

TESTING A STANDARD FRAMEWORK FOR CONSISTENCY ANALYSIS IN
CALIFORNIA

A Thesis

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Abstract
of
TESTING A STANDARD FRAMEWORK FOR CONSISTENCY ANALYSIS IN
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California requires cities and counties to adopt general plans as a means of preventing unplanned development and guiding the local land use decision making process. Subsequent to general plan requirements, California enacted a series of consistency requirements, which legislators intended to coerce cities and counties to implement their general plans. Many of these consistency requirements require city and county planning agencies to review projects and land use decisions for consistency with their general plans. However, there is very little material discussing the methods and practices used by planning agencies when reviewing projects for consistency. My thesis researches the current availability of guidance about consistency analysis in California and attempts to improve it through the development and testing of a hypothetical standard model of consistency analysis.

I demonstrate the potential for more comprehensive reviews as well as the potential for my proposed framework's data to be used as plan implementation feedback. However, my proposed framework's data could only be used meaningfully if aggregated, meaning my framework or

would have to be used for virtually every land use decision to produce an indicator of plan implementation progress.

After applying my proposed consistency analysis framework to a Yolo County environmental education and renewable energy project, I found that while my proposed framework was more comprehensive than current consistency analysis techniques in California, my framework proved too time consuming to be feasible for use on a case-by-case basis at the local level. However, my framework represents the first draft of a standard model for consistency analysis in California, which, over time, would contribute data useful for the evaluation of plan implementation.

_____, Committee Chair
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DEDICATION

I dedicate my thesis to my partner Melissa and my Parents. To Melissa, thanks for picking up my slack around the house and for the love, care, and encouragement you've shown me amid my setbacks. To my Mom and Dad, thanks for loving and prodding me along the way, as well as your patience.

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Chapter One: Introduction and Background

Introduction

California's Legislature enacted a series of consistency requirements beginning in the early 1970s. The Legislature intended these requirements to establish general plans as the land use guides for all future city and county land use actions and therefore encourage planned development (DiMento, 1974). Two of these requirements (§665103(c) and §65401), assign the task of evaluating Capital Improvement Plans (CIPs) and public works projects for consistency with general plans to local planning agencies. After reviewing State planning resources, I found specific guidance regarding the performance of consistency analyses for subdivisions and zoning ordinances, but little guidance on conducting consistency analyses for public works projects and other types of land use decisions. My research and review of the literature on the subjects of consistency requirements and plan evaluation also yielded little. Consistency requirement literature does not address the performance of consistency analyses while plan evaluations focus on the assessment of plan implementation after land use action/decision approval. However, plan evaluation literature recommends the use of a plan monitor, the function of which is to actively collect data throughout the plan implementation process, to provide feedback on implementation progress to practitioners and decision-makers.

Consistency analysis could help fill the role of a plan monitor in California because reviews for consistency between general plan policies and land use decisions are already required. Additionally, a thorough consistency analysis should consider, to the

extent feasible, the full range of a land use action's/decision's impacts on the implementation of each general plan policy.

This thesis addresses the absence of guidance on consistency analyses for public works projects and proposes the adaptation of consistency analysis for use as an indicator of general plan implementation. The first chapter is a review of California general plans and consistency requirements. The second chapter is a literature review grouped into four themes: plan evaluation and implementation, consistency requirements, consistency analysis resources, and examples of current consistency analyses. The third chapter presents my proposed consistency analysis framework, constraints associated with the framework, and data sources. The fourth chapter applies the consistency analysis framework to a public works project in Yolo County, California and analyzes the results to gauge their potential as an indicator of general plan implementation. The fifth chapter ends this thesis with a discussion of the consistency analysis framework's strengths and weaknesses.

The California General Plan

For a comprehensive review of the California general plan the reader should consult the California Office of Planning and Research's free publications, *California Planning Guide: An Introduction to Planning in California* and *General Plan Guidelines 2003* (OPR is currently updating the guidelines for 2013). Fulton and Shigley's *Guide to California Planning* (2012) and Barclay and Gray's *Curtin's California Land Use and Planning Law 2012* (2012) also offer more complete descriptions of the California general plan, general plan requirements, and case law than this section provides. I intend

this section to serve only as a review of the purpose of the general plan and to differentiate between types of general plan consistency requirements.

California Government Code §65030 states that the California Legislature finds land to be an essential resource for the, "...well being of the people of California" (OPR, 2012, p. 11). The Legislature also states in Government Code §65030.1 that the bulk of land use decisions affecting future development in the state will be made at the local level, and that these decisions, "...should be guided by an effective planning process, including the local general plan..." (p. 11). Government Code §65300 requires each county and city to adopt a general plan.

The general plan is a comprehensive and long-term plan for the physical development of a planning area (§65300). OPR (2003) states that 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" (p. 10). The Legislature outlines several reasons for requiring general plans in Government Code §65041.1, "...which are...to promote equity, strengthen the economy, protect the environment, and promote public health and safety." The California State Supreme Court summarized the importance of the general plan, referring to it as a community's, "...constitution for future development" (as cited in OPR, 2003, p.10). Haar's (1955) term for the general plan, "the impermanent constitution" may be more appropriate due to California's deference to city councils and boards of supervisors to amend and interpret their general plans. Government Code §65358 enables city councils and boards of supervisors to amend their general plans with a simple majority vote up to four times per year (OPR,

2012). Additionally, California courts tend to uphold local legislative bodies' interpretations of consistency when the information presented to these bodies is sufficient to uphold the interpretation (Talbert, 2008).

California organizes general plan policies into different general plan elements. Each element addresses a different aspect of the community's future. California's mandatory general plan elements include land use, circulation, housing, conservation, open-space, noise, and safety. Optional elements include agricultural development, air quality, energy, and parks and recreation (OPR, 2003, p. 18). The contents of each element must be consistent with the contents of each other general plan element (OPR, 2003). Government Code §65300.5 states, "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" (as cited in OPR, 2003, p. 12). Additionally, California requires consistency within each element, between all general plan texts and diagrams, as well as all specific or area plans (OPR, 2003, p. 13). Internal, or horizontal, general plan consistency is necessary because no element or policy is superior another, as the California Fifth District Court of Appeals ruled in *Sierra Club v. Board of Supervisors of Kern County* (as cited in OPR, 2003, p. 12).

The consistency analysis framework presented in Chapter Three does not address internal consistency and assumes general plans are internally consistent. After this section's review of the general plan, I do not use the term "consistency" in reference to internal or horizontal consistency. For the remainder of this thesis consistency refers only

to vertical consistency. Vertical consistency refers to consistency between general plan policies and the land use decisions implementing those policies, such as zoning ordinances, public works projects, and subdivisions (Barclay & Gray, 2012).

Vertical Consistency Requirements: The Linchpins of Planning and Implementation

This section reviews the purpose of consistency requirements generally, followed by a review of California's requirements for consistency. In OPR's *State of California General Plan Guidelines 2003*, the preparation and. Planning is the whole set of activities that result in a plan. Plan implementation is a combination of the extent and type of effect the community's use of plan has/had on community outcomes. Regardless of the quality of a general plan, if decision-makers do not implement that general plan it is essentially wasted effort (p.149). The need to establish an enforceable link between land use planning and land use actions stems from the rational comprehensive model of planning, which assumes adopted policies should be implemented via a rational decision making process involving the comparison of alternatives (Forester, 1984).

Without a direct link between plans and implementation actions, courts allowed zoning ordinances and other land use regulations to supersede or substitute for plans when conflicts existed between plans and land use decisions (Haar, 1955). In California, the absence of requirements for the implementation of plans led local decision-makers to use general plans as detailed studies of their communities rather than as the "constitution" for future land use decisions (Talbert, 2008). Haar (1955) identified the lack of consistency between plans and other types of land use regulations (e.g. zoning ordinances) as a key factor in the lack of plan implementation. Proponents argue that

without enforceable laws, such as consistency requirements, connecting land use plans with land use decisions and regulations, local decision-makers would ignore plans, approve unplanned developments, and/or make unguided decisions (Catalano & DiMento, 1978; Lucero, 2008).

Judicial ambivalence toward the connection between planning and plan implementation tools, such as zoning ordinances, stemmed from the Standard State Zoning Enabling Act (SZEA). SZEA was the basis for most early state zoning enabling statutes and included the phrase, "...in accordance with a comprehensive plan..." requiring zoning ordinances to be compatible with local plans (Haar, 1955). Because SZEA did not specify what "accordance" meant or what constituted a "comprehensive plan", courts hearing similar cases reached different rulings and came to different conclusions regarding how zoning ordinances related to plans and vice versa (Haar, 1955).

