



AGENDA ITEM NO.  
**II**

# COUNTY OF HUMBOLDT

For the meeting of: July 31, 2018

Date: July 11, 2018

To: Board of Supervisors

From: John H. Ford, Director of Planning and Building *[Signature]*

Subject: Annual report on the Status and Implementation of the General Plan for 2017

RECOMMENDATIONS

That the Board of Supervisors

1. Receive staff report; and
2. Deliberate on submitted 2017 Annual Report and modify as necessary; and
3. Direct staff to forward the 2017 Annual Report to the State Clearinghouse

SOURCE OF FUNDING:

General Fund

Prepared by Michael Richardson, Supervising Planner

CAO Approval *[Signature]*

REVIEW:	Auditor _____	County Counsel <i>[Signature]</i>	Personnel _____	Risk Manager _____	Other _____
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TYPE OF ITEM:

Consent

Departmental

Public Hearing

Other \_\_\_\_\_

PREVIOUS ACTION/REFERRAL:

Agenda Order No. \_\_\_\_\_

Meeting of: \_\_\_\_\_

**BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT**

Upon motion of Supervisor *Fennell*

Seconded by Supervisor *Bass*

Ayes *Fennell, Bass, Wilson, Sundberg*

Nays \_\_\_\_\_

Abstain \_\_\_\_\_

Absent *Bohn*

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: *7/31/18*

By: *[Signature]*

**Kathy Hayes, Clerk of the Board**

DISCUSSION:

State law, Section 65400 of the Government Code (Attachment B) requires that the Planning and Building Department provide the Humboldt County Board of Supervisors and the Office of Planning and Research a report on the status of the General Plan, including specific information on the Housing Element. The 2017 Annual Progress Report (Attachment A) includes discussion of progress on the General Plan as well as an appendix detailing the status of the Housing Element implementation.

This report is due by April 1 of each year. Staff sent the report to the state before that date but was unable to schedule a public hearing to review the report prior to it being sent because all available staff resources were being used for the update of the County's Commercial Cannabis Ordinance, which the Board approved on May 8, 2018.

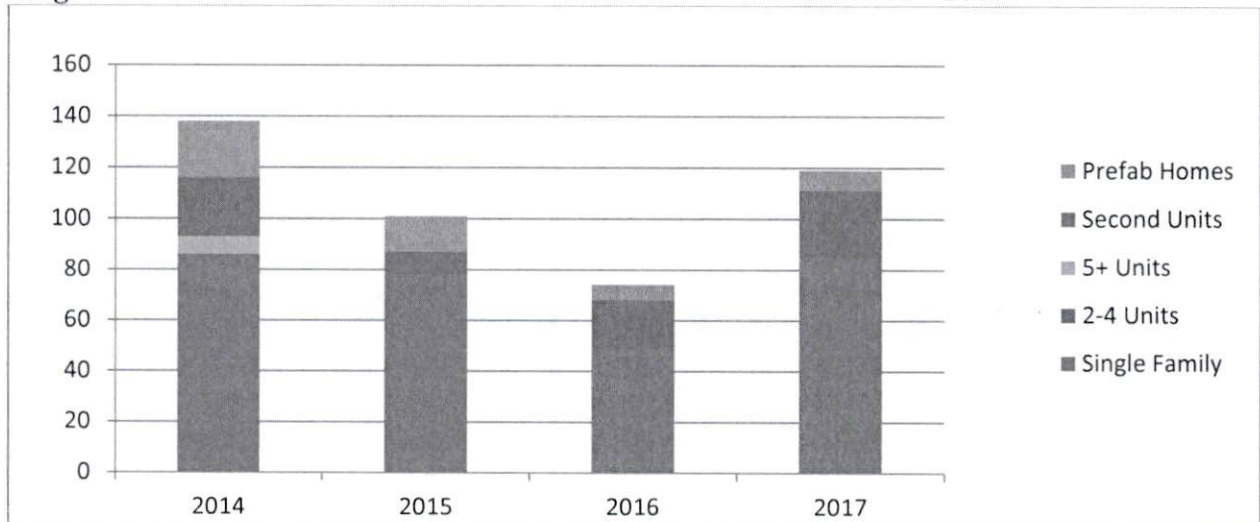
The 2017 Annual Progress Report includes discussion of the following items:

- The status of the General Plan and its implementation.
- Whether the General Plan meets regional housing requirements, and an outline of local efforts to remove governmental constraints to the maintenance, improvement, and development of housing.
- Whether the General Plan complies with the Office of Planning and Research Guidelines for General Plans.

