

## What is the General Plan Amendment Burden of Proof?

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The General Plan contains policies in the Land Use Element related to General Plan Amendments. The applicant shall clearly demonstrate that the proposed General Plan Amendment is consistent with the following policies:

**A. The proposed amendment supports the Guiding Principles of the General Plan.**

Policy LU 1.3 states that “In the review of project-specific amendments to the General Plan, ensure that they support the Guiding Principles.” Throughout the General Plan, there are five principles that guide the County’s policy direction on growth and development. Chapter 3 of the General Plan provides a detailed description of the five Guiding Principles. A proposed project-specific General Plan Amendment must support the Guiding Principles as follows:

- 1. Employ Smart Growth:** Shape new communities to align housing with jobs and services; and protect and conserve the County’s natural and cultural resources, including the character of rural communities.

**HINTS...**

- ✓ Is your project located in an area that is near public transit, or in an area where there are already existing services and infrastructure? Explain how your project helps promote Smart Growth by promoting infill development or incorporating designs and features that reduce the consumption of natural resources (e.g. wildlife habitat, forest, and agricultural land etc). You can read more about creating opportunities for infill development in the Land Use Element.
- ✓ Will your project help create and/or maintain a vibrant neighborhood center where people can live, work, and shop without the need to drive to each destination?
- ✓ Will your project help improve the connectivity between major centers and neighborhoods?
- ✓ If your project is in a rural area, is it compatible with the natural environment and landscape? Will it maintain the existing rural community character?
- ✓ What other strategies/design features are used to “green” streets and/or buildings, or to protect and conserve natural resources?

- 2. Ensure community services and infrastructure are sufficient to accommodate growth:** Coordinate an equitable sharing of public and private costs associated with providing appropriate community services and infrastructure to meet growth needs.

**HINTS...**

- ✓ Are the existing services and infrastructure, such as schools, parks, libraries, police and fire services, waste management, water and sewer systems, flood protection, utilities, and circulation systems, sufficient to accommodate and provide for your project?
- ✓ Will your project contribute to the upgrade of any existing infrastructure?

- ✓ Will your project provide other additional services and infrastructure that serve both the future users/residents of your project and the larger community? Are these new services and infrastructure context-sensitive? Do they serve the need of the community where your project is located?
- ✓ Consider how your project may increase service demands provided by the County Sheriff; County Fire Department; or water, sewer, roads, transit, schools, libraries, parks and recreation facilities, etc. Discuss how increased demands for these services are addressed by your project.

- 3. Provide the foundation for a strong and diverse economy:** Protect areas that generate employment and promote programs that support a stable and well educated workforce. This will provide a foundation for a jobs-housing balance and a vital and competitive economy in the unincorporated areas.

**HINTS...**

- ✓ Will your project help promote a stable and well-educated job base, generate tax revenues to support quality services, or provide for a jobs-housing balance? Jobs-housing balance, as described in the Land Use Element, is reached by working toward increasing opportunities for people to work and live in close proximity, and reduce long commutes that are costly both economically and environmentally. This can be quantified by taking the number of jobs divided by the number of housing units. A community with fewer jobs than residences would have a low jobs-housing ratio. Communities with a high jobs-housing ratio are usually considered major employment centers for a region. If the ratio is high or low, there is a jobs-housing imbalance.
- ✓ Will your project accommodate the target industries and businesses identified in the Economic Development Element of the General Plan? These target industries include Entertainment, Fashion, Aerospace and Analytical Instruments, Trade (transportation, logistics, and distribution), Education and Knowledge Creation, Publishing and Printing, Metal Manufacturing, Biomedical, and Tourism.

- 4. Promote excellence in environmental resource management:** Carefully manage the County's natural resources, such as air, water, wildlife habitats, mineral resources, agricultural land, forests, and open space in an integrated way that is both feasible and sustainable.

**HINTS...**

- ✓ What features/strategies are used in the design of your project to enhance, protect, preserve, or minimize/mitigate any negative impact(s) on the natural resources?