California remedied the possibility of confusing the general plan-zoning ordinance relationship in 1971 with the passage of Assembly Bill (AB) 1301 (McCarthy, 1971). The Legislative intent of AB 1301 was to make the general plan the basis of all local development and plan implementation decisions (DiMento, 1974, p.202). AB 1301 stated clearly, "County or city zoning ordinances shall be consistent with the general plan of the county or city by...January 1, 1974" (p.197).

California has since enacted additional consistency requirements, requiring land use decisions to be consistent with open-space elements, specific plans, as well as other land use planning documents at the state level (OPR, 2003; OPR, 2012). The California

First District Court of Appeal ruled in *Friends of "B" Street v. City of Hayward* (1980) that public works projects needed to satisfy vertical consistency requirements. Similarly, the California Third District Court of Appeals ruled in *Neighborhood Action Group v. Calaveras County* (1984) that conditional use permits must meet vertical consistency requirements. Additionally, California Government Code §665103(c) and §65401 identify local planning agencies as responsible for the annual review of CIPs and other public works projects to ensure their consistency with the general plan. The location and development of public works projects such as domestic water, sanitary sewers, fire and police protection, and streets are crucial to enabling and directing community growth and development (Dalton, 1989).

Consistency Requirement Dilemmas

Consistency requirements in California face several challenges in the achievement of their legislative goal to ensure cities and counties follow through with their general plans in local land use decision-making. AB 1301 required consistency between general plans and zoning ordinances, but did not include a clearly stated and enforceable definition of consistency. However, in 1972 the Legislature passed an amendment defining consistency between zoning ordinances and the general plan as, "...the various land uses authorized by the ordinances are compatible with the objectives, policies, general land uses and programs specific in such a plan" (as cited in DiMento, 1975). OPR (2003) defines consistency as, "An action, program or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment." The California Fourth District Court of

Appeal in *Corona-Norco Unified School District v. City of Corona* (1993) adopted and made enforceable OPR's definition of consistency. Similarly, the California Planning Roundtable's *The California General Plan Glossary* (2003) defines consistency with general plans as conformity, agreement, harmonious, or free from contradiction with general plan policies (p. 11-12).

California's enforcement of consistency requirements is problematic as well because of the enforcement scheme's sole reliance on lawsuits brought by public agencies and/or property owners and residents (Diener, 1978). There is no state agency responsible for reviewing local land use decisions for compliance with local general plans, which contributes to sporadic levels of enforcement. California also does not reimburse or assist property owners or residents who file lawsuits (Diener, 1978). Courts add to the challenge by generally accepting local interpretations of general plan consistency, "When we review an agency's decisions for consistency with its own general plan, we accord great deference to the agency's determination. This is because the body which adopted the general plan policies in its legislative capacity has unique competence to interpret those policies when applying them in an adjudicatory capacity" (as cited in Talbert & Gray, 2012, p. 24-25). Talbert and Gray (2012) also note that the California Third District Appellate Court stated that it would defer to a city's interpretation of its general plan unless, "...based on the evidence before [the] city council, a reasonable person could not have reached the same conclusion" (p. 25). Additionally, even if a lawsuit were successful, it does not protect against

councilmembers and supervisors using their powers to amend their general plans in order to construct a general plan that is consistent with the project.

Lastly, California's Legislature created a need at the local level for a standard framework or method for determining which land uses and regulations were compliant or in conflict with the general plan. Although OPR has provided guidelines and hypothetical models for the performance of zoning ordinance and subdivision consistency reviews, a statewide-standard framework for consistency analysis has not been developed by a state agency and has not been discussed in plan evaluation and consistency requirement literature.

Conclusion

California's consistency requirements are the linchpins connecting general plans with plan implementation decisions. Subsequent to making requirements for consistency and consistency reviews, the state and researchers concerned with questions posed by California's consistency requirements did not inquire about or propose a standard consistency analysis framework for use by practitioners at the local level. In my thesis, I develop, test, analyze, and discuss my proposed consistency analysis framework. In Chapter Two I establish the basis of my framework through a review of plan evaluation and consistency requirement literature, in addition to relevant documents. In Chapter Three I review the limitations of my framework, present my data and data sources, in addition to describing the framework. In Chapter Four I test my framework by applying it to a Yolo County sustainable education and solar power generating public works project. Chapter Four also includes my test results and a comparative analysis of these results to

current examples of California consistency analyses. I end my thesis with a brief review, conclusions, and recommendations for further research in Chapter Five.

Chapter Two: Literature Review

Introduction

I divided Chapter Two into four sections: (1) Linking Plan Evaluation to Consistency Analysis; (2) The Intent and Implementation of California's Consistency Requirements; (3) Performing Consistency Analysis in California; (4) Content and Format of CEQA and CIP Consistency Analyses; and (5) Discussion. In Section One I discuss types of plan evaluation broadly and examine where plan evaluation and consistency analysis overlap and differ in their content, timing, and intent. I also review recommendations from the academic literature addressing how plan evaluations could better serve practitioners. In Section Two I review California's consistency requirement literature. In Section Three I review guidance available from public and professional sources in California regarding consistency analysis. In Section Four I present and discuss a sample of consistency analyses from California counties and cities. In Section Five I conclude Chapter Two by discussing the current weaknesses in plan evaluation and consistency requirement research in relation to my framework.

I conducted a search of plan evaluation and consistency requirement literature for plan and policy evaluation studies as well as research about land use plan-consistency analysis but was unable to find any specific or directly relevant research. I conducted subsequent searches for methods used to determine the degree of consistency between a land use project/regulation and land use plan (occurring after plan adoption and before project/regulation implementation) but again found nothing. A search of land use publications and reports from government and professional organizations in California

proved more useful. This search netted brief descriptions of standards and practices for consistency analysis. I concluded from these searches that the current body of literature including government sources, have yet to research or develop a standard method or framework for consistency analysis at the local level in California. The lack of similar and/or directly relevant research may be due to low levels of perceived importance and/or the specificity of the topic.

The academic literature I use in this chapter is from two subjects related to consistency analysis: California's consistency requirements and conformance based plan evaluation. I use California consistency requirement research to determine what the goals of consistency analysis are and to establish the breadth and limitations of the research. I include observations from plan evaluation studies and research because they are the closest approximation of consistency analysis in California that I could find. However, plan evaluations differ in their content (consistency analysis is conducted for one project whereas plan evaluations are conducted for entire programs of implementation measures), timing (consistency analysis is conducted prior to project approval/implementation whereas conformance based plan evaluations occur after or during implementation), and intent (consistency analysis is conducted to meet statutory requirements and to detect conflicts between projects and the general plan which would hinder the general plan's implementation whereas plan evaluation is conducted to establish links between implementation measures and plan outcomes as well as to determine the extent of influence planning had on outcomes). Despite these differences, plan implementation evaluations are the most comparable to consistency analysis in

California and I include a brief summary of these methods and recommendations from the literature to supplement the absence of consistency analysis in the literature.

Linking Plan Evaluation to Consistency Analysis

There is currently no standard method of plan evaluation in planning literature (Talen, 1996a). In this section I overview different types of plan evaluations and highlight similarities between plan evaluation and consistency analysis as well as useful lessons applicable to consistency analysis.

Plan evaluation is the study of plan implementation through the scientific measurement and comparison of plan outcomes to plan goals and planning activities (Laurian, Crawford, Day, et al, 2010). Plan evaluations, specifically quantitative evaluations, arose in the field of planning to improve the generalizability of planning studies and utility of planning theories from one locality to the next, as well as determining the effect of planning on outcomes, and substantiating the credibility of planners as value adding professionals (Alexander & Faludi, 1989; Talen 1996a; Baer, 1997; Laurian, Day, Berke, et al, 2004; Laurian, Crawford, et al 2010). Therefore, the intent of plan evaluation is much different than the intent of consistency analysis, which is to make a determination of consistency which satisfies California's consistency requirements. However, later in this chapter and thesis I explore how results of applying a standard framework could be used in plan evaluation studies.

