Who Does What?

ESP 171 Urban and Regional Planning
Professor Susan Handy
4/5/16
Plannerese Immersion

Mixed-use  Single-family

Public space  Urban design

Planning

Density

Urban renewal

Garden city  Takings

ZONING
<table>
<thead>
<tr>
<th>PROBLEM</th>
<th>SOLUTION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1930s</strong> “The City”</td>
<td>![Picture of urban sprawl]</td>
</tr>
<tr>
<td><strong>2000s</strong> “Green Manhattan”</td>
<td>![Picture of green spaces and sustainable living]</td>
</tr>
</tbody>
</table>
To what degree should planners impose their ideas about what’s right?

Does it even matter what planners think?
If planning is the process by which “our society decides what gets built where”...

Who actually does the deciding?
As consumers

Citizens

As voters

Government

Consultants

Researchers

Federal
State
Local
Elected officials
Staff
Courts

Consultants
Professional associations

Industry

Land owners
Developers
Builders
Lenders/investors
Realtors
Businesses

NGOs/interest groups

Consultants
Associations
Developers vs. Builders

Land to plan

Lots to houses
Developer vs. Government Power

Developer
PROPOSES
IMPLEMENTS

Government
REGULATES
APPROVES

Motivations?

$$ vs. public good
Planner vs. Citizen Power

Motivations?
public good vs. self-interest
How to achieve constructive citizen involvement...?
Planning Profession

• MCP – Masters of City Planning (see also MURP or MCRP)
• APA – American Planning Association
• AICP – American Institute of Certified Planners
• ACSP – Association of Collegiate Schools of Planning

*NOT the Association of Closet and Storage Professionals!*
Neighbors working together to promote conservation with respect to energy, water, food, transportation, waste – to create a more resilient community.
“Napa Vision 2050 is a coalition of 14 affiliates in Napa County that have banded together to lobby local governments on current development policies and practices...

“It is our mission to Promote the Health, Welfare and Safety of our Communities by Advocating for Responsible Planning to Insure Sustainability of the Finite Resources of Napa County.”

http://napavision2050.org/home.php
Government

1. Principles and definitions
2. Issues and implications
Which level has land use authority?
- see textbook -

- **Police power**: constitutional power of government entity to restrict private activity for public benefit

- **Reserved power doctrine**: police power not explicitly taken by federal government so left to the states
  - 10th Amendment

- **Delegation by states to local government**: Cities and counties can make and enforce ordinances not in conflict with General Laws
  - Article XI, Section 7 of California Constitution
Power at Local Level

Default is power at state level

Federal

Federal government chooses NOT to take power

State

States choose to delegate power to locals

Local

Strong tradition of “local control” in the U.S.!
Local land use actions...

• ...are subject to constitutions and so...
  ...must be “reasonably related” to public health, safety, welfare, morals
  ...must not violate concepts of...
    • Due process
    • Equal protection
    • Unlawful taking of property without compensation

• ...are subordinate to state laws
Local compliance with state laws?

- Not enforced by the state!
- Enforced by citizens through the courts!
  - lawsuits to compel local government to follow planning laws and/or CEQA (California Environmental Quality Act)

More later!
<table>
<thead>
<tr>
<th></th>
<th>Private land</th>
<th>Public land</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Federal</strong></td>
<td><em>Indirect...</em></td>
<td>X</td>
</tr>
<tr>
<td><strong>State</strong></td>
<td><em>Indirect...</em></td>
<td>X</td>
</tr>
<tr>
<td><strong>Local</strong></td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
# Branches of Government

