



BOARD MEETING AGENDA SUBMITTAL

TO: GCSB Board of Directors

FROM: Peter J. Kampa, General Manager

DATE: April 12, 2022

SUBJECT: Agenda Item 6A: Discussion and Consideration of District Participation in the Development of a Specific Community Plan for the Groveland and Big Oak Flat Area

RECOMMENDED ACTION:

This item is for Board discussion only at this time and no staff recommendation is provided.

BACKGROUND:

This item is before the Board today for discussion and consideration per the request of Director Kwiatkowski. GCSB directors and staff often receive public comment and questions regarding GCSB's ability to support or oppose projects under consideration by the County Community Development Department. The fact is, GCSB as a special district service provider is not authorized to approve or reject projects simply based on their type, location or aesthetics. Rather, as a responsible local services provider, the district must plan its services to provide for current properties, and to plan for future development based on land use type in county zoning in accordance with the General Plan.

In 2006, the California State Legislature realized that many communities served by Community Services Districts such as GCSB act more like the local "city" and are the government entity closest to the people they serve and more in tune with community desires than many county governments. Therefore, the legislature in 2006 authorized CSDs to participate in Municipal Advisory functions and participate in local and regional land use planning activities including preparation of Community and Specific Plans.

"Community plans" and "specific plans" are often used by cities and counties to plan the future of a particular area at a finer level of detail than that provided by the general plan. A community plan is a portion of the local general plan focusing on the issues pertinent to a particular area or community within the city or county. It supplements the policies of the general plan. Specific plans describe allowable land uses, identify open space, and detail the availability of facilities and financing for a portion of the community. Specific plans must be consistent with the local general plan. A specific plan implements but is not technically a part of the general plan. In some jurisdictions, specific plans take the place of zoning. Zoning, subdivision, and public works decisions must be consistent with any applicable specific plan.

Community Plans and Specific Plans for the areas served by GCSD could be very helpful in terms of planning facilities and services both inside and outside GCSD. These plans help both the county District in development of agreements and financial plans to fund a specified level of service as detailed in the plans. GCSD cannot create or adopt community or specific plans as this is the responsibility vested in the county. GCSD can actively participate including participation in their funding, development and implementation.

Preparation of these plans is a very time-consuming public process for both the county and GCSD if involved; and can take several years to develop. Attached is one section of CA Government Code and a document prepared by the Institute for Local Government related to Community and Spec Plans.

FISCAL IMPACT:

This agenda item does not recommend any action, therefore no cost is anticipated at this time.

ATTACHMENTS:

1. California Government Code
2. Institute for Local Government Document


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GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.*)

DIVISION 1. PLANNING AND ZONING [65000 - 66301] (*Heading of Division 1 added by Stats. 1974, Ch. 1536.*)

CHAPTER 3. Local Planning [65100 - 65763] (*Chapter 3 repealed and added by Stats. 1965, Ch. 1880.*)

ARTICLE 8. Specific Plans [65450 - 65457] (*Article 8 repealed and added by Stats. 1984, Ch. 1009, Sec. 18.*)

65450. After the legislative body has adopted a general plan, the planning agency may, or if so directed by the legislative body, shall, prepare specific plans for the systematic implementation of the general plan for all or part of the area covered by the general plan.

(*Repealed and added by Stats. 1984, Ch. 1009, Sec. 18.*)

65451. (a) A specific plan shall include a text and a diagram or diagrams which specify all of the following in detail:

(1) The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.

(2) The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.

(3) Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.

(4) A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs (1), (2), and (3).

(b) The specific plan shall include a statement of the relationship of the specific plan to the general plan.

(*Amended by Stats. 1985, Ch. 1199, Sec. 5.*)

65452. The specific plan may address any other subjects which in the judgment of the planning agency are necessary or desirable for implementation of the general plan.