There are two basic approaches to plan evaluation: conformance based approaches and performance based approaches (Laurian, Day, et al, 2004). Conformance based approaches study planning outcomes and assumes plans are meant to be

implemented as blueprints for future development. Conformance based approaches also assume there are direct links between plan implementation measures and plan outcomes, and that differences between the plan and actual development can be measured (Baer, 1997; Laurian, Day, et al, 2004). Performance based approaches study planning processes and assumes plans are meant to be implemented as guides for land use decision making. Performance based approaches also assume plans are “adaptive” or constantly changing due to changing conditions in planning areas, and that abandoning the plan in favor of a reasonable/necessary alternative is still considered implementation success (Baer, 1997; Laurian, Day, et al, 2004).

Plan evaluations also contain multiple definitions of plan and planning success. Plan success in plan evaluation is typically defined in one of the following four ways: (1) outcomes reflect the plan; (2) outcomes are mostly positive and were predicted to an extent by the plan; (3) the plan was used as a guide for land use decisions; and (4) various combinations of the aforementioned criteria (Alexander & Faludi, 1989; Oliveira & Pinho, 2010). These definitions invariably reflect assumptions about the theory of planning. Rational comprehensive approaches to planning assume causal relationships exist between implementation measures and plan outcomes and as a result success tends to be measured in terms of the degree of conformity between plan goals and plan outcomes (Alexander & Faludi, 1989; Talen, 1996b). This set of assumptions are relevant to consistency analysis because California’s planning and development laws are constructed around the rational comprehensive model of planning. However, consistency analysis does not measure plan success, but measures whether or not a specific project or

decision is consistent with all relevant plan goals and policies. Conformance and performance based evaluations can be further broken down into typologies of plan evaluations. Typologies prove useful when discussing plan evaluation broadly and making comparisons between their content, timing, and intent versus consistency analysis. The table on the following page presents three typologies of plan evaluation and provides a brief description of each type of plan evaluation identified by the authors.

Plan Evaluation Types and Descriptions		
Author	Plan Evaluation Type	Description
W.C. Bear (1997)	Plan Critique	A review of plan contents performed by outsiders after plan adoption but before plan implementation. Usually unsystematic with few or undefined criteria.
	Plan Testing and Evaluation	Comparison of alternative plans prior to adoption. Performed by developers of the plan. Uses reproducible methods with explicit criteria.
	Comparative Plan Research and Professional Evaluation	Either an outside or inside professional comparing adopted plans to establish quality and/or trends using plan contents and in some cases outcomes. Systematic with defined criteria.
	Evaluating Post Hoc Plan Outcomes	Occurs after adoption and implementation. Studies plan outcomes and performance assuming plan was meant to perform as a blueprint for future development.
E. Talen (1996a)	Evaluation Prior to Plan Implementation	Includes determinations of the effects of alternate plans and the analysis of planning documents to produce model plans. These assume plan implementation and do not measure differences between reality and the plan.
	Evaluation of Planning Practice	Includes studies of planning behavior and descriptions of the effects of planning and plans.
	Policy Implementation Analysis	Studies explaining how a policy or program (after adoption) was implemented and whether or not it was implemented. Generally includes studies of social and economic policy, not land use policy.
	Evaluation of the Implementation of Plans: Nonquantitative	Historical and anecdotal studies of plan failure and success.
	Evaluation of the Implementation of Plans: Quantitative	Includes studies measuring differences between planned and actual outcomes and quantitative analyses (i.e. regression analysis) identifying factors associated with plan implementation success and failure.
L. Laurian, J. Crawford, M. Day, et al (2010) [post implementation outcome-evaluations only]	Objective-Driven Evaluations	Professional non-stakeholder evaluator. Post plan implementation. Assesses plan goals in light of outcomes. Positivist, rational-comprehensive planning assumptions.
	Theory-Driven/Theory-Based Evaluations	Professional non-stakeholder evaluator. During and post plan implementation. Assesses relationships between implementation measures and outcomes. Requires large amounts of data, sophisticated logic and conceptual modeling, rational-comprehensive planning assumptions.
	Communicative-Sociopolitical-Goals-Oriented Evaluations	Professional non-stakeholder or stakeholder evaluator. Assesses social outcomes in light of political realities. Content and methods are generally specific to each study.
	Communicative-Process-Oriented Evaluations	Professional non-stakeholder or stakeholder evaluator. Assesses stakeholder involvement in the planning process. Content and methods are generally specific to each study.
	Utilization-Drive Evaluations	Stakeholders are the evaluators. Assesses stakeholder goals. Content and methods are generally specific to each study.
	Atheoretical-Data-Driven Evaluations	Practitioners. Assesses changes over time. Content and methods are selected based on the availability of data and indicators.

None of these types of plan evaluation have the same purpose and restrictions of consistency analysis (the assessment of a decision or project's conformity with a general plan prior to decision/project implementation) or criteria for routine use by local planning practitioners (does not require large amounts of data or time). The lack of practitioner focused methods is a common criticism of plan evaluations (Seasons, 2003; Oliveira & Pinho, 2010). Seasons (2003) conducted a study of planning departments in Ontario, Canada to assess plan monitoring and evaluation techniques. Seasons (2003) found that political and resource allocation realities limited planners' evaluation and monitoring capabilities, and therefore evaluation methods should be. "...simple, easy to understand, and workable within existing resource limits" (p. 438). Oliveira and Pinho (2010) also characterize plan evaluations as having high levels of complexity leading to results which are difficult to communicate to decision-makers and ultimately have had little effect on plan implementation.

Conformance based plan evaluations and consistency analysis overlap somewhat in regards to content and intent. The bulk of plan evaluations focus on specific plan goals, analyzing data indicating whether or not goals were met and to what extent planning was responsible for plan outcomes (Laurian, Crawford, et al, 2010). This is similar to consistency analysis in that conformity with plan policies and goals are measured. However, a consistency analysis must review project conformity with each affected plan policy and goal regardless of whether sufficient data exists to indicate whether the project would be consistent or not, although when ambiguity exists California courts tend to side with the interpretations of local legislative bodies (Diener, 1978).

The timing of consistency analyses and plan evaluations are necessarily different. Conformance based plan evaluations measure plan implementation after implementation has occurred (Talen, 1996b; Laurian, Crawford, et al, 2010). Consistency analyses are performed prior to implementation so that decision-makers and the public have an opportunity to examine whether or not their government is approving projects, which are consistent with the general plan.

Oliveira and Pinho (2010) outline seven recommendations for developing a plan evaluation process, which they drew from a review of plan evaluation studies: (1) plans need to be evaluated; (2) evaluation methods must establish a link with evaluation theory; (3) evaluation methods should be tailored to the plan being evaluated; (4) the entire practice of planning must be evaluated together (drafting, comparing, adopting, implementing, and post implementation outcomes); (5) plan evaluation is most effective when implemented jointly with the plan itself, as the plan is being made; (6) plan evaluation methodology must account for each plan time period, starting with plan making and ending after the plan has been implemented; and (7) the results of the evaluation should be useful (p.357). The authors also identify three areas of future research to fill information gaps relating to the practical application of planning theory and plan evaluation, these included: defining the scope and depth of plan evaluation as well as plan success; effective communication practices in the distribution of evaluation results and their subsequent use by practitioners; and further study of evaluating plans at different times (p.357). Finally, Talen concludes that any plan meant for implementation

should include policies which establish how exactly implementation will be measured and what criteria satisfy the achievement of the goal (p.257).

The Intent and Implementation of California's Consistency Requirements

In this Section, I discuss the goals of consistency analysis and California's definition of consistency. Although extensive literature exists on California's consistency requirements, the research does not extend to the performance of consistency analysis by locally responsible agencies. I review literature regarding the Legislature's intent as a proxy for the goals of consistency analysis. Additionally, I review literature describing California's definition of consistency and its application.

Understanding the California Legislature's intent is useful because I design and use my consistency analysis framework as a tool for the fulfillment of California's consistency requirements. A series of articles and books authored and coauthored by J.F. DiMento (1974; 1975; 1978; 1980; 1980b) represent the most complete study of California's consistency requirements. DiMento's works concentrated on AB 1301 in California, which required in part that, "County or city zoning ordinances shall be consistent with the general plan of the county or city by...January 1, 1974" (p.197). DiMento focused discussion on the following themes: the Legislature's intent, effects on the general plan, defining consistency, enforcing consistency, and the judiciary's role in the implementation of the legislation. DiMento (1974) interviewed members of the subcommittee hearing AB 1301 as well as others involved in the drafting and passage of the bill, finding that the Legislature's intent was to make the general plan the basis of all local development and plan implementation decisions so that conflicts did not exist

between general plans and land use regulations (p.202). In a subsequent article coauthored by Catalano and DiMento (1975) the authors stated bluntly that the legislative intent was to create a link between zoning ordinances and general plans, "...which would force counties to 'follow through' on the provisions of the general plan" (p. 459). Hart (1974) noted that courts, without a legislative mandate, do not usually find consistency to be necessary between land use regulations and land use plans (p.771).