The report describes recent building activity and concludes that 119 new units were permitted for construction in 2017. Of these 85 were single-family residences and the remainder were a combination of second units and manufactured homes.

The below chart compares the building permit totals for 2017 with those of years prior. The chart shows there were eight multifamily units built in 2014, but none have been completed since, although two are under construction and will likely appear in next year's report for 2018.

**Figure 1.** Number of New Residences Constructed Each Year - 2014 - 2017



FINANCIAL IMPACT:

Staff costs for preparation and review of this ordinance are less than \$2,000. These costs are supported by the General Fund contribution to the Planning and Building Department, Long Range Planning Unit's FY 2017-18 budget.

Review of the Annual Report fits into the County's Strategic Framework in several ways by addressing the needs and concerns of the community by matching the implementation of the county's General Plan to the reporting requirements of state law. The Annual Report also provides information to the community about the implementation of the General Plan, which invites civic engagement that safeguards the public trust.

OTHER AGENCY INVOLVEMENT:

The Housing Element Annual Report (Appendix A of the Annual Report) was submitted online to the Department of Housing and Community Development (HCD) and the State Clearinghouse before April 1, 2018 as required. After consideration by the Board at a public hearing, any modifications made to the report will be sent to HCD and the State Clearinghouse.

ALTERNATIVES:

The Board may amend the report as necessary.

ATTACHMENTS:

- |              |                                      |
|--------------|--------------------------------------|
| Attachment A | Annual Report for 2017               |
| Attachment B | Section 65400 of the Government Code |

**ATTACHMENT A**

**2017 Annual Report**

A topographic map of Humboldt County, California, showing terrain with various shades of green, yellow, and brown. The map is oriented vertically and serves as a background for the title text.

**HUMBOLDT COUNTY**

**GENERAL PLAN  
ANNUAL REPORT  
2017**

**Prepared March 9, 2018**

**Board of Supervisors Reviewed and Approved July 24, 2018**

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## Introduction

To meet the requirements of state law §65400(b)(1) of the Government Code, the County must prepare and send to the State Clearinghouse an annual report documenting the status and progress in implementation of the County's General Plan.

This 2017 Annual Progress Report is divided into three sections:

1. Review of the General Plan Amendments approved in 2017;
2. Review of Implementing the 2014 Housing Element of the General Plan; and
3. Report on the progress made toward implementing the programs in the 2017 General Plan. As it was not adopted until late in the year, very little progress was made implementing the new Plan. Instead, the County was focusing its efforts on adopting the new Plan.

Previous progress reports described that most of the Elements of the 1984 Framework Plan conformed to the General Plan Guidelines, but there were some specific shortcomings which are addressed in the 2017 General Plan. For example, the approved Telecommunications Element addresses the lack of discussion of communications in the 1984 Framework Plan. Also, new policies for retaining all publicly owned corridors for future public use was not a part of the 1984 Framework Plan, but is in the 2017 General Plan. And the new Noise Element contains standards for resolving conflicts between existing stationary noise sources and adjacent uses, which was another shortcoming of the 1984 Framework Plan.

### 1. General Plan Amendments in 2017

#### Southern Humboldt Community Park General Plan Amendment, Zone Reclassification, Conditional Use Permit and Special Permit, Application Number 6111

Project Location: The project site is located in the southern area of Humboldt County, in the Garberville area, APNs 222-091-014, 222-241-009

On April 25, 2017, the Board of Supervisors approved a General Plan Amendment to amend the Humboldt County General Plan to create the Public Recreation Land Use Designation and change the General Plan Land Use Designation on the entire 405 acre site from Industrial, Resource Related (IR), Agricultural Rural (AR), and Agricultural Lands (AL20) to Public Recreation. The ultimate objective of this application is to create a 405.7-acre multi-use community park.

