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56

# CALIFORNIA JURISPRUDENCE

SECOND EDITION

A COMPLETE AND MODERN  
STATEMENT OF THE LAW  
AND PRACTICE OF THE  
STATE OF CALIFORNIA

*Volume 56*

ZONING (ss. 144-end)  
TABLE OF STATUTES CITED



*By the Editorial Staff of the Publisher*

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CITE BY TITLE AND SECTION

e.g., 56 Cal. Jur. 2d Zoning § —

## TABLE OF ABBREVIATIONS

AC .....	Advance California Reports
ACA .....	Advance California Appellate Reports
Adm C .....	Administrative Code
Ag C .....	Agricultural Code
ALR .....	American Law Reports Annotated
ALR2d .....	American Law Reports Annotated, Second Series
Am Jur .....	American Jurisprudence
Am Jur Legal Forms .....	American Jurisprudence Legal Forms, Annotated
Am Jur Pl & Pr Forms .....	American Jurisprudence Pleading and Practice Forms, Annotated
Anno .....	Annotation
Bank C .....	Banking Code
B & P C .....	Business and Professions Code
C .....	California Reports
C2d .....	California Reports, Second Series
CA .....	California Appellate Reports
CA2d .....	California Appellate Reports, Second Series
Cal Rptr .....	California Reporter
CC .....	Civil Code
CCP .....	Code of Civil Procedure
ch .....	Chapter
CLR .....	California Law Review
Cof .....	Coffey
Const Art I § 1 .....	Article and section California Constitution
Corp C .....	Corporations Code
CU .....	California Unreported
Deering's Gen Laws .....	Deering's California General Laws
Ed C .....	Education Code
Elec C .....	Elections Code
F .....	Federal Reporter
F2d .....	Federal Reporter, Second Series
F & G C .....	Fish and Game Code
Fed Cas .....	Federal Cases
Fin C .....	Financial Code
FRD .....	Federal Rules Decisions
F Supp .....	Federal Supplement
Gov C .....	Government Code
H & N C .....	Harbors and Navigation Code
H & S C .....	Health and Safety Code

Hast L J .....	Hastings Law Journal
Ins C .....	Insurance Code
Lab C .....	Labor Code
L ed .....	Lawyers' Edition U.S. Supreme Court Reports
Mil & Vet C .....	Military and Veterans Code
Ops Atty Gen .....	Opinions of the Attorney General
p .....	Page
P .....	Pacific Reporter
P2d .....	Pacific Reporter, Second Series
Pen C .....	Penal Code
Pol C .....	Political Code
Prob C .....	Probate Code
Pub Res C .....	Public Resources Code
Pub U C .....	Public Utilities Code
Rev & Tax C .....	Revenue and Taxation Code
SCLR .....	Southern California Law Review
S Ct .....	Supreme Court Reporter
Stan LR .....	Stanford Law Review
St B J .....	State Bar Journal
Sts & H C .....	Streets and Highways Code
subd .....	Subdivision
UCLA LR .....	University of California at Los Angeles Law Review
Unempl Ins C .....	Unemployment Insurance Code
US .....	United States Reports
USC .....	United States Code
US Const .....	United States Constitution
Veh C .....	Vehicle Code
W & I C .....	Welfare and Institutions Code
Wat C .....	Water Code

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**X. ADMINISTRATION**

**§ 144. In General; State Development Plan.**—The functions of the state office of planning and the planning advisory committee<sup>2</sup> are advisory only, and neither agency is endowed with any regulatory powers.<sup>3</sup>

The state development plan which the state office of planning is required to formulate and maintain is a comprehensive, long-range, general plan for the physical growth and development of the state, based on studies of physical, social, economic, and governmental factors, conditions, and trends, in co-operation with, and utilizing the physical development plans prepared by, state, local, regional, and federal agencies, and aimed at the co-ordinated physical development of the state in order to promote the general welfare and prosperity of its people.<sup>4</sup> The state development plan embodies state policy regarding the state's physical growth and development, and includes, by discussion and agreement between the agencies involved, the projects and other improvement proposals of the departments and divisions of the state government or the federal government, and the major aspects of master or general plans of regional and local agencies of government.<sup>5</sup> The plan also includes (1) a statement containing principal findings of fact and delineating physical growth and development problems and potentialities of the state;<sup>6</sup> (2) a statement of the major objectives and principles and a summary of the proposals expressed in the plan;<sup>7</sup> (3) recommendations for the most desirable general pattern of land use and circulation within the state and for the most desirable

2. §§ 9, 47, *supra*.