Subsequently, it is important to know what the term "consistent with" means so that criteria for consistency/inconsistency can be determined. The original AB 1301 legislation lacked a definition of the term (DiMento, 1974). However, a 1972 amendment to AB 1301 clarified "consistent with" as meaning that, "...the various land uses authorized in the ordinances are compatible with the objectives, policies, general land uses and programs specified in such a plan" (DiMento, 1974, p. 202). Hart (1974) and Lucero (2008) describe California's definition as flexible and lenient.

Hart (1974) terms California's consistency definition a policy approach to consistency. Hart states that the policy approach allows for interpretive flexibility important at the local levels of decision making, but lacks a rigid standard for consistency. Conversely, Hart characterized Hawaii's consistency definition as a future model approach. The future model approach requires very specific maps to be drafted and adopted showing the future locations of specified developments. Deviations from these specific maps were generally viewed as inconsistent. Hart (1974) determined California's policy approach to be preferable to the future model approach due to overwhelming and continuous amendments to Hawaii's comprehensive plans. Similarly, Lucero (2008)

states that the “compatible with” definition used in California is the most lenient type, because land use decisions are not required to further the general plan or implement the plan directly. The “compatible with” definition means that a proposed action or regulation cannot prevent the implementation of a general plan policy, goal, or action.

Articles by other authors included critiques of consistency requirements and their enforcement mechanisms. A.D. Tarlock (1975) contributed to the consistency requirement discussion by arguing against consistency requirements on the grounds that general plans are not a sufficient basis for judicial review and that the legislation requires justices to end courts’ traditional deference to legislative bodies when making administrative decisions to implement local policies. G.E. Diener (1978) outlined the legal challenges facing private citizens should they file suit on the grounds that a zoning ordinance was inconsistent with the general plan and described available legal strategies for plaintiffs. More recently, the consistency requirement was addressed by S. Meck (2000) and L.A. Lucero (2008). Meck (2000) developed a model consistency requirement statute after comparing states’ modern consistency requirements. Lucero (2008) advocated for consistency requirements as a way of guaranteeing the implementation of land use plans, promoting the importance of plans within communities, and avoiding the negative effects of unplanned development and ad hoc land use regulations.

Consistency Analysis Resources

I reviewed available land use guides from State, local, and professional organizations finding two descriptions of consistency analysis in practice in California as well as the parameters of acceptable findings for consistency analyses.

OPR's *General Plan Guidelines 2003* provides the most complete description of consistency requirements and consistency analysis in California. OPR uses the California Attorney General's definition of "consistency" which is, "An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment" (p.164). Furthermore, OPR cites the Fourth District Court of Appeals ruling in *Sequoyah Hills Homeowners Association v. City of Oakland* which states that consistency should not be interpreted as "perfect conformity with each and every policy of the general plan if those policies are not relevant or leave the city or county room for interpretation" (p.164).

Counties and cities are the parties responsible for determining consistency and supporting that determination well enough so that a reasonable person would have been able to reach the same determination based on the support provided by the county or city (OPR, 2003, p.164). The *General Plan Guidelines 2003* also provides a "sample checklist" for determining consistency between subdivision maps and general plans as well as a "hypothetical general plan/zoning compatibility matrix" but does not provide a similar checklist or matrix for public works projects or other types of land development (p.168).

OPR's *Bridging the Gap: Using Findings in Local Land Use Decisions* (1989) cites the Fifth District Court of Appeals ruling in *Guardians of Turlock's Integrity et al. v. Turlock City Council*, "...that the decision as to whether a particular project is consistent with a general plan involves "the application of standards ... to individual parcels" which renders that decision adjudicatory, and thus subject to the substantial evidence test on judicial review". OPR goes on to explain that the substantial evidence test is a court review for, "...complete links between data, analysis, and final decision...".

Beyond consistency requirements, California mandates that EIRs include a discussion of all consistencies between the project and the general plan, but does not require an EIR to include a discussion of inconsistency between the project and general plan (Association of Environmental Professionals, 2011, p.xxx). The initial study environmental checklist form also asks preparers to evaluate the impact a project would have in terms of: physically dividing a community; conflicting with adopted land use plans; and conflicting with habitat or natural community conservation plans (AEP, 2011, p.265).

Content and Format of Observed Consistency Analyses

This section of my literature review presents a description of current consistency analyses based on 23 large solar project consistency analyses and five CIP consistency analyses. I searched all 58 California county planning websites for consistency analyses of large scale (1 MW or greater) solar projects similar to those currently proposed for construction in Yolo County. Ultimately, the search yielded 23 consistency analyses

across seven counties from DEIRs, EIRs, and initial study environmental checklists. A subsequent search was conducted for consistency analyses which satisfied a consistency requirement, as opposed to required findings of consistencies in DEIRs and EIRs. This search netted five CIP consistency analyses across four cities and one county. This section continues with a discussion of consistency analysis trends and presents these trends in the table on the following page.

Content and Format of California CEQA and CIP Consistency Analyses

City/County	Year	Format	#Policies Included	#Consistent	#Inconsistent
Alameda, County	2011	Checklist/Bullet Points	11	NA	NA
Imperial, County	2012	Three Column Matrix	7	7	0
	2012	Two Column Matrix	30	30	0
	2012	Three Column Matrix	9	9	0
	2012	Three Column Matrix	41	40	1
	2012	Three Column Matrix	9	9	0
	NA	Three Column Matrix	66	61	5
Kern, County	2011	Bullet Point/Paragraph	105	104	1
	2011	Two Column Matrix	133	NA	NA
	2011	Bullet Point/Paragraph	53	53	0
	2011	Bullet Point/Paragraph	48	48	0
	2012	Bullet Point/Paragraph	43	43	0
	2012	Bullet Point/Paragraph	49	49	0
Manhattan Beach, City	2011	Six Column Matrix	NA	NA	NA
Monterey, County	2010	Thirteen Column Matrix	NA	NA	NA
Morgan Hill, City	2010	Bullet Point/Paragraph	NA	NA	NA
Pasadena, City	2011	Bullet Point/Paragraph	NA	NA	NA
Sacramento, City	2011	Bullet Point/Paragraph	NA	NA	NA
San Benito, County	NA	Two Column Matrix	61	46	15
San Bernardino, County	2011	Checklist	3	3	0
	2011	Checklist	3	3	0
	2011	Checklist	3	3	0
	2011	Checklist	3	3	0
	2011	Checklist	3	3	0
	2011	Checklist	3	3	0
San Diego, County	2011	Bullet Point/Paragraph	44	44	0
San Luis Obispo, County	2011	Three Column Matrix	97	77	20
	2012	Two Column Matrix	13	0	13

Each consistency analysis included descriptive and qualitative analysis when determining the amount of consistency between the projects and the general plan. None of the analyses generated an overall score for the degree of consistency, as was common

in plan evaluation literature, instead providing descriptive justifications for findings of consistency and inconsistency.

Another common trait was the lack of identifiable criteria for the inclusion and exclusion of policies. None of the analyses made it clear to the reader that each policy within the general plan had been reviewed for possible relevance to the project, the reader is left to assume all policies were reviewed and only the relevant included. This led to drastically different amounts of policies observed in analyses for similar projects within the same county. Analyses consisted of as little as 43 policies to as many as 133 policies for solar projects in Kern County.

The presentation of each analysis was limited to two or three column matrixes, bullet points, and checklists. Each of the seven Kern County consistency analyses used the two-column matrix format. The lone Alameda County consistency analysis included the three item initial environmental study checklist in addition to a bullet point format wherein a policy was identified in one bullet point followed by a consistency analysis bullet point. Each consistency analysis prepared for the San Luis Obispo County Planning Department used a two or three column matrix, with the third column indicating the source and the last two columns being the identified policy and the consistency analysis. The Imperial County consistency analyses also used a three column matrixes which included the policy, the consistency determination (yes/no or consistent/inconsistent), and the analysis.

One surprising observation was the fact that 22 of 23 solar project consistency analyses included policies with which the project was deemed consistent. San Diego

County instructs consistent policies to be left out of the analysis for an EIR and California courts have stated consistent policies do not need to be reviewed in an EIR (OPR, 1989). It seems logical for the final product to include only those policies which an inconsistent determination was made. Given that, each consistency analysis necessarily omits policies from inclusion due to irrelevancy. However, prior to making these judgments a comprehensive review of the general plan should be conducted with each relevant policy, action, and goal identified and analyzed at the initial stages with only the inconsistencies and uncertain determinations remaining so as to focus the public's and local decision-makers' attentions on the aspects of the project which prevent the implementation of policies, actions, and goals.