#### 10/3/2017: Adoption of Coastal Commission Modifications to the Interim Use Local Coastal Program Amendment, Case Numbers GPA-16-001 and OR-16-001

Project Location: Samoa Peninsula, King Salmon and Fields Landing

On October 3, 2017 the Board of Supervisors approved amendments to the Humboldt Bay Area Plan to incorporate into the Plan modifications approved by the Coastal Commission, which allow Interim non-Coastal Dependent Industrial Uses on properties planned and zoned to allow Coastal Dependent Industrial Uses.

#### 10/17/17: Cal Fire General Plan Amendment, Application Number 10873

Project Location: The project is located at 923 Patrick's Point Road just north of Trinidad.

The project is a General Plan Amendment (GPA) /Local Coastal Plan Amendment to the Trinidad Area Plan to allow for a water line extension from the City of Trinidad domestic water system to serve CalFire's Trinidad Fire Station.

10/23/2017: Certification of the Humboldt County General Plan Update Final Environmental Impact Report (SCH #2007012089) and Adoption of the Humboldt County General Update.

After 66 public hearings by the Board of Supervisors beginning in 2000 and more than 100 public hearings by the Planning Commission, the Board adopted the 2017 General Plan (yay!). The general plan establishes the kinds, locations, and intensities of land uses as well as applicable resource protection and development policies. Land use maps are used to show land use plan designations, constraints, and public facilities.

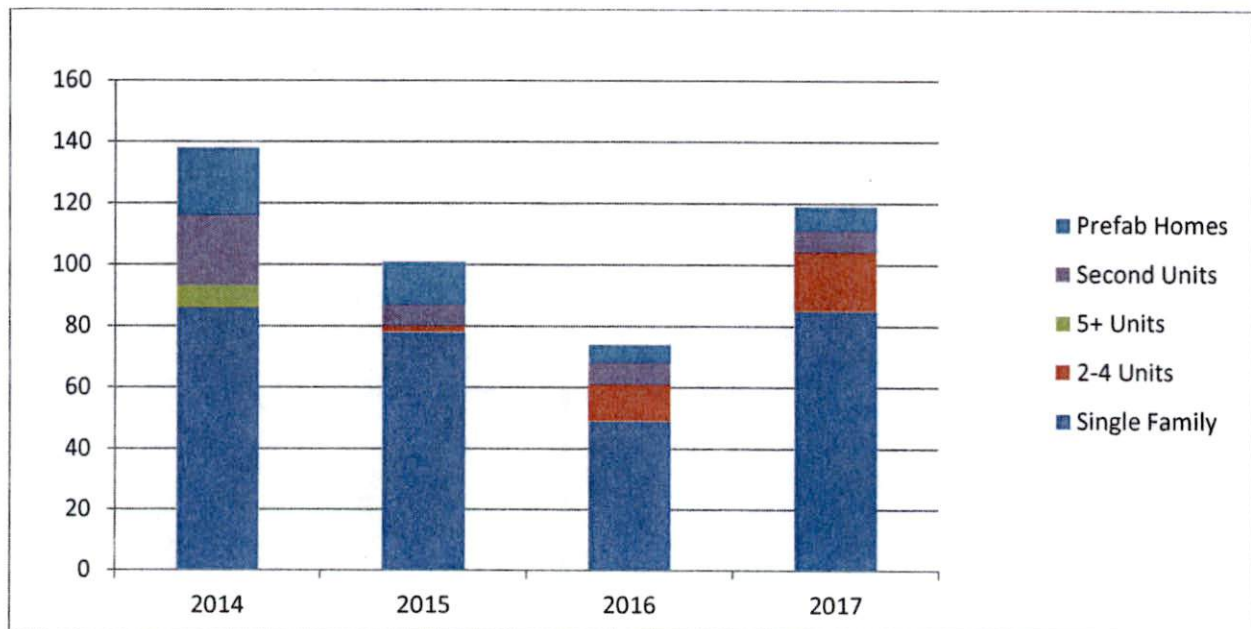
## 2. Housing Element Implementation

The Board of Supervisors approved the most recent Housing Element on May 13, 2014. The County reported in the online system about progress made on the Housing Element implementation measures, which is in Appendix A.

### Permits issued for New Construction

One of the more important implementation measures in the Housing Element is to facilitate the development of new housing. There were 119 new units permitted for construction in 2017. Of these 85 were single family residences, and the remainder were a combination of second units and manufactured homes. The following chart compares the building permits issued in 2017 with those issued in prior years.