- see textbook -

<table>
<thead>
<tr>
<th>Branch</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative Branch</td>
<td>Sets the rules</td>
</tr>
<tr>
<td>Administrative Branch</td>
<td>Carries out the rules</td>
</tr>
<tr>
<td>Judicial Branch</td>
<td>Makes sure that rules and their application don’t...</td>
</tr>
<tr>
<td></td>
<td>- Violate rights (constitutional case)</td>
</tr>
<tr>
<td></td>
<td>- Violate laws (statutory case)</td>
</tr>
<tr>
<td>City Council</td>
<td>Planning Commission</td>
</tr>
<tr>
<td>-----------------</td>
<td>----------------------------------------------------------</td>
</tr>
<tr>
<td>Creating policy</td>
<td>Apply discretionary policy to individual projects</td>
</tr>
<tr>
<td>Legislative Acts</td>
<td>Quasi-Judicial Acts</td>
</tr>
<tr>
<td>Ex. general plan revisions, zoning ordinances</td>
<td>Ex. conditional use permits, zoning variances</td>
</tr>
<tr>
<td>Subject to referendum and initiative</td>
<td>Subject to appeal to city council</td>
</tr>
<tr>
<td>Subject to review under CEQA</td>
<td>Subject to review under CEQA</td>
</tr>
</tbody>
</table>

**At the local level...**

- **Elected**
- **Appointed**
- **Hired**

See Text-book
Long-range planning

Current planning
# Types of Local Government

<table>
<thead>
<tr>
<th>Cities</th>
<th>Land within city boundaries</th>
<th>Created by residents</th>
<th>City Council makes decisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>482 in CA</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Counties</th>
<th>Land within county boundaries but outside city boundaries</th>
<th>Created by state</th>
<th>Board of Supervisors makes decisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>58 in CA</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
PLANNING & PUBLIC WORKS

Director: John Bencomo

292 West Beamer Street
Woodland, CA 95695
(530) 666-8775

Hours of Operation:
Mon-Fri: 9am-12pm
& 1pm-3pm
Closed for Lunch:
12pm-1pm

Our Mission

The mission of Planning and Public Works is to preserve natural resources while providing road maintenance, land use, waste management and rural recreation/open space opportunities in Yolo County through excellent customer service and responsible financial management.

Customer Service Standards
NOTE: Some county services for everyone – city residents, too

- County superior court
- Library system
- Health department
- Property tax collection
- Landfill
- Some transportation planning
- Others...
Issue 1: Boundaries
Why is it important whether my house is in the city of Davis or not?

- Regulations vary from jurisdiction to jurisdiction
- Control of territory means control of tax base
- City boundaries determine which areas get city services
East Palo Alto

now Facebook

Sun Microsystems

East Palo Alto
So who decides where the boundaries are and how?
Local Area Formation Commissions (LAFCOs)

- Required by California law in each county to make boundary decisions
- Representation:
  - 2 county supervisors
  - 2 representatives from county’s cities
  - 1 member of the public
  - maybe special district rep (e.g. schools)
State’s Goals for LAFCOs

• Stop competition among cities
• Minimize sprawl
• Encourage efficient urban services

Grow in a rational sort of way...
YOLO COUNTY LAFCO

The Yolo County Local Agency Formation Commission (LAFCO) is an independent agency responsible for the implementation of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. Yolo County LAFCO membership includes two county supervisors appointed by the Board of Supervisors, two City Council members appointed by the City Selection Committee, and one public member appointed by LAFCO. Yolo County LAFCO is empowered to review, approve or deny boundary changes, city annexations, consolidations, special district formations, incorporations for cities and special districts, and to establish local "Spheres of Influence". The Sphere of Influence for each governmental agency is a plan for its future boundary and service area. The LAFCO function is outlined in Government Code, Section 56000 et seq., known as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
LAFCO Decisions

- Incorporations
- Annexations
- Designation of “sphere of influence”
- Dissolution (de-incorporation)
- Detachment (de-annexation)

Rare
1. Incorporation

- Unincorporated area decides to become a city
- LAFCO does fiscal review to show that city can provide for services
- Residents vote; if yes, area becomes city
- Since 1992: Incorporation can’t hurt county financially – few new cities
Cityhood for El Dorado Hills enables significant improvements in our Quality of Life - Traffic/Roads, Local Services, and Recreation.
East Palo Alto – incorporated in 1983
California’s Newest City
Jurupa Valley, Riverside County – incorporated 2011
California’s Smallest City?