The CIP analyses were interesting in that each of the projects within the CIP only referred to one or a few policies which the project was implementing and moved on to the next project. In these analyses it appears no attempt was made to consider all of the plan goals and policies affected by the implementation of CIP projects. However, what the criteria for inclusion were are unknown given that these criteria were not defined in any of these consistency analyses.

Discussion

There are three primary implications resulting from my research. First, I assume the validity of my framework is low. There have been no prior attempts to establish a similar policy tool for a similar policy problem from my reading of the literature. I firmly believe my consistency analysis framework should be viewed as a first draft as opposed to a final draft. Second, based on recommendations from plan evaluation literature, and

the intent of consistency requirements, the results of a consistency analysis should be easy to use and efficient to produce, in terms of the time needed for a practicing planner familiar with the contents of their general plan to produce an overall evaluation of the degree to which a given project or decision is consistent with plan policies and goals (Seasons, 2003). Third, in order to effectively serve as a plan monitor, consistency analysis should be comprehensive, both in the total amount of land use decisions analyzed (all within a given planning area) and the total number of policies included from the plan in the consistency analysis (Oliveira & Pinho, 2010).

Chapter Three: Framework Design, Data, and Limitations

Introduction

In this chapter, I discuss my design and data limitations, data sources, as well as my proposed consistency analysis framework's format and contents. I designed the framework to be capable of and appropriate for: (1) determining the extent of conformance (consistency) between any land use decision and a California general plan; (2) supporting the implementation of California's requirements for consistency between general plans and land use decisions as well as the consistency review process; (3) generating data useful to and easily interpreted by the public, local policy makers, and researchers; and (4) routine use by practitioners within California's city and county planning departments.

Limitations

I grouped the limitations of this study into two categories: (1) design and (2) data. Under design limitations I discuss the lack of prior guidance on the selection of techniques for consistency analysis in California. Under data limitations I discuss project specific information which is currently unavailable.

Design

There is currently no standard model used for consistency analysis in California and no prior studies have been performed to evaluate the processes or methods used. As a result my consistency analysis framework should be viewed as the first in, what hopefully becomes, a series of prototypes leading to a standard model of consistency analysis for use by practitioners in California. I omitted quantitative methods from the framework to

reduce the amount of data, time, and expertise needed to perform the analysis and interpret the results.

Data

Because the Yolo County environmental education and renewable energy project analyzed in Chapter Four is still in the developmental stages, some data about the project was unavailable, including: the exact physical dimensions of the projects, construction techniques, and economic impacts. As a result I rely on a combination of data from the project's EIR and DEIR as well as generalizable data from government sources, professional sources, and peer reviewed sources for information regarding likely project impacts. In addition, my interpretations and analysis of the Yolo County and City of Woodland general plans do not represent the Yolo County or the City of Woodland. Performing a consistency analysis which to serve as the official Yolo County or City of Woodland consistency analysis is beyond the scope of my thesis.

Data Sources

The two primary data sources are the Yolo County and City of Woodland General Plans. The contents of each general plan are available on the Yolo County Planning and Public Works website as well as the City of Woodland Department of Community Development website. These websites provide all of the general plan policies, goals, and implementation measures which are the basis of any general plan-land use decision consistency analysis.

Parcel specific information such as size, location, Williams Land Act status, and zoning information came from Yolo County's GIS website and the City of Woodland's

planning website. For the interpretation of land use policies, I referred to resources from Yolo County and the City of Woodland including land use documents such as zoning maps.

I obtained project specific information during meetings with Yolo County staff as well as from the project's DEIR and EIR available from the Yolo County Planning and Public Works website.

Consistency Analysis Framework Design

Consistency Analysis Framework Description

In this section I provide a brief description of the framework's characteristics which I developed from my research presented in Chapter Two. The framework is a three-step process. Each group of variables represents a step of my proposed consistency analysis framework. Based on the sample of consistency analyses in Chapter Two, those performing consistency analyses do not generally indicate which steps they've taken while generating the list of affected policies to include in the CEQA or CIP consistency analysis. Using one variable for each step of the process increases the likelihood that others can replicate the analysis to verify a determination of consistency or inconsistency. Designating these steps will also increase the likelihood that each consistency analysis is of similar quality.

Aside from collecting project and site specific data, the steps of my proposed consistency analysis framework are: (1a) enter the text and title of each general plan policy from each general plan included in the analysis under the column headings "Text" and "Title", respectively (1b) code the type of each policy (goal, policy, or action) under

the column heading “Type” and code each policy by general plan element under the column heading “Element”; (2a) under the column heading “N.I./M.I.” enter a “1” if the project impact on the policy is either negligible or mitigated in the project’s mitigation plan, enter “0” if the project is expected to have a measureable impact, negatively or positively, on the implementation of that plan policy (2b) under the column heading “S.I.” enter a “1” if sufficient information exists to analyze the policy and project for consistency, enter a “0” if insufficient information exists (2c) perform an initial evaluation with the project impact information and policy information available to evaluate whether the policy is “furthered” or “obstructed”, if the impact furthers the policy enter a “1” under the column heading “F.” and if the impact obstructs the implementation of the policy enter a “1” under the column heading “O.” (2d) select each policy from the list for inclusion in the consistency analysis step which was coded “1” for either “F.” or “O.”; and (3a) once each relevant policy has been identified, use the project and site information in conjunction with the general plan policy text to perform a brief descriptive analysis under the column heading “Analysis”, each analysis should support one of the following findings consistent, inconsistent, and no determination (3b) code each policy included in the consistency analysis as consistent, inconsistent, or no determination. I will thoroughly discuss the subsequent uses of the data in Chapter Five.

Framework Format			
Step 1: Data Collection and Entry			
Text	Title	Type	Element
<i>Enter</i>	<i>Enter</i>	<i>Enter</i>	<i>Enter</i>
<i>Policy</i>	<i>Policy</i>	<i>Policy</i>	<i>Policy</i>
<i>Text</i>	<i>Title</i>	<i>Type</i>	<i>Element</i>
Step 2: Initial Evaluation			
NI/MI	SI	F	O
<i>Binary</i>	<i>Binary</i>	<i>Binary</i>	<i>Binary</i>
<i>Code</i>	<i>Code</i>	<i>Code</i>	<i>Code</i>
Step 3: Consistency Analysis			
Analysis	Finding		
<i>Descriptive</i>	<i>Enter</i>		
<i>Analysis</i>	<i>Finding</i>		

Contents and Format

The format for each step of my proposed consistency analysis framework is a simple matrix with defined columns for each step. Strictly in terms of format, it is very similar to many consistency analyses already used in CEQA and CIP consistency analyses from Chapter Two (Imperial County 2012; Kern County, 2011; San Louis Obispo County, 2011; Monterey County, 2010). I thought it would be beneficial to use three sets of variables and treat each set as a step of the consistency analysis framework as opposed to one large set, so that each separate act was apparent to the reader and each act could be verified independently by the reader. Using a matrix also allows me to display the primary data (general plan policy, goal, or implementation measure) simultaneously with the supporting data included in the consistency analysis itself and the consistency analysis findings. Using a matrix format also allows the data to be easily

entered into Excel and transferred to Word or Powerpoint for presentation/communication and can be easily imported to other programs for subsequent analysis (such as Atlas, SPSS, and Stata). This conforms to Seasons' (2003) observations that any plan evaluation or monitoring technique should be, "...simple, easy to understand, and workable within existing resources limits" (p.438). The basic format also satisfies Oliveira and Pinho's (2010) recommendation that methods be simple and easy to communicate.

Within the context of Seasons' (2003) and Oliveira and Pinho's (2010) recommendations, I included each variable to: (1) fulfill the purpose of a consistency analysis within the context of California and (2) to make the use of consistency analysis feasible for use on a project/decision by project/decision basis. Cities and counties in California should conduct consistency analyses for each land use decision to ensure that their decisions are, at the very least, not impeding the implementation of their general plans. Developing and adopting a standard process for consistency analysis in California may make it more likely that cities and counties perform them continuously rather than ad hoc. By performing consistency analyses continuously, cities, counties, the public, and researchers would be able to track the use of general plan policies and goals as a guide to future development and land use decisions.

