

**REVIEW COMMENTS**  
**SAN JOAQUIN COUNTY DRAFT GENERAL PLAN**  
**AND DRAFT ENVIRONMENTAL IMPACT REPORT**  
Prepared by the  
**DELTA STEWARDSHIP COUNCIL**  
December 2014

**Draft General Plan's Consistency with the Delta Plan**

Given the County's determination that the general plan update is a covered action, Council staff is providing the following comments regarding consistency with the most relevant Delta Plan policies, which are legally binding, as well as several Delta Plan recommendations, which are not.

**1. Water Supply Reliability**

- **Delta Plan Recommendation WR R1, Implement Water Efficiency and Water Management Planning Laws.** Delta Plan Recommendation WR R1 encourages all water suppliers to “fully implement applicable water efficiency and water management laws, including urban water management plans...[and] the 20 percent reduction in statewide urban per capita water usage by 2020....” Council staff appreciates the inclusion of several related general plan policies:
  - **IS-4.8 Water Conservation Targets:** “The County shall achieve a 20 percent reduction in water and wastewater by 2020.”
  - **IS-4.9 Water Conservation Measures:** “The County shall require existing and new development to incorporate all feasible water conservation measures to reduce the need for water system improvements.
  - **IS-4.10 Groundwater Management:** “The County shall support cooperative, regional groundwater management planning by local water agencies, water users, and other affected parties to ensure a sustainable, adequate, safe, and economically viable groundwater supply for existing and future uses within the County.
  - **IS-4.12 Integrated Regional Water Management:** “The County shall support and participate in the development, implementation, and update of an integrated regional water management plan.”
  - **IS-4.13 Water Supply Planning:** “The County shall encourage local water agencies to develop plans for responding to droughts and the effects of global climate change, including contingency plans, water resource sharing to improve overall water supply reliability, and the allocation of water supply to priority users.
  - **IS-4.20 Water Efficient Landscaping:** “The County shall encourage water efficient landscaping and use of native, drought-tolerant plants consistent with the Model Landscape Ordinance.”
  - **IS-4.21 Water Efficient Agricultural Practices:** “The County shall encourage farmers to implement irrigation practices, where feasible and practical, to conserve water.”

**2. Ecosystem Restoration**

- **Delta Plan Policy ER P2, Restore Habitats at Appropriate Elevations** (23 CCR Section 5006). This Delta Plan policy calls for restoring habitats at appropriate elevations and in a manner consistent with Appendix 3, which is Section 1, Part II of the California Department of Fish and

Wildlife's Draft Conservation Strategy for the Sacramento-San Joaquin Delta Ecological Management Zone and the Sacramento and San Joaquin Valley Region (DFG 2011). The draft general plan currently contains a related policy, **D-5.1, Protect Delta Ecosystem**, which states, "The County shall support the protection and restoration of the Delta ecosystem in perpetuity, including adequate water supply and quality."

- **Delta Plan Policy ER P3, Protect Opportunities to Restore Habitat** (23 CCR Section 5007). This policy states that within the priority habitat restoration areas depicted in the Delta Plan, significant adverse impacts to the opportunity to restore habitat must be avoided or mitigated. The Delta was once a vast wetland landscape, and 98% of its freshwater emergent marsh has been lost to agriculture and urbanization. Because habitat loss is one of the largest legacy stressors to the Delta ecosystem, habitat restoration is an essential strategy for achieving the coequal goals. The Delta Plan designates six priority habitat restoration areas, including the Lower San Joaquin River Floodplain in San Joaquin County. Proposed general plan policy **D-5.1, Protect Delta Ecosystem**, mentioned above, provides general support for restoration, but other provisions may undermine this policy and conflict with **Delta Plan Policy ER P3**.

For example, **LU-2.15, Agricultural Conversions**, might undermine the County's proposed policy **D-5.1** and **Delta Plan Policy ER P3** by allowing permanent conversion of agricultural land to land uses that are incompatible with restoration within a priority habitat restoration area. To enable **LU-2.15** to provide additional support for **D-5.1** and **Delta Plan Policy ER P3**, the County should add protecting habitat restoration opportunities to the list of issues to consider when reviewing proposed General Plan amendments to change a land use diagram or zoning reclassification from an agricultural use to a residential, commercial or industrial use.

Similarly, proposed general plan policy **D-4.9, Conversion of Delta Farmland to Wetlands**, could undermine **D-5.1** and **Delta Plan Policy ER P3** by preventing restoration of wetland habitat needed to improve the health of the Delta ecosystem. **D-4.9** states that "The County shall not allow the conversion of prime farmland within the Delta into wetlands." However, a significant portion of the land within the Lower San Joaquin River Floodplain priority habitat restoration area is prime farmland. Thus, rather than "protecting opportunities to restore habitat" as required by **Delta Plan Policy ER P3**, this policy would severely restrict opportunities to restore habitat. Council staff recommends eliminating or revising this policy due to its inconsistency with **Delta Plan Policy ER P3**.