Vernon, California – 112 residents
Suburban Disequilibrium
New York Times, 4/6/13

Bradbury, one of the richest zip codes in LA, just 2 miles from Azusa...

“Nationwide, rich and poor neighborhoods like these house a growing proportion of Americans, up to 31 percent compared with 15 percent in 1970... suburban places [tend] to sustain and reinforce inequality.”

Source: http://opinionator.blogs.nytimes.com/2013/04/06/suburban-disequilibrium/
2. Annexation

- Existing city brings new land within its boundaries, provides services
- Hearing required, vote may be required
Should city annex new UCD tract?

West Village, UC Davis’ 1,600-home neighborhood that should be complete by 2015, does not need Davis City Council approval.

As a separate constitutional agency, the University of California Regents hold the authority to plan land use on campus. Because the property is currently located outside city limits and within Yolo County, any proposal for annexation by the city requires discussion and an agreement with the county.

Greenwald said she wants the development within city limits, but concedes that the costs and revenue should pencil out for the city if possible. There are benefits beyond dollars, however. “I want the faculty and the students to be able to vote in Davis,” she said. “And it is true that if they don’t get to vote, they don’t feel the same way about living here.”
Unincorporated Pockets
Urban Islands Program – Santa Clara County
Urban Islands Program – Santa Clara County
AN ‘ISLAND’ IN ROCKLIN

The city of Rocklin encircles a 182-parcel island of unincorporated Placer County – an area the city hopes to add to its jurisdiction.

April 1, 2014

The Sacramento Bee

http://www.sacbee.com/2014/04/01/6284415/residents-of-an-unincorporated.html
3. Sphere of Influence

- Area beyond city boundaries that can be included in General Plan (more on Thursday!)
- Intention is to eventually annex area to city
- New law requires updates every 5 years
- Important for long-range planning!
Davis Enterprise
Tuesday, April 1, 2008

Davis wants control

Is open space better protected from development within a city’s sphere of influence or outside of it?

That question went unanswered at a meeting Monday night at which the public had an opportunity to comment on Davis’ proposed updated sphere of influence.

...The Davis City Council is betting that a bigger sphere of influence will better protect open space from development, but a Yolo County Local Agency Formation commissioner and public speakers said the opposite effect could occur.

... it was difficult to determine whether a larger sphere would protect open space or signal to landowners that the city’s outskirts were ripe for development.

See http://www.city.davis.ca.us/story/?story=Sphere_of_Influence
April 7, 2012

“Elk Grove got a taste this week of hurdles it faces in seeking to grow southward as residents questioned the city's need to expand, the availability of water and the loss of agricultural land.”
3. Dissolution
4. De-annexation
“Jurupa Valley has taken the initial steps to become the first California city in 42 years to dissolve its cityhood.”
LAFCO Issues

- Politics! Competition for $
- Differences in policies:

Percent of County Population Not in Cities

- Santa Clara County
- Sacramento County
Arden
Arcade
2010
vote
failed 3 to 1
Issue 2:
Regional Planning

state > regional > county
Need for Regional Planning?

• Problems that don’t abide by local boundaries – e.g. air quality, congestion, housing, jobs, etc. – *need collective action*

• Multiple jurisdictions that each have own interests and priorities – e.g. maximizing tax revenues - *need focus on greater good*
Types of Regional Planning

• Voluntary joint planning efforts
  – ex. Yolo County, Davis, Woodland

• Regional planning agencies
  – Established by state
  – Overrides local land use planning
  – For protection of unique natural resources
Bay Conservation and Development Commission
BCDC
1969

California Coastal Commission
CCC
1976

Tahoe Regional Planning Agency
TRPA
1969
During legislative hearings last year, critics in Nevada called TRPA a bully and blamed the agency for holding up projects such as paving a driveway, remodeling a bathroom, or removing downed trees from their property.