I expect the most time consuming step of this framework will be entering general plan policies, goals, and implementation measures, given that the Yolo County and City of Woodland general plans contain more than 1,800 policies combined. However, cities and counties would only have to perform comprehensive entry of the general plan once

(and updated when general plan revisions are made) because the same information is needed for subsequent consistency analyses. In this sense, the framework is meant to more effectively implement California's myriad of vertical consistency requirements than current non-standard approaches by ensuring each general plan policy is at least evaluated for relevancy during step two of my proposed consistency analysis framework (see Chapter Two: Consistency Analysis in California).

Most importantly however, you, the reader, must know that I consider my proposed framework to be a test-model and not a final product. I discuss lessons learned from the application of my proposed framework in the following chapters. A standard consistency analysis framework should strike the ideal balance between comprehensiveness, usefulness, and the efficiency.

Chapter Four: Application, Results, and Analysis

Introduction

In Chapter Four I apply my framework (presented in Chapter Three) to determine the extent of consistency between Yolo County's Environmental Education and Sustainability Park Project (Project) and the Yolo County and City of Woodland General Plans. I compare the results of my consistency analysis to the results of CEQA and CIP consistency analyses from Chapter Two. I organized Chapter Four to reflect each step of the consistency analysis framework (with the exception of the Introduction): Site and Project Descriptions; Project Impacts; Framework Setup; Variable Coding and Analysis; and Results. In section six (Results Comparison and Observed Limitations) I compare my consistency analysis framework results to CEQA and CIP consistency analyses and conclude Chapter Four with a summary of the limitations observed in my framework application and results.

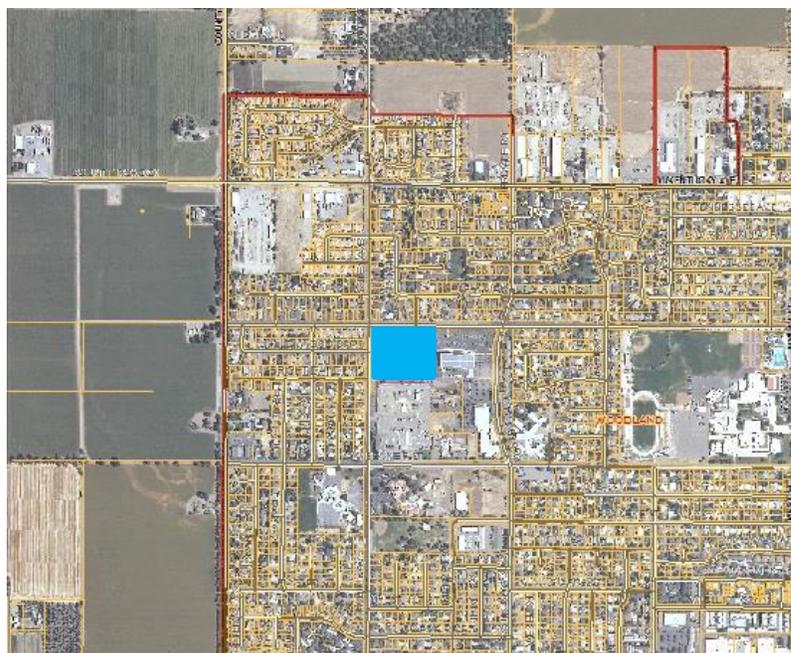
Site and Project Descriptions

Site Descriptions

The Project uses two separate sites: Grasslands (Figure 2) and Beamer-Cottonwood (Figure 1). The Grasslands site is located 3.5 miles south of Davis and one mile south of the South Fork of Putah Creek along County Road 104 within Yolo County's Grasslands Regional Park. The site is 30 acres in size on a 156 acre parcel within a park of 323 total acres (Yolo County, 2005). The Grasslands site borders County Road 35 to the north, County Road 104 to the west, and Grasslands Regional Park to the east and south (Vernon, 2012). The Beamer-Cottonwood site is located in a residential

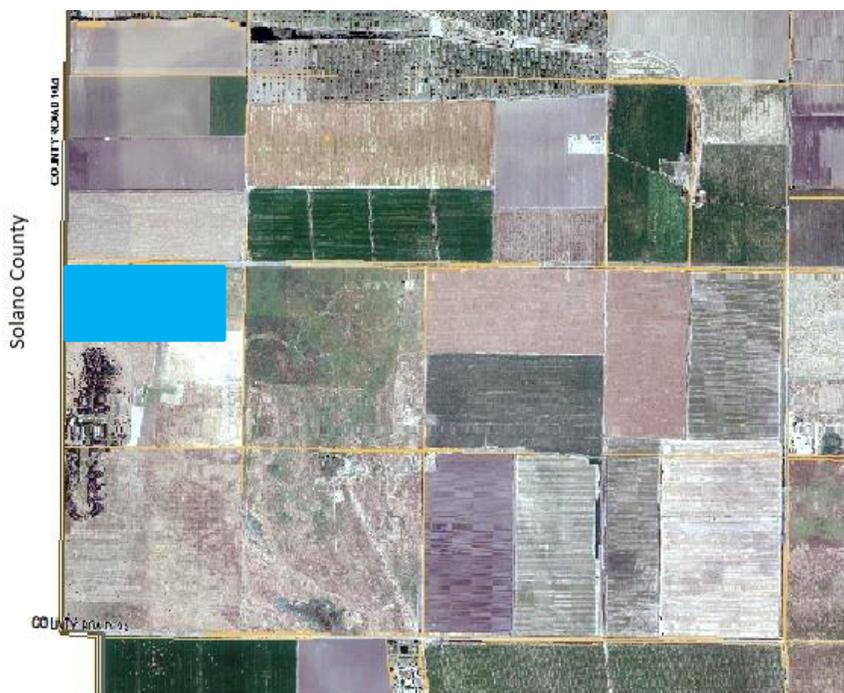
neighborhood in northeast Woodland (Yolo County, 2013; Vernon, 2012). Beamer-Cottonwood borders Woodland Avenue to the north, residential neighborhoods to the west, and the Yolo County Health Department and County Corporation Yard to the east and south. The Beamer-Cottonwood site is approximately two acres in size (Vernon, 2012). The Project's EIR (prepared by Michael Brandman Associates for Yolo County) indicates that both the Beamer-Cottonwood and Grasslands sites have minimal or no habitat capable of supporting sensitive plant species (Yolo County, 2012). The EIR also indicated both sites have a low likelihood for a sensitive plant species sighting (Yolo County, 2012). The Beamer-Cottonwood site also lacks the habitat necessary to support local sensitive wildlife species. However, the Grasslands site borders a burrowing owl conservation area to the east (Yolo County, 2012). Although there are no vernal pools located on either site, Grasslands contains seasonal wetlands.

Approximate Beamer-Cottonwood Site



The Yolo County General Plan designates the Grasslands site as open space and Yolo County’s GIS indicates the site’s zoning is A-1 (general agriculture). The City of Woodland’s General Plan designates the Beamer-Cottonwood site as PS (public use) and the City’s zoning map indicates the site is zoned R-1 (single family residential). Although the Beamer-Cottonwood site is within the City of Woodland, Yolo County owns and operates the site as well as buildings and uses on the parcel. According to Yolo County’s GIS neither site is under a Williamson Act contract

Approximate Grasslands Site



Project Descriptions

The Project consists of four facilities: (1) 5.0 megawatt (MW) solar facility; (2) 0.8 MW solar facility; (3) education facility (no bigger than 2,000 square feet); and (4) a park host facility (Vernon, 2012). The Yolo County Department of General Services (DGS) proposes the siting of the 5.0 MW solar facility, the education facility, and the park host facility on the 30 acre Grasslands site. The 5.0 MW solar facility will feed energy into PG&E's electrical grid in exchange for which the County will receive utility credits and can sell excess energy generated at the sites to PG&E (Vernon, 2012). The educational facility will be an eco-sensitive module operated by the Yolo County Board of Education and will be open to all Yolo County K-12 students on field trips. The educational facility will provide information on the local ecosystem and sensitive species as well as solar power and sustainability. Lastly, the park host facility will be less than 500 square feet and will be adequate for administrative and informational functions. Yolo County plans to build the 0.8 MW solar facility on the Beamer-Cottonwood site and the energy will feed directly into adjacent County buildings near the site, providing the County increased utilities savings and greenhouse gas (GHG) reductions as a result of County operations (Vernon, 2012).

Project Impacts

In this section I describe the environmental and physical impacts associated with the construction, maintenance/operation, and removal of large scale power generating PV systems.