- 5. Provide healthy, livable and equitable communities:** Design communities that incorporate their cultural and historic surroundings, are not overburdened by nuisance and negative environmental factors, and provide reasonable access to food systems. These factors have a measureable effect on public well-being.

**HINTS...**

- ✓ How are the cultural and historic surroundings incorporated into the design of the proposed project?
- ✓ What features/strategies are used in the design of your project to foster physical activity, safety, and health? Consider how these features will help promote active living and social cohesion.

**B: The proposed amendment is consistent with the goals and policies of the General Plan.**

Policy LU 1.4 states that “In the review of a project-specific amendment(s) to the General Plan, ensure that the project-specific amendment(s) is consistent with the goals and policies of the General Plan...”

**HINTS...**

- ✓ Explain how your request supports the goals and policies of the General Plan and the community-based plan (e.g., Area Plan, Community Plan, or Neighborhood Plan), as applicable. In the General Plan, you can find policies by topic in each element. Chapter 17 of the General Plan also summarizes all goals and policies for ease of use.

**C: The proposed amendment will benefit the public interest and is necessary to realize an unmet local or regional need.**

Policy LU 1.4 states that “In the review of a project-specific amendment(s) to the General Plan, ensure that the project-specific amendment(s)...shall benefit the public interest and is necessary to realize an unmet local or regional need.

**HINTS...**

- ✓ There is a discussion on various unincorporated countywide planning issues in each element of the General Plan. Review these sections and consider how your project will help address some of these countywide issues and needs.
- ✓ Chapter 5: Planning Areas Framework in the General Plan also identifies planning issues at a sub-regional level. Review the discussion and consider how your project will help address some of these sub-regional issues and needs.
- ✓ If your project is located in a community covered by a community-based plan, such as an Area Plan, a Community Plan, or a Neighborhood Plan, review the community-based plan as there are also information on other local planning issues and need. Consider how your project will help address some of these local issues and needs.

**D: FOR CONSERVATION (OS-C) DESIGNATED LANDS ONLY**

**The proposed amendment to convert the OS-C designated property to another land use designation(s) does not contribute to the overall loss of open space.**

Policy LU 1.5 states that “In the review of a project-specific amendment(s) to convert OS-C designated lands to other land use designations, ensure that the project-specific amendment(s) does not contribute to the overall loss of open space that protects water quality, provides natural habitats, and contributes to improved air quality.”

**HINTS...**

- ✓ The OS-C land use designation only applies to land that is legally dedicated for open space and conservation efforts. In most cases, land designated OS-C is preserved open space in perpetuity. Therefore, this particular policy only applies on the rare occasion when an amendment is proposed to re-designate an OS-C designated property to another land use designation.
- ✓ A replacement open space property of comparable size and quality is necessary in order to be consistent with this “no net loss” policy. Explain how your replacement open space property is of comparable size and quality in terms of the natural resources onsite so that your project will not contribute to the overall loss of open space in the County.

**E: FOR LANDS WITHIN THE EMPLOYMENT PROTECTION DISTRICT (EPD) OVERLAY ONLY**

Employment Protection Districts (EPDs) are economically viable industrial lands to be preserved as major employment centers. If your IL, IH or IO designated property is located within an EPD, and your project requires an amendment to re-designate your property to a non-industrial land use designation, your project must meet the additional criteria listed in Policy LU 1.6. Your amendment request must also include the adjustment of the EPD Overlay boundary, as the EPD Overlay should not apply to properties with a non-industrial land use designation.

**1. The proposed amendment is located on a parcel that adjoins a parcel with a comparable use, at a comparable scale and intensity.**

**HINTS...**

- ✓ If you propose a residential development, for instance, there must be an existing residential development on an adjoining parcel. Explain how the scale and density of your project is comparable to the scale and density of the adjoining existing residential development.

