

# Local control over land use: the need for guardrails to honor community creativity & realize civil rights commitments

PCL Assembly, Aligning state mandates with local creativity  
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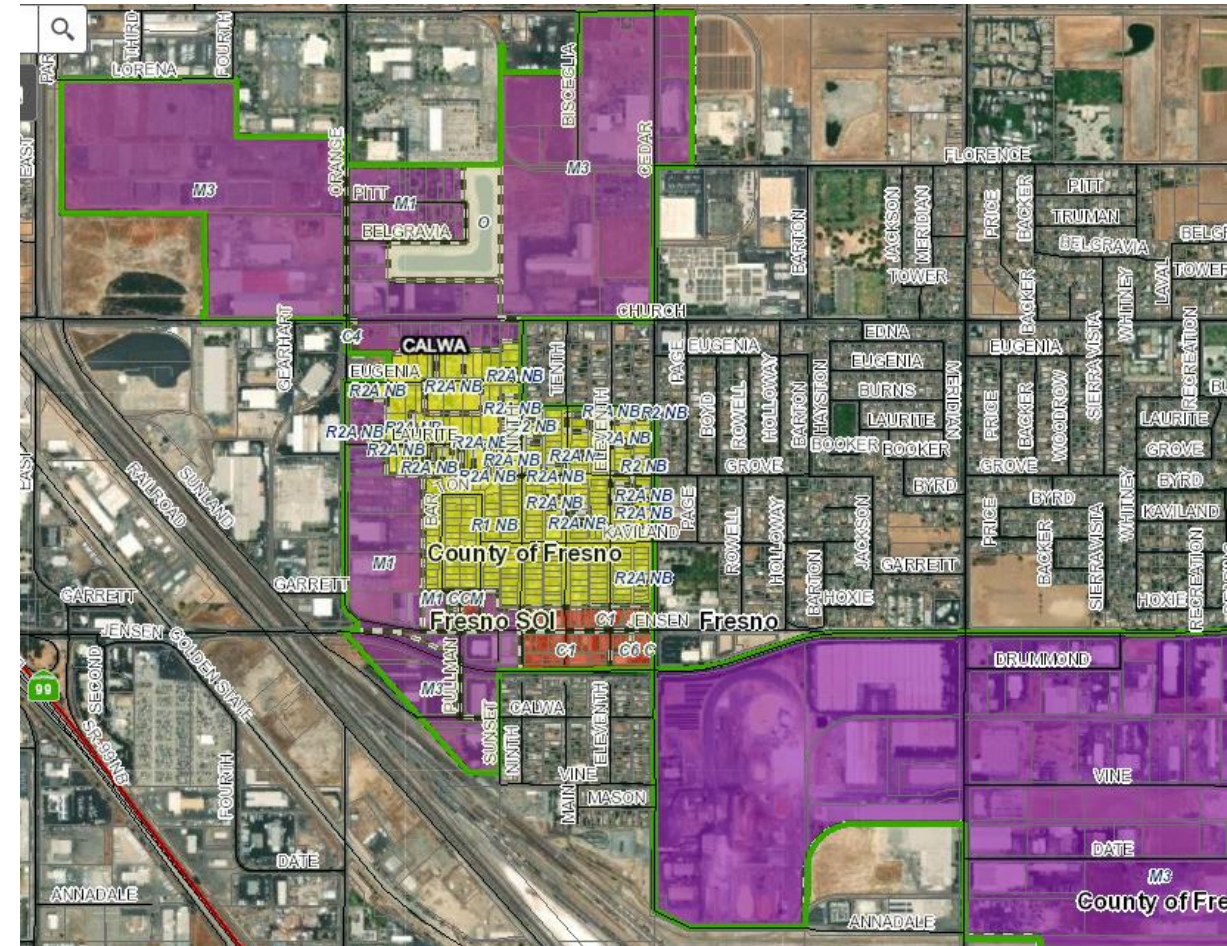
# Sweeping local control over land use

- Gov. Code § 65302(a) – general plan land use maps designate the general location of land uses
- Gov. Code § 65800 “*the Legislature declares...its intention to provide only a **minimum of limitation** in order that counties and cities may exercise the **maximum degree of control** over local zoning matters.*



# Racist foundations of local land use planning & present-day consequences of local control scheme

- Joint evolution of racist housing & land use policies & practices
- Normalization of land use planning directing polluting facilities to communities of color
- Lack of meaningful (or any) public process in facility siting
- Disparities in environmental quality, public health outcomes, and access to opportunity
- Existing statutory environmental protections necessary but not sufficient





# Tension with evolving state goals and mandates

- State and local agencies' duties & commitments under civil rights laws & equity declarations
- Local gov long-range planning requirements relating to environmental justice, air quality, climate adaptation, and fair housing
- State investments to improve environmental quality in disadvantaged communities



# Proposals for legislation & guiding principals

- Need for state legislation to realize civil rights & community environmental protection commitments in land use
  - Guardrails on land use & zoning
  - Public process minimums
- Considerations about merits of state mandates & local control should include:
  - awareness of how power operates at all levels
  - evaluation of present disparities impacting protected classes & historic antecedents
  - Recognition of passive *and* active state for activities deemed within local purview
  - Intersecting state policy goals & duties

