the California Energy Commission may delegate geothermal power plant licensing authority to counties with certified geothermal elements (see Chapter 6 for guidelines). In the more typical situation, an optional element will indicate how a local government will apply its existing police power or other authority. For example, a historic preservation element may lay the foundation for historic district regulations or participation in the California Main Street Program. A strategic fire prevention planning element could identify wildfire hazard areas, control new development within those areas, and provide the basis for zoning, subdivision, and brush clearance ordinances intended to minimize fire hazards.

ADOPTION OF ANOTHER JURISDICTION'S GENERAL PLAN AND JOINT ADOPTION

A city or county may adopt all or a portion of the general plan of another public agency (§65301(a)). Additionally, §65302(g) specifically provides that a city may adopt the county's safety element if the county's element "is sufficiently detailed containing appropriate policies and programs for adoption by a city." One of the benefits of this approach is that it eliminates duplication of effort in collecting data for the more technical elements.

A city and county may jointly prepare and separately adopt a general plan or individual elements. A city or county may adopt a functional plan such as a regional transportation plan prepared by a special district, regional planning agency, or some other public agency.

Although joint adoption of another jurisdiction's

plan or elements may be advantageous, a city or county remains solely responsible for the legal adequacy of its general plan. The other jurisdiction's plan and/or elements or the jointly prepared plan and/or elements must be sufficiently detailed to address the concerns of the adopting agency and to provide adequate coverage of the issues required in the Government Code. A plan or element that is jointly prepared or adopted from another jurisdiction's general plan has the same legal standing as the rest of the adopting agency's general plan and internal consistency requirements continue to apply. Similarly, discretionary zoning, subdivision, and capitol improvement project decisions must be consistent with the joint plan or element.

Despite options such as adopting another jurisdiction's general plan or joint adoption between multiple agencies, each adopting agency must retain its sole and independent authority to make amendments to its general plan unless a joint powers agreement has been approved. In *Alameda County Land Use Association v. City of Hayward (1995) 38 Cal.App.4th 1716*, the appellate court overturned a memorandum of understanding (MOU) adopted by Alameda County and the cities of Hayward and Pleasanton to specify general plan goals and policies regarding the "Ridgelands Area." The MOU provided that any amendment to the applicable sections by one jurisdiction would not be effective unless "parallel amendments" were approved by the other two. The court held this arrangement to be an impermissible divestment of the police power, restricting the individual agencies' legislative authority to amend their general plans.