**Figure 1. Building Permits Issued 2014 – 2017**



Source: Humboldt County Planning Division, 2018



Residential Land Inventory

The residential land inventory was updated in the 2014 Housing Element shown below in Table 2.

**Table 2. Residential Land Inventory Summary**

<b>Zoning Group</b>	<b>Dev. Acres</b>	<b>Potential Units (Gross)</b>	<b>Parcel Count</b>	<b>Potential Units for the Current RHNA Planning Period (Net)</b>
Rural Residential (RR)	19,019	1,483	1,417	832
Rural Residential properties added by the GPU (RR)	5,238	1,270	393	393
Residential Estates (RE)	1,469	575	398	341
Residential Low Density (RL)	1,554	3,803	1,579	2,177
Residential Multifamily (RM)	273	1,497	351	1,104
<b>Total</b>	<b>27,553</b>	<b>8,628</b>	<b>4,138</b>	<b>4,847</b>

Source: Humboldt County Planning and Building Department, 2014

The above table shows the County has sites in the residential land inventory to accommodate its projected future housing needs of 859 housing units.

**3. General Plan Progress and Needed Action**

The Humboldt County General Plan comprehensively revised in late 2017. The Coastal Plans were initially approved in the 1980's and certain sections have been updated since then. The Housing Element has been revised several times consistent with state requirements. The most recent version was adopted in May 2014.

Progress in Implementing the 2017 General Plan

Very little progress was made in implementing the 2017 General Plan because it was approved late in the year on November 23<sup>rd</sup>. The Department put the new Plan on its website, made copies available to all staff, and began training staff.

The following paragraphs describe Community Plan policies from before 2002 that were not implemented that have now been incorporated into the 2017 General Plan.

Community Plan Policies Awaiting Implementation

**Avenue of the Giants Community Plan**

2540.1 The County shall request that the Save-the-Redwoods-League refrain from removing prime agricultural lands from useful production by acquisition.

2540.5 The County shall request that the impacts of increasing State Park land acquisition be addressed in the Park Management Plan and EIR.

**Eureka Community Plan**

5-2400 HOUSING: The County should revise the zoning ordinance to include the design review

recommendations from Chapter 2403.

5-4200 CIRCULATION: After all feasible alternatives have been exhausted, the County shall adopt and periodically review a traffic impact fee ordinance that would require all new development to pay a fair share of transportation improvements.

#### **Garberville/Redway/Benbow/Alderpoint Community Plan**

##### 5000 Implementation

1. An outline of river access opportunities and improvements, which would enhance fishing and other recreational uses along the river, should be prepared for the Plan. Standards for access dedications for subdivision of lands with river frontage should be included in the outline.
2. Adopt a parking plan for Garberville.
3. Establish a Parking Authority for the downtown commercial district of Garberville.

#### **McKinleyville Community Plan**

##### 2642 Design Review Policies

1. Design review standards shall be adopted for the Town Center area as identified on the Plan's land use maps. A Design Review Committee shall be formed to develop those standards within the Town Center area. No Special Permit shall be required as part of the process.
2. The County shall adopt a Design Review ordinance which establishes clear development standards. The design review standards must be consistent and compatible with the overall principles, objectives and policies of the entire General Plan.

##### 3244 Implementation for Noise Hazards

3. Standards shall be adopted as part of the County Building Regulations specifying sound insulation requirements which will implement the noise policies of the plan.

##### 4312 Implementation for Trails

4. A Trails Implementation Plan shall be prepared that includes a trail by trail review with recommendations for how easements could be gained and under what circumstances dedication of easements might be required.

**APPENDIX A**

**REPORT TO HCD ON HOUSING ELEMENT IMPLEMENTATION**

**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
(CCR Title 25 §6202 )

Jurisdiction HUMBOLDT COUNTY  
Reporting Period 01/01/2017 - 12/31/2017

Pursuant to GC 65400 local governments must provide by April 1 of each year the annual report for the previous calendar year to the legislative body, the Office of Planning and Research (OPR), and the Department of Housing and Community Development (HCD). By checking the "Final" button and clicking the "Submit" button, you have submitted the housing portion of your annual report to HCD only. Once finalized, the report will no longer be available for editing.