The range and depth of the impacts of solar technologies generally depend on the site and types of facility (Tsoutsos, Frantzeskaki, et al., 2005, p.290). The construction stage of development generally creates the most disruptions because of the transportation and earth moving involved. However, the most commonly cited impacts of power generating solar technology are visual, ecological, health, and safety (p.291). Solar developments can also be controversial when placed on cultivated agricultural land. Of the power generating solar technologies available Tsoutsos et al. (2005) described the use of PV solar systems as, "...generally benign environmental impact, generating no noise or chemical pollutants during use...It is also an attractive option for use in scenic areas and National Parks, where the avoidance of pylons and wires is a major advantage" (p.292). Under normal operating conditions PV power generation systems do not emit any pollutants. Toxic pollutants are emitted when solar panels catch fire (p.292). Visual intrusion is generally a product of siting these systems in scenic areas (p.293). Tsoutsos et al. (2005) recommended siting large solar facilities in remote areas which are not ecologically or archeologically sensitive or scenic areas (p.291).

Ecological impacts during project construction include habitat loss, habitat degradation, decreased biodiversity, decreased species mobility, and importing invasive species primarily because of the building of roads and moving of earth (Bare, Bernhardt, Chu, et al., 2009, p.26). The construction of access roads and project infrastructure affect the quality of the habitat in several ways: (1) wildlife-vehicle collisions and other animal-human interactions; (2) introduction of invasive and non-native species along roads; (3) disrupts natural spatial patterns and species connectivity; and (4) decreased

scenic/recreational/tourist values (p.27). However, Lovich and Ennen (2011) cautioned that there is little in terms of peer-reviewed scientific information on the effects of large scale solar development on wildlife and subterranean wildlife mortality.

The construction and removal of a utility scale solar energy project may require the removal of vegetation as well (Lovich & Ennen, 2011). Noise from construction may disturb and alter normal wildlife behavior. The maintenance and upkeep of solar panels may include the use of dust suppressants to reduce the amount of dust particles on the solar panels. Depending on the type of dust suppressant used, chemical runoff can result at varying levels. However little scientific research exists that measures the effect of dust suppressants on wildlife (p.985). Solar projects may also produce light pollution which can damage eyesight and could potentially have an effect on wildlife (p.988).

Consistency Analysis Framework

In this section, I describe my proposed consistency analysis framework and its contents. To view a sample of my completed framework see Appendix A. From left to right, the columns are: (1) Policy Element; (2) Policy Title; (3) Policy Type; (4) Policy Text; (5) No or Mitigated Impact Variable (1 or 0); (6) Sufficient Information (1 or 0); (7) Furthers Variable (1 or 0); (8) Obstructs Variable (1 or 0); (8) Analysis; and (9) Findings (consistent, inconsistent, no determination).

In Chapter Two I demonstrated that CEQA and CIP consistency analyses already use several of these columns, including goal/policy/action titles, general plan element titles, goal/policy/action text, and consistency analysis. The primary difference between the content of my consistency analysis framework and current CEQA and CIP

consistency analyses is the addition of the “furthers”, “obstructs”, “negligible/mitigated impact”, and “sufficient information”. Notice that none of these variables asks the practitioner to evaluate consistency; instead these variables force the practitioner to ask a series of systematic questions which evaluate traits of the project or land use decision in light of the contents of a specific general plan goal, policy, or action.

Every goal, policy, and action title appears in column two. In column one I coded each goal, policy, and action to correspond with its general plan element. I then entered all text from all general plan goals, policies, and actions into column four, because land use decisions must be consistent with all goals, policies, and actions prior to project approval. In columns five through nine I did not enter any data at this stage and only entered titles for each column.

Coding Variables and Analysis

My next step in the application of the consistency analysis framework was coding variables and performing brief descriptive analyses of each relevant policy. I refer to variable coding as the task of reviewing each goal, policy, and action for an initial determination relevancy to the Project. Each of these variables has its own column and is coded either “1” or “0”. If, after reviewing the content of the goal/policy/action the project (in its various aspects taken as a whole) would further goal attainment or policy/action implementation, then a one code is appropriate. However, general plans often contain vague policies, which may not be easy to interpret. If evidence supported both views then I entered “1” into both boxes to demonstrate the ambiguity of the policy to the analyst (me) or highlight the uncertainty of project impacts on general plan goals,

policies, and/or actions. A consistency analysis is not a final determination of consistency, only the board of supervisors or city council (or person/body designated with the authority by the local legislative body) can officially interpret consistency between land use decisions and the general plan. As a result, I do not agree that a consistency analysis should only have determinations of consistency or inconsistency when it is doubtful that there is an objective/empirical foundation, which would lead a reasonable person (without knowledge of legislative bodies' past interpretations in similar situations) to one conclusion over the other.

The first question is prompted by the no or mitigated impact variable which asks the practitioner to enter a "1" if the project or land use decision is not relevant to the policy, does not negatively or positively affect the policy, or the potentially negative policy affect is mitigated according to CEQA and local policies. The sufficient information variable, which asks the practitioner whether or not necessary or sufficient information is available to evaluate the aspects of a project in comparison with general plan policy content for no/mitigated impact on implementation, furthers implementation, or obstructs implementation. I operationalize implementation to mean project or land use decision conformance to, continuation of, or furtherance of a given goal, policy, or action. If required or sufficient information was available then I coded the sufficient information variable as a "1". Similarly, if aspects of a project or land use decision furthers, continues, or conforms to the contents of a policy then the practitioner should enter "1" for the "furthers" variable. If aspects of a project or land use decision obstruct,

discontinue, or do not conform to the goal/policy/action then the practitioner should enter a “1” under the “obstructs” variable.

Another difference between current CEQA and CIP consistency analyses is that determinations of consistency and inconsistency are mutually exclusive categories, which hinders the ability of a practitioner/analyst to discuss divergent aspects of a project, which may be beneficial and detrimental. In California, the State and courts do not enforce project and land use decision consistency in an ironclad manner, instead, courts often defer to the interpretations of local policy makers for consistency determinations, only in cases where the evidence presented to the policy makers would not lead a reasonable person to the same conclusion (Talbert, 2008). My framework allows a practitioner/analyst to identify certain policies which may simply require a political interpretation to reach a definite conclusion of consistency or inconsistency. My framework’s capacity to store supporting evidence for multiple conclusions also makes it clear to the reader that the practitioner/analyst performing the analysis is not making a final determination immune to reinterpretation by the local legislative body. It is the role of local legislative bodies to either delegate the task of interpreting consistency within the local land use decision-making hierarchy (generally a planning director, commissioner, or commission) or to make that determination as a legislative body prior to project/land use decision approval or denial (OPR, 2003).

If time constraints and resources are a concern, a less time and resource intensive version of my consistency analysis framework could be useful in the absence of a full review of general plan policies, and could still generate data capable of informing local

policy makers of plan implementation progress and plan success. Instead of reviewing all goals, policies, and actions in rapid succession and coding each of them, a practitioner/analyst might code only the goals. In the best general plans, a series of policies supports a plan's goals and a set of feasible implementation measures, in turn, supports the policies. By focusing on goals first, only those policies and actions which support relevant goals will be included in the analysis stage of my proposed framework. However, limiting the consistency analysis framework to goals precludes the consistency analysis from being entirely complete because some general plans may not have a perfectly rational relationship between all goals, policies, and actions.

After coding the four variables, the next stage of my consistency analysis framework is the actual consistency analysis. My analysis stage is similar to current consistency analyses, except that I make four initial evaluations of each goal, policy, or action before conducting the analyses. My consistency analysis is similar to CEQA and CIP consistency analyses because they are descriptive analyses. However, my analysis differs from CEQA analyses, which only analyze consistency without finding inconsistencies. Further, my analysis differs from CIP consistency analyses, which are more general, reviewing many public works projects at the same time. My analyses also allow the practitioner to reach three determinations: consistent, inconsistent, and no determination.

I use OPR's 'consistency' definition in my own analyses. For 'inconsistency,' I mean that the project or land use decision obstructs the attainment or implementation of a goal, policy, or action over the life of the general plan. In my analysis, 'no

determination’ means that there was either insufficient information to reach a determination (reflected as a ‘0’ in the ‘sufficient information’ column) or the project/land use decision contained different aspects which could be both consistent or inconsistent (shown as a ‘1’ in both the ‘furthers’ and the ‘obstructs’ columns).