(*Repealed and added by Stats. 1984, Ch. 1009, Sec. 18.*)

65453. (a) A specific plan shall be prepared, adopted, and amended in the same manner as a general plan, except that a specific plan may be adopted by resolution or by ordinance and may be amended as often as deemed necessary by the legislative body.

(b) A specific plan may be repealed in the same manner as it is required to be amended.

(*Amended by Stats. 1985, Ch. 1199, Sec. 6.*)

65454. No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the general plan.

(*Added by Stats. 1984, Ch. 1009, Sec. 18.*)

65455. No local public works project may be approved, no tentative map or parcel map for which a tentative map was not required may be approved, and no zoning ordinance may be adopted or amended within an area covered by a specific plan unless it is consistent with the adopted specific plan.

(*Added by Stats. 1984, Ch. 1009, Sec. 18.*)

65456. (a) The legislative body, after adopting a specific plan, may impose a specific plan fee upon persons seeking governmental approvals which are required to be consistent with the specific plan. The fees shall be established so that, in the aggregate, they defray but as estimated do not exceed, the cost of preparation, adoption, and administration of the specific plan, including costs incurred pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. As nearly as can be estimated, the fee charged shall be a prorated amount in accordance with the applicant's relative benefit derived from the specific plan. It is the intent of the Legislature in providing for such fees to charge persons who benefit from specific plans for the costs of developing those specific plans which result in savings to them by reducing the cost of documenting environmental consequences and advocating changed land uses which may be authorized pursuant to the specific plan.

(b) Notwithstanding Section 66016, a city or county may require a person who requests adoption, amendment, or repeal of a specific plan to deposit with the planning agency an amount equal to the estimated cost of preparing the plan, amendment, or repeal prior to its preparation by the planning agency.

(c) Copies of the documents adopting or amending the specific plan, including the diagrams and text, shall be made available to local agencies, and shall be made available to the general public as follows:

(1) Within one working day following the date of adoption, the clerk of the legislative body shall make the documents adopting or amending the plan, including the diagrams and text, available to the public for inspection.

(2) Within two working days after receipt of a request for a copy of the documents adopting or amending the plan, including the diagrams and text, accompanied by payment for the reasonable cost of copying, the clerk shall furnish the requested copy to the person making the request.

(d) A city or county may charge a fee for a copy of a specific plan or amendments to a specific plan in an amount that is reasonably related to the cost of providing that document.

(Amended by Stats. 1990, Ch. 1572, Sec. 10.)

65457. (a) Any residential development project, including any subdivision, or any zoning change that is undertaken to implement and is consistent with a specific plan for which an environmental impact report has been certified after January 1, 1980, is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code. However, if after adoption of the specific plan, an event as specified in Section 21166 of the Public Resources Code occurs, the exemption provided by this subdivision does not apply unless and until a supplemental environmental impact report for the specific plan is prepared and certified in accordance with the provisions of Division 13 (commencing with Section 21000) of the Public Resources Code. After a supplemental environmental impact report is certified, the exemption specified in this subdivision applies to projects undertaken pursuant to the specific plan.

(b) An action or proceeding alleging that a public agency has approved a project pursuant to a specific plan without having previously certified a supplemental environmental impact report for the specific plan, where required by subdivision (a), shall be commenced within 30 days of the public agency's decision to carry out or approve the project.

(Amended by Stats. 2006, Ch. 643, Sec. 18. Effective January 1, 2007.)

ABOUT SPECIFIC PLANS

This explains 1) what a "specific plan" is, 2) how specific plans fit into our efforts to shape our surroundings, and 3) how you can participate in the decision-making process.

What is a Specific Plan?

Land use planning tools come in many forms. Specific plans set planning policies for an area in the community.

General Concepts

A document called the "general plan" establishes the overall framework for development. It provides a long-term vision for the community's growth. That vision includes goals, policies and maps to guide decision-making on zoning and specific projects. General plans cover all land in a jurisdiction.