**2. The proposed amendment will not negatively impact the productivity of neighboring industrial activities.**

**HINTS...**

- ✓ Will your non-industrial project compete with neighboring industrial businesses for infrastructure capacity, making it difficult for the neighboring industrial businesses to maintain their efficiency and productivity?
- ✓ Talk to your neighboring industrial businesses. Your neighbors are the most likely people to oppose. Describe their concerns and how you propose to address them.

**3. The proposed amendment is necessary to promote the economic value and the long-term viability of the site.**

**HINTS...**

- ✓ Explain why your project is essential in promoting the economic value of the site. Consider the current site condition and existing use. Describe how your project is the best approach to improve the long-term economic viability of the site.

**4. The proposed amendment will not subject future residents to potential noxious impacts, such as noise, odors or dust or pose significant health and safety risks.**

**HINTS...**

- ✓ If you propose a residential development, describe the design features, techniques, and strategies used to address the potential land use conflicts between your project and the neighboring industrial businesses so that the health and safety of your project's future residents will not be adversely impacted by the noise, odors or dust generated by the neighboring industrial activities.

**F: FOR LANDS WITHIN THE AGRICULTURAL RESOURCE AREAS (ARAs) ONLY**

Agricultural Resource Areas (ARAs) consist of farmland identified by the California Department of Conservation, including Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, and Unique Farmland. In addition, the ARAs include lands that received permits from the Los Angeles County Agricultural Commissioner/Weights and Measures. If your property is located within an ARA, and the proposed non-agricultural use (such as a residential development) requires an amendment to re-designate your property to another land use designation, your project must meet the additional criteria listed in Policy LU 1.7.

- 1. The proposed amendment is located on a parcel that adjoins another parcel with a comparable use, at a comparable scale and intensity.**

**HINTS...**

- ✓ If you propose a residential development, for instance, there must be an existing residential development on an adjoining parcel. Explain how the scale and density of your project is comparable to the scale and density of the adjoining existing residential development.

- 2. The proposed amendment will not negatively impact the productivity of neighboring agricultural activities.**

**HINTS...**

- ✓ When a residential development is adjoining a farm, for instance, associated impacts such as odors, dust, and pesticides often affect the residents' quality of life, creating a vocal constituency opposed to continued agricultural activities in the area. In other instances, noise generated from a commercial or industrial development may disturb livestock and reduce the usable grazing area on the adjoining parcel. How will you address the potential conflicts between your project and the agricultural uses, so that your project will not negatively impact the productivity of neighboring agricultural activities?
- ✓ Talk to your neighboring farm owners and operators. Your neighbors are the most likely people to oppose. Describe their concerns and how you propose to address them.

**Why are my Burden of Proof statements important?**

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The Regional Planning Commission and the Board of Supervisors must find, based upon the "Burden of Proof" statements, that your request is consistent with the goals and policies of the General Plan.

Each plan amendment request is evaluated upon its own merit, on a case-by-case basis. Therefore, you must provide factual evidence to justify approval. The Regional Planning Commission and the Board of Supervisors may also consider testimony presented at the public hearing from staff, proponents and/or opponents.

If you have not provided adequate answers, or enough information to justify approval, your request may be denied. The Regional Planning Commission and the Board of Supervisors are not obligated to approve your application. The applicant (not staff) must “prove” that the project is consistent with the policies listed above. Do not use “yes,” “no,” or “not applicable” as answers.

In addition, please note that according to Policy LU 1.2 of the General Plan, project-specific amendments to the text of the General Plan, including but not limited to the Guiding Principles, Goals, and Policies, are strongly discouraged.

### **Can planning staff help me complete my Burden of Proof statements?**

Planning staff is available to help understand the General Plan and/or other community-based plans policies, zoning criteria, application documents, and to assist the applicant.

Staff refrains from providing technical arguments and cannot complete any portion of the application, on behalf of the applicant. Staff is not permitted to assist in preparing arguments for or against a request.

Applicants may wish to consult with a land-use attorney or consultant prior to submitting an application. Use of an attorney or consultant is at the discretion of the applicant. Staff is not permitted to make a recommendation.