Nevada officials also criticized California and environmentalists, claiming the liberal leanings of Nevada's western neighbor infringe on the property rights of those along the eastern shore of the Sierra lake.
Sandoval favors threat to leave Tahoe Compact
Sacramento Bee, 4/2/13

Nevada Gov. Brian Sandoval favors keeping alive the threat to leave the bi-state Tahoe Regional Planning Agency Compact, a decades-old agreement that has governed environmental controls and development in the scenic Sierra basin straddling the Nevada-California line...

http://www.sacbee.com/2013/04/02/5309507/committee-to-hear-tahoe-compact.html#storylink=cpy
Regional transportation planning responsibility but no land use planning authority!

SACOG - Sacramento
MTC – Bay Area
SCAG – Los Angeles
SANDAG – San Diego

+ Councils of Governments (COGs)
Issue 3:
State Role
## Land Use Power

<table>
<thead>
<tr>
<th></th>
<th>Private land</th>
<th>Public land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td><em>Indirect...</em></td>
<td>X</td>
</tr>
<tr>
<td>State</td>
<td><em>Indirect...</em></td>
<td>X</td>
</tr>
<tr>
<td>Regional</td>
<td><em>Direct and indirect...</em></td>
<td>X</td>
</tr>
<tr>
<td>Local</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
# State Government

<table>
<thead>
<tr>
<th>Direct Control</th>
<th>State lands</th>
<th>Various agencies</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Planning, Zoning, and Development</td>
<td>Governor’s Office of Planning and</td>
</tr>
<tr>
<td></td>
<td>Laws</td>
<td>Research (OPR)</td>
</tr>
<tr>
<td></td>
<td>General Plan Law</td>
<td>Business, Transportation, and</td>
</tr>
<tr>
<td></td>
<td>Subdivision Map Act</td>
<td>Housing Agency (BTHA)</td>
</tr>
<tr>
<td></td>
<td>California Environmental Quality Act</td>
<td>California Resources Agency</td>
</tr>
<tr>
<td></td>
<td>(CEQA)</td>
<td>California Dept of Fish and Game</td>
</tr>
<tr>
<td>Other Influence</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>AB32 &amp; SB375</td>
<td>Calif Air Resources Board (CARB)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Calif Energy Commission (CEC)</td>
</tr>
</tbody>
</table>
California State Parks

“...1.4 million acres, with over 280 miles of coastline; 625 miles of lake and river frontage; nearly 15,000 campsites; and 3,000 miles of hiking, biking, and equestrian trails.”
Caltrans

e.g. SF Transbay Transit Center

See surplus land for auction here!
http://www.dot.ca.gov/property/index.htm
California State Lands Commission

Public Lands under the Commission’s Jurisdiction

- School Lands—471,000 acres
- Sovereign Lands—4 million acres
- 1,100 miles of coastline
- 120 Rivers and Sloughs
- 40 Lakes
- 330,000 acres of Granted Lands in 85 Grants

Issue 4: Federal Role
# Federal Government

<table>
<thead>
<tr>
<th>Direct Control</th>
<th>Federal lands</th>
<th>Bureau of Land Mgmt U.S. Forest Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Influence</td>
<td>Endangered Species Act</td>
<td>Fish and Wildlife Service</td>
</tr>
<tr>
<td></td>
<td>NEPA Clean Water Act Clean Air Act</td>
<td>Envtl Protection Agency</td>
</tr>
<tr>
<td></td>
<td>SAFETEA-LU</td>
<td>US Dept of Transportation</td>
</tr>
<tr>
<td></td>
<td>Tax Code</td>
<td>IRS</td>
</tr>
</tbody>
</table>
In late March 2015, “the U.S. Senate passed a budget amendment sponsored by Sen. Lisa Murkowski, R-Alaska, the chair of the Energy and Natural Resources Committee, supporting the idea of selling, transferring or trading federal lands to the states.” - High Country News

https://www.epa.gov/region09/indian/mapca.pdf

For Wednesday Section

• Watch “The City”!!!
• Read “Green Manhattan”!!!
For Thursday

• General Plans!

• Reading:
  – Chapter 6 in book
  – Articles from website

• Exercise 2! On General Plans
  – Due next Tuesday