The report must be printed and submitted along with your general plan report directly to OPR at the address listed below:

Governor's Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044

**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
 (CCR Title 25 §6202 )

Jurisdiction HUMBOLDT COUNTY  
 Reporting Period 01/01/2017 - 12/31/2017

**Table A**  
**Annual Building Activity Report Summary - New Construction**  
**Very Low-, Low-, and Mixed-Income Multifamily Projects**

Housing Development Information							Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions		
1	2	3	4				5	5a	6	7	8
Project Identifier (may be APN No, project name or address)	Unit Category	Tenure R=Renter O=Owner	Affordability by Household Incomes				Total Units per Project	Est. # Infill Units*	Assistance Programs for Each Development	Deed Restricted Units	Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.
			Very Low-Income	Low-Income	Moderate-Income	Above Moderate Income			See Instructions	See Instructions	
509-151-086-000	2 to 4	Renter	0	1	1	0	2	0		0	This is a SF structure and a small SU. Based on surveys SUs of this size are LI.
016-111-029-000	2 to 4	Renter	0	1	1	0	2	0		0	one SF and one MIL, based on survey and size MIL is low income.
508-402-031-000	2 to 4	Renter	0	1	1	0	2	0		0	This is a SF structure and a small MIL. Based on surveys MILs of this size are LI.
508-401-052-000	2 to 4	Renter	0	1	1	0	2	0		0	New 2-story SF with attached 1 story SU. Determination of LI based on survey and size.
301-041-041-000	2 to 4	Renter	0	1	1	0	2	0		0	This is a SF structure and a small attached SU. Based on surveys SUs

											of this size are LI.
508-401-049-000	2 to 4	Renter	1	0	1	0	2	0		0	SF residence with small attached studio. VLI based on survey and size of similar SUs.
509-076-001-000	SU	Renter	1	0	0	0	1	0		0	Family room converted to second unit. Based on size and survey, VLI.
306-381-011-000	SU	Renter	1	0	0	0	1	0		0	Convert second floor of existing detached garage to second dwelling unit. VLI based on size and survey.
508-261-022-000	SU	Renter	1	0	0	0	1	0		0	Detached secondary dwelling unit/ no garage, porches, decks. VLI based on size and surveys.
509-171-091-000	SU	Renter	1	0	0	0	1	0		0	Portion of permitted single family residence converted to secondary unit. VLI based on size and surveys.
018-244-018-000	SU	Renter	1	0	0	0	1	0		0	Area above garage converted into a Mother in law unit. VLI based on size and surveys.
212-171-024-000	SU	Renter	1	0	0	0	1	0		0	Convert existing storage building to second dwelling unit. VLI based on survey and size.
508-052-036-000	SU	Renter	0	1	0	0	1	0		0	Secondary residence with covered front porch and storage area at back of residence. LI based on size and description.
223-311-004-000	MH	Renter	0	1	0	0	1	0		0	MH caretakers unit with one uncovered porch below 30". LI based on size and survey.
529-123-003-000	MH	Owner	0	1	0	0	1	0		0	Manufactured home with no garage or decks.
105-091-013-000	MH	Owner	0	1	0	0	1	0		0	New PHU w/ uncovered decks, no garage.
524-062-013-000	MH	Owner	0	1	0	0	1	0		0	PHU to replace existing PHU burned in 2016. LI based on size and survey.

077-021-001-000	MH	Owner	0	1	0	0	1	0		0	New PHU w/ uncovered porches, no garage. LI based on size and survey.
509-104-007-000	MH	Owner	0	1	0	0	1	0		0	PHU with two uncovered decks replaces 1160 sqft SFR Home.
204-391-032-000	MH	Owner	0	1	0	0	1	0		0	2016 PHU with freestanding deck.
110-131-047-000	SF	Renter	0	1	0	0	1	0		0	One bedroom single family residence with covered porch and deck (no garage). LI based on size, survey.
204-211-028-000	2 to 4	Renter	0	1	1	0	2	0		0	This was new construction of a SF residence, with existing residence becoming secondary.
<b>(9) Total of Moderate and Above Moderate from Table A3</b>					86	12					
<b>(10) Total by Income Table A/A3</b>			7	15	86	12					
<b>(11) Total Extremely Low-Income Units*</b>			0								