3. Gov C § 65020.5.

4. Gov C § 65015.1.

5. Gov C § 65015.3.

6. Gov C § 65015.4 subd (a).

7. Gov C § 65015.4 subd (b).

use and development of land resources of the state, all considered with respect to present and future growth and trends and forecasts thereof, climate, water resources, and other relevant natural or environmental factors, the need to conserve and develop special types of land and water resources of statewide significance, and other factors deemed relevant by the office of planning;<sup>8</sup> and (4) recommendations concerning the need for, and the proposed general location of, major public and private works and facilities of state concern, or the authorization, location, or construction of which are legally within the province or jurisdiction of state agencies or officials, or which for any other cause are appropriate subjects for inclusion in the state development plan.<sup>9</sup>

In connection with the functions and purposes of the state planning office other than the formulation and maintenance of the state development plan, the planning law sets forth in detail authorization for, and procedures to be followed with respect to, local planning assistance,<sup>10</sup> regional planning,<sup>11</sup> and the preparation, collection, and dissemination of plans, reports, and documents.<sup>12</sup>

**§ 145. District Plans.**—A district plan<sup>13</sup> is required to be based on comprehensive studies of the physical, economic, social, and governmental conditions of the entire district and related areas, and to aim at the co-ordinated physical development of the district in a manner best designed to promote the general welfare and prosperity of the people. In preparing, adopting, maintaining, reviewing, and revising a district plan, the planning board must take account of and seek to harmonize, within the framework of the needs of the district community as a whole, the master or general plans of cities and counties within the district, and the plans and planning activities of state, federal, and other public and private agen-

8. Gov C § 65015.4 subd (c).

11. Gov C §§ 65018.1–65018.3.

9. Gov C § 65015.4 subd (d).

12. Gov C §§ 65019.1–65019.5.  
See § 47, *supra*.

10. Gov C §§ 65017.1–65017.4.

13. § 10, *supra*.

cies, organizations, and instrumentalities within the district and adjacent to it.<sup>14</sup> The planning district, acting on its own judgment, is required to make, publish, and assist in making or publishing studies or investigations of the resources of the district and of existing or emerging problems of any nature related to the physical and economic growth and development of and living conditions in the district or any part thereof.<sup>15</sup> It is also directed to publish, transmit, and explain the district plan, district studies, and other activities of the board to each of the cities and counties within the district, and to all relevant state and federal agencies, organizations, and instrumentalities, to educational institutions, and to relevant civic and citizen groups of all types, and to private citizens who have evidenced interest in the work of the board.<sup>16</sup> And the district planning boards are charged with the carrying on of other extensive activities by way of propaganda and cooperation with other bodies, agencies, commissions, organizations, and instrumentalities, public or private, with respect to the physical development of land and resources and the integration of policies for the promotion of the general welfare and economic well-being of the people.<sup>17</sup>

To facilitate effective and harmonious planning and development of the district, all county and city legislative bodies and all planning agencies within a district are required to file with the district planning board, for its information, all county or city master or general plans, and other plans, zoning ordinances, official maps, building codes, subdivision regulations, and amendments or revisions of them, as well as copies of any regular or special reports dealing with planning matters. Similar provision is made with respect to the filing of pertinent matter by state agencies, organizations, and instrumentalities within the district, and the district is authorized to request similar pertinent matter from the federal government and from private agencies, organizations, or individuals.<sup>18</sup> The

14. Gov C § 66241 subd (a).

15. Gov C § 66241 subd (b).

16. Gov C § 66241 subd (c).

17. Gov C § 66241 subd (d).

18. Gov C § 66280.



board may make to any such agency or individual concerned with planning within its district recommendations for the coordination of research and the collection of data, the improvement or standardization of procedures, or any other matter that may be of assistance to the district planning activities of the district or of such agencies or individuals.<sup>19</sup> Any such agency or individual may submit proposals for any master or general plan, any other plan, map, report, capital improvement program, proposed bond issue, or other report or document or amendment or revision thereto, before adoption, to the district planning board for its advice, which advice the board is required to give whenever in its opinion it is reasonably possible for it to do so. The advice consists of a report on the conformity of the proposal to the district plan, or its possible effect on other portions of the district, and any other matters that the board deems pertinent.<sup>20</sup>

In addition to such other reports, documents, and studies as are required by the district planning law, each district planning board must submit to the legislative bodies and planning agencies of all the counties and cities within it, and to other governmental agencies, organizations, and individuals, public or private, designated by the board, an annual report. The report contains an evaluation of the major problems and opportunities for desirable development facing the district, and a report on the status of the district plan and changes therein.<sup>1</sup>

**§ 146. Regional Plans.**—The state office of planning is required to encourage regional planning and extend planning assistance and advice to regional planning commissions<sup>2</sup> when they are established.<sup>3</sup> The regional planning commissions are charged with preparing, adopting, and submitting to the county and city planning commissions in their respective regions

19. Gov C § 66290.

2. § 51, *supra*.

20. Gov C § 66300.

3. Gov C § 65018.1.

1. Gov C § 66310.