Specific plans cover smaller areas. They say what land uses can occur in the area. They set limits on how much building can go on sites (known as the "intensity" of development) and what structures will look like. Other topics include plans for public facilities to serve the area and how those will be paid for. Specific plans guide zoning rules, subdivisions, public facilities, and future development agreements for a given area.

The Decision-Making Process

Decision-makers want to hear from those who have opinions or information about whether to approve or change specific plan. If you want to share your thoughts, see "Preparing for Public Hearings" on the back of this sheet for some tips.

To Learn More

- *The Planner's Guide to Specific Plans* (Governor's Office of Planning and Research, 2001 ed.) available at http://ceres.ca.gov/planning/specific_plans/sp_index.html
- Government Code Section 65450 and following (accessible from www.leginfo.ca.gov/calaw)
- Note too Solano Press has a number of land use related publications for sale (www.solano.com)

PREPARING FOR PUBLIC HEARINGS

Opportunities for Input: Meetings and Letters

There are a number of ways to share your views with decision-makers. One is to participate in public hearings or other kinds of gatherings during which public input is sought. Another is to send letters and other written materials in advance of a meeting.

General Communications Tips

- Focus Your Message

You may have lots of concerns. See if they can be grouped into categories or themes. Choose two or three of your most important themes or concerns to emphasize. Otherwise, you risk overloading your listeners and possibly diminishing your effectiveness. It's not how much you say, it's how well you say it.

Start with your basic position (for example, "I support the proposed specific plan"). Then explain your connection to the issue (for example, "I live in the neighborhood covered by the plan"). Then explain the reasons for your position. It can be persuasive to think about the values underlying these reasons. ("I believe the plan fairly balances the need for affordable housing with the need for urban open space.") Tie your position to larger community interests. ("For our businesses to thrive, we need workforce housing.")

- Organize Supporting Materials

You may have written materials you want to share with decision-makers. Make sure that you have at least enough copies for each member of the decision-making body plus one for staff. If you have a lot of documentation, think about submitting it in advance. A page explaining what a larger packet contains can be helpful.

To Participate in a Meeting

- Get the Agenda and Other Information

The meeting agenda explains what issues are up for discussion and provides other useful information. Agendas usually are prepared three days (72 hours) in advance of a meeting. Many agencies post agendas on their websites. Another option is to ask that an agenda be sent to you. You can also pick up a copy. Staff reports are another helpful source of information.

A Note about Civility

Your goal is to persuade decision-makers to see the issue your way. Focus on the merits of your position. Even if you disagree about what's best for the community in this situation, it doesn't mean someone is a bad person. Questioning others' motives or intelligence, being hostile, engaging in name-calling or making threats will not reflect well on you or the position you are urging.

No matter how passionate you are about an issue, conduct yourself in a way that will add to your credibility and standing as a thoughtful member of your community.

Staff may be able to tell you at what point public input will be sought at the meeting and what you need to do to be recognized to speak. Be prepared to wait until the item you are interested in is called.

- Indicate You Want to Speak

The presiding official will generally ask for people who want to speak to come forward. Some agencies use a speakers list to help the presiding official manage the meeting better (for example, if lots of people want to speak, there may be time limits for each speaker).

- Make Smart Use of Your Time

Listen carefully to what others say. Try to find common interests and values. Try to not repeat their comments (although you may want say if you agree what someone else said). If you are part of a group, coordinate your remarks to avoid repeating each other.

- Be Prepared for Questions

Answer as best as you can. It's okay to say that you don't know or that a given question would be a good one to research.

About Public Hearings

A public hearing is a relatively formal proceeding. A typical one involves:

- A report to decision-makers, given by a staff member or consultant who has been working on the item;
- A statement by the project applicant or proponent (the person asking for the decision); and
- Statements from members of the public who may 1) support the proposed action, 2) have concerns that they would like decision-makers to address, and 3) oppose the action under any circumstances.

The decision-making body will then decide what to do by voting. If it needs more time to get more information or think about the issues raised at the hearing, the body may postpone a decision until another meeting.