**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
 (CCR Title 25 §6202 )

Jurisdiction HUMBOLDT COUNTY  
 Reporting Period 01/01/2017 - 12/31/2017

**Table A2**  
**Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)**

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity	0	0	0	0	
(2) Preservation of Units At-Risk	0	0	0	0	
(3) Acquisition of Units	0	0	0	0	
(5) Total Units by Income	0	0	0	0	

\* Note: This field is voluntary



**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
 (CCR Title 25 §6202 )

Jurisdiction HUMBOLDT COUNTY  
 Reporting Period 01/01/2017 - 12/31/2017

**Table A3**  
**Annual building Activity Report Summary for Above Moderate-Income Units**  
**(not including those units reported on Table A)**

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for Moderate	73	5	0	0	1	79	0
No. of Units Permitted for Above Moderate	12	0	0	0	0	12	0

\* Note: This field is voluntary

**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
 (CCR Title 25 §6202 )

Jurisdiction HUMBOLDT COUNTY  
 Reporting Period 01/01/2017 - 12/31/2017

**Table B**  
**Regional Housing Needs Allocation Progress**  
**Permitted Units Issued by Affordability**

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.												Total Units to Date (all years)	Total Remaining RHNA by Income Level
Income Level		RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9		
Very Low	Deed Restricted	211	0	0	0	0	0	0	0	0	0	31	180
	Non-Restricted		16	5	3	7	0	0	0	0	0		
Low	Deed Restricted	136	0	0	0	0	0	0	0	0	0	43	93
	Non-Restricted		13	4	11	15	0	0	0	0	0		
Moderate		146	26	53	30	86	0	0	0	0	0	195	0
Above Moderate		890	83	39	27	12	0	0	0	0	-	161	729
Total RHNA by COG. Enter allocation number:		1383											
Total Units ▶ ▶ ▶			138	101	71	120	0	0	0	0	0	430	
Remaining Need for RHNA Period ▶ ▶ ▶ ▶ ▶													1002

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
 (CCR Title 25 §6202 )

Jurisdiction HUMBOLDT COUNTY  
 Reporting Period 01/01/2017 - 12/31/2017

**Table C**  
**Program Implementation Status**

Program Description (By Housing Element Program Names)	<b>Housing Programs Progress Report - Government Code Section 65583.</b> Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.		
Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
H-IM40 Expedited Residential Subdivision Review in Housing Opportunity Zones	The County shall develop standardized thresholds of significance in the subject areas listed in H-S13 to simplify environmental review of residential subdivisions in Housing Opportunity Zones	12/1/2015	Delayed until 2018.
H-IM29 Procedures for Conversion of Mobilehome Parks and Recreational Vehicle Parks	The County shall amend County Code to adopt a mobilehome park conversion ordinance pursuant to Government Code §65863.7), and to require similar procedures acceptable to the Planning Commission for conversion of Recreational Vehicle Parks to other uses.	12/31/2015	DONE
H-IM30 Elder Housing Needs Assessment	The County shall facilitate an assessment of the housing needs of elders.	12/31/2015	DONE
H-IM33 Standards for Alternative Sewage and Wastewater Disposal Systems	Consistent with Regional Water Quality Control Board requirements, the Division	7/1/2016	DONE

	of Environmental Health shall consider approval of gray water and other acceptable sewage treatment and disposal systems, including composting toilets, in areas where Alternative Owner Builder structures are allowed.		
H-IM32 Safe Homes Program to Increase Building Code Compliance	The County shall allow qualified unpermitted homes to become permitted through a Safe Homes program. Reduced or eliminated penalty fees for owners wishing to obtain permits for unpermitted homes shall be included as an incentive to bring the unpermitted units into compliance.	7/1/2016	DONE
H-IM37 Affordable Multifamily Housing Land Inventory	The County shall increase the inventory of lots suitable for inclusion in the affordable multifamily housing inventory and allowed by right (no discretionary review is required), including any necessary rezonings to R-3: Residential Multiple Family or RM: Residential Multifamily to accommodate 77 additional units, which can accommodate the housing need for extremely low, very low and low income households pursuant to Government Code Section 65583 (c) (1) (A). This program will be on a voluntary basis and use the Q Qualified zone to establish minimum density and other requirements	12/31/2016	Parcels have been identified, and environmental review is in progress. Entitlements for 66 units targeted for approval by Dec. 31, 2018.
H-IM38 Farmworker Housing	The County shall review the zoning ordinance to comply with the requirements of state law (Health and Safety Code 17021.5 and 17021.6).	12/31/2016	Completed research of other jurisdictions that have implemented farmworker housing ordinances. An ordinance is in the process of being drafted.
H-IM39 At Risk Units	The County shall seek to preserve all assisted multifamily housing units at risk of being converted to market rate rental housing through establishing an early warning system and providing financial assistance when funding is available.	12/31/2016	Ongoing
H-IM1 Housing Trust Fund	The County shall establish a Housing	8/31/2017	Lucas Street parcel approved for sale to fund the Housing Trust Fund.