For the purposes of my thesis, it is impractical to attempt to discuss the consistency analysis framework on a policy-by-policy basis, because the Yolo County and City of Woodland General Plans contain more than 2,000 policies combined. Instead, I present my results in the next section in the aggregate, with some accompanying discussions of specific goals, policies, and actions typical of the entire consistency analysis. I have included a small sample of my proposed consistency analysis framework in Appendix A.

Results

The most common policies that the Project affected touch on the conservation and preservation of farmland and natural habitats, sustainability, parks, and visual blight. More specifically, after coding the variables for all of the 2,181 policies in the Yolo County and Woodland general plans, I discovered that that Project:

- Obstructed nine policies;
- Furthered 31 policies; and
- For the remaining 2,159 policies, either had no effect or involved mitigation measures that satisfied state and local requirements.

Further, my variable coding scheme identified:

- 32 policies affected either positively or negatively;

- 22 policies that were consistent;
- Nine policies for which I made no determination; and
- One policy inconsistency.

This sole inconsistency was a conflict between the Project and the City of Woodland's map for future neighborhood parks. The City's map of future parks identified the Beamer-Cottonwood site even though the City's general plan made no further mention of that location.

Comparative Analysis

The obvious differences between my framework's results and the observed consistency analyses from Chapter Two, are the use of a set of variables to identify which general plan policies are affected by unmitigated aspects of the proposed project. The contents of my consistency analysis, and their results, were very similar to CEQA and CIP analyses in that my findings were primarily for consistency and I only found one instance of an unmitigated inconsistency. However, because my framework does not intend to make a final determination, it allows the practitioner/analyst to present conflicting evidence and makes it clear that the policy under evaluation is ambiguous relative to Yolo County's Project. The "no determination" finding also makes it clear that many of these determinations are open to interpretation by local legislative bodies. The political burden of making consistency findings lies with these elected officials, and not the practitioners/analysts.

Chapter Five: Conclusions and Recommendations

Introduction

In this Chapter I discuss the results of the application of my framework, possible uses for the data, as well as possible improvements. I conclude Chapter Five, and my thesis, with a brief summary of each Chapter and recommendations for further research.

Review

In Chapter Four I applied my proposed consistency analysis framework to a public works project in Yolo County which included the development of one park-open space site and one public use-residential site for the construction of two solar facilities capable of producing a combined 5.8 MW annually for 35 years, an educational facility, and a park host facility (Vernon, 2012). My goals for developing the framework were to create a method for the performance of consistency analyses in California, which would generate more data, more useable results, and require fewer resources to perform on a case-by-case basis.

My application of the framework succeeded in generating more data than current CEQA and CIP consistency analyses. I generated more data because my consistency analysis framework requires the performance and coding of an initial evaluation (variable coding) process. I developed the variable coding process to be of value for identifying (positively and negatively) affected general plan policies for inclusion in a consistency analysis, and for generating data which could be useful for describing general plan implementation efforts as well as the extent of plan implementation overall. After coding my variables, I performed brief and descriptive consistency analyses which differed from

CEQA and CIP consistency analyses because I included all three of the following determinations of “consistency”, “inconsistency”, and “no determination”, whereas CEQA and CIP consistency analyses did not. My consistency analyses were not as specific as CEQA consistency analyses because my focus included inconsistent as well as consistent policies. My consistency analyses were more informative than CIP consistency analyses because I was reviewing one specific project whereas CIP consistency analyses include several. Lastly, after I finished coding variables and performing brief and descriptive consistency analyses I had not only the analyses themselves but a record of my evaluation of each general plan goal, policy, and action, which demonstrates a more complete review of the general plan than current techniques.

City and county planners can use my approach to analyzing consistency to produce clearer results when they attempt to determine if particular projects are consistent with their plans. Planners can discover which policies are unclear or ambiguous by using my simple binary coding technique. I decided on a binary coding scheme to reduce complexity and increase the efficiency with which practitioners could apply my framework. However, my binary coding scheme will not give local planners or outside researchers the level of detail that they may want.

Ultimately, I found my coding technique to be time consuming and not practical for case-by-case reviews due to the more than 2,000 policies included in the general plans. The sheer number of planning policies makes it hard for anyone --- even professional planners --- to say with certainty that a specific project is consistent with its underlying general plan. Nevertheless, my technique should help local officials and

project applicants sort through complex and sometimes conflicting policy questions. A further benefit is that my technique can help planners evaluate the quality of their plans by identifying those policies that a project both furthers and obstructs over time. Discovering policy conflicts helps planners advise their local elected officials when it is time to revise their general plans or report on plan implementation progress.

Conclusions and Recommendations

In the preceding chapters I described California's consistency requirements and the role of consistency analysis within these requirements, followed by a literature review of California's consistency requirements, plan evaluation methods, and a sample of observed CEQA and CIP consistency analyses available from county planning websites. In Chapter Three I presented my consistency analysis framework. In Chapter Four I applied my consistency analysis framework to a Yolo County public works project and the Yolo County and City Woodland General Plans. My analysis increased the amount of data generated as well as flexibility in making consistency findings. My analysis clarified that a practitioner's analysis does not substitute for elected officials' interpretations and determinations. The results of my analysis were similar to CEQA and CIP consistency analyses in that the majority of consistency findings were for consistency and not inconsistency or no determination. The lone inconsistency identified in my analysis was a City of Woodland General Plan map, which identified the Beamer-Cottonwood site as a possible location for a future neighborhood park.

Although my consistency findings were not drastically different from CEQA and CIP findings, the consistency analysis framework generated data which CEQA and CIP

consistency analyses do not. The variables generated by my consistency analysis framework allow practitioners, policy makers, researchers, and the public to gauge the county or city's progress in implementing the general plan or a specific plan policy by reviewing the total number of negatively and positively impacted policies in addition to the descriptive analysis found in CEQA and CIP consistency analyses.

My framework fell short of achieving the standard of time and resource efficiency required to make it feasible for practitioners at the local levels to apply the consistency analysis framework on a case-by-case basis, which would subsequently allow the construction of a database of consistency analysis frameworks. My framework also fell short of providing detailed analysis and detailed coding schemes for variables, both of which I simplified to compensate for the thousands of policies which planners must review for a thorough consistency analysis, in an attempt to achieve efficiency in the consistency analysis process.

Nevertheless, my analytical framework demonstrates that a formal method of conducting consistency analysis is possible by making simple changes to the current consistency analysis formats in California. The key contribution is the addition of four variables and the introduction of the "no determination" finding in the analysis stage of the consistency analysis framework. My consistency analysis framework also presented the method by which I filtered goals, policies, and actions for the consistency analysis.

While my consistency analysis technique is not feasible for case-by-case use, it provides a framework for future research that should explore the development of a standard method of consistency analysis. Future research should also address the

adaptation of statutorily required analyses to larger research interests to help generate data useful for answering larger academic and theory based questions while also making the required analyses simpler and more useful to local decision-makers and the public.

Appendices

Appendix A

Consistency Analysis Framework - Sample					
Element	Title	Type	Text		
3Y	Goal LU-2	Goal	Agricultural Preservation. Preserve farm land and expand opportunities for related business and infrastructure to ensure a strong local agricultural economy. (See the Agriculture and Economic Development Element for a more comprehensive treatment of this issue.)		
5Y	PF-12.3	Policy	Design, construct, and operate facilities that employ renewable energy resources, or reduce the use of fossil fuel for their operations and transport needs.		
6Y	ED-4.11	Policy	Encourage public agencies to increase the capacities of parks, recreational areas, attractions, rest areas and other facilities that serve visitors.		
5W	Goal 5.A	Goal	To establish and maintain a public park system and recreational facilities suited to the needs of Woodland residents, employees, and visitors.		
NI/MI	SI	F	O	Analysis	Finding
0	1	1	0	The Project's sites do not include any active or potentially active farmland. Site facilities (solar and educational) will not affect active farmland operations.	Consistent
0	1	1	0	The Project reduces the County's use of fossil fuels in operations and infrastructure.	Consistent
0	0	1	1	Occupying approximately 30 acres of land within the Grasslands Regional Park near recreation areas may limit the expansion of the park to accommodate higher capacity or expand recreational opportunities. However, given that the solar facilities are to be used as a resource for sustainable and environmental education, the construction of the solar facility may be viewed as an expansion of public services within the park.	No Determination
0	1	0	1	Figure 5-1 identifies the Beamer-Cottonwood site as a "conceptual" future neighborhood park. The construction of a solar facility on the site would likely preclude the development of a neighborhood park on the same site.	Inconsistent

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