	Trust Fund to support the conservation and development of housing affordable to low- and very low-income households. The County shall seek funding to provide an initial funding level of \$500,000.		
H-IM2 Pursue Funding for Housing Programs	The County shall pursue funding for housing programs, and prioritize funding for development of housing affordable to very low-income households when competing for resources with other projects	Annually	Applying when eligible, and trying to attract developers.
H-IM15 Monitoring Affordable Housing Development on Properties Rezoned to Multifamily	The County shall include in its Annual General Plan Progress Report prepared pursuant to §65400 of the Government Code a description of the development that has occurred on the properties rezoned to multifamily under H-IM17 and H-IM18 of the 2009/2010 Housing Element. The County shall also include in the 2019-2024 Housing Element Update an assessment of the effectiveness of the Affordable Multifamily Housing Land Inventory in meeting the County's housing needs for lower income households, and propose changes to that program as necessary to increase its effectiveness.	Annually	Building permits issued in 2017 to construct 31 multifamily units.
H-IM26 Post Information Regarding Fair Employment and Housing	The County shall continue to support the enforcement program of the State Fair Employment and Housing Commission. The Planning Division shall disseminate information about fair housing rights and procedures for filing fair housing complaints to public libraries and the Humboldt County Housing Authority	Annually	Done Annually in April
H-IM20 Consideration of Policies from the Idea Bank	The County shall consider implementing the policies and implementation measures labeled with a ¶ in §8.12.20 of the Housing Element Appendix as stand-alone projects with separate environmental review.	Ongoing	The County continues to consider implementation of the identified programs.

**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
(CCR Title 25 §6202 )

Jurisdiction HUMBOLDT COUNTY  
Reporting Period 01/01/2017 - 12/31/2017

General Comments:

## Attachment B

### Section 65400 of the Government Code

#### **65400. Implementation of General Plan.**

(a) After the legislative body has adopted all or part of a general plan, the planning agency shall do both of the following:

(1) Investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan.

(2) Provide by April 1 of each year an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development that includes all of the following:

(A) The status of the plan and progress in its implementation.

(B) The progress in meeting its share of regional housing needs determined pursuant to Section 65584 and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to paragraph (3) of subdivision (c) of Section 65583.

The housing element portion of the annual report, as required by this paragraph, shall be prepared through the use of forms and definitions adopted by the Department of Housing and Community Development pursuant to the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2).

(C) The degree to which its approved general plan complies with the guidelines developed and adopted pursuant to Section 65040.2 and the date of the last revision to the general plan.

(b) For the report to be filed during the 2006 calendar year, the planning agency may provide the report required pursuant to paragraph (2) of subdivision (a) by October 1, 2006.

(c) If a court finds, upon a motion to that effect, that a city, county, or city and county failed to submit, within 60 days of the deadline established in this section, the housing element portion of the report required pursuant to subparagraph (B) of paragraph (compelling compliance with this section within 60 days. If the city, county, or city and county fail to comply with the 2) of subdivision (a) that substantially complies with the requirements of this section, the court shall issue an order or judgment court's order within 60 days, the plaintiff or petitioner may move for sanctions, and the court may, upon that motion, grant appropriate sanctions. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment is not carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled. This subdivision applies to proceedings initiated on or after the first day of October following the adoption of forms and definitions by the Department of Housing and Community Development pursuant to paragraph (2) of subdivision (a), but no sooner than six months following that adoption.