Although proposed policy **D-4.9** is evidently intended to protect agricultural productivity in the Delta, it could have unintended consequences. For example, it would prevent implementation of wetland restoration projects with multiple benefits, such as a subsidence reversal project that enables landowners to sell carbon credits, or the development of a new duck hunting club. It might also interfere with the development of flood bypasses that would allow agriculture to continue while reducing risks to urban areas. Instead, the County may want to consider developing an ordinance that would enable it to consider wetland restoration as a conditional use, as Yolo County has done, and providing an exemption for small habitat restoration projects of less than five acres that would not have significant adverse impacts on the environment, such as those eligible for California Environmental Quality Act (CEQA) categorical exemption Class 33 (CEQA Guidelines sec 15333).

Finally, proposed general plan policy **D-4.8, Limit Non-Agricultural Uses on Delta Islands**, may also create conflict with **D-5.1** and **Delta Plan Policy ER P3**. Proposed general plan policy **D-4.8** states: "The County shall generally limit development in the Delta islands to water-dependent

uses, recreation, and agricultural uses.” To improve consistency with the Delta Plan and the Delta Protection Commission’s Land Use and Resource Management Plan (LURMP), please add “wildlife habitat” to the list of acceptable uses.

- **Delta Plan Policy ER P4, Expand Floodplain and Riparian Habitats in Levee Projects** (23 CCR Section 5008). This policy states, “Levee projects must evaluate and where feasible incorporate alternatives, including the use of setback levees, to increase floodplains and riparian habitats. Evaluation of setback levees in the Delta shall be required only in the following areas...:(1) ...the San Joaquin River from the Delta boundary to Mossdale, Paradise Cut...” A similar approach to promoting projects with multiple benefits can be found in **LU-8-3, Waterway Conservation and Restoration**, which commits the County to “encourage the conservation and restoration of rivers, creeks, and sloughs as multi-functional open space corridors that complement adjoining development and connect city and County recreation facilities (e.g., parks).”

### 3. Delta as a Place

- **Delta Plan Policy DP P1, Locate New Urban Development Wisely** (23 CCR Section 5010). The urban boundaries identified in the draft general plan should be consistent with the Delta Plan for the areas in which the Council has jurisdiction. The boundaries, which are described in Delta Plan Policy DP P1, are intended to strengthen existing Delta communities while protecting farmland and open space, providing land for ecosystem restoration needs, and reducing flood risk. In order to be consistent with Delta Plan Policy DP P1, new residential, commercial, or industrial development is permitted outside the urban boundaries only if it is consistent with the land use designated in the relevant county general plan as of the date of the Delta Plan’s adoption (May 16, 2013). However, the Delta Plan is a living document, and under the Delta Reform Act, the Council must review it at least once every five years. If the county believes that changes to the urban boundaries are needed, it may request such changes during the Delta Plan’s next review cycle.

Delta Plan Policy DP P1 is consistent with the Delta Reform Act (Public Resources Code sec 29702), which states that one of the basic goals of the state for the Delta is to “[p]rotect, maintain, and, where possible, enhance and restore the overall quality of the Delta environment, including, but not limited to, agriculture, wildlife habitat, and recreational activities.”

According to the Draft EIR, the 2035 General Plan update proposes changing the designation of several areas from agriculture or open space to commercial, residential or industrial land uses within the Delta, compared to the 2010 General Plan adopted in 1992 and amended in 1993.

Within the Delta, the proposed changes include:

- Conversion of 607 acres of prime farmland from agricultural to industrial at the southwest edge of Stockton in the Primary Zone of the Delta; and
- Conversion of approximately 1,380 acres of prime farmland from agricultural to industrial and/or commercial within five areas near the City of Tracy in the Secondary Zone of the Delta.

These proposed changes would create inconsistencies with Delta Plan Policy DP P1. To achieve consistency with the Delta Plan Policy DP P1, the County should retain existing agricultural land designations for all six areas proposed for conversion to commercial and industrial use that are located in the Delta and outside city limits and spheres of influence. Two of the five areas in the Secondary Zone are more than a mile from Tracy’s city limits, three are located in 100-year floodplains, and all are located outside Tracy’s sphere of influence.

We note that **LU-2.17, Delta Primary Zone Amendments**, requires proposed General Plan amendment or zoning reclassification for areas in the Primary Zone of the Delta to be consistent with the Land Use and Resource Management Plan for the Primary Zone of the Delta, as required by the State Delta Protection Act of 1992 (Public Resources Code 29700 et seq.). Similarly, it would be appropriate to add a policy requiring general plan amendments for areas within the Legal Delta (both the primary zone and the secondary zone) to be consistent with the Delta Plan, as required by the Delta Reform Act (Water Code sec 85022).

The draft general plan currently contains policy **D-4.6, Secondary Zone of the Delta**, which states, "The County shall support and protect any plan, program, project, or activity within the Secondary Zone of the Delta, which is consistent with an adopted general plan, sphere of influence, specific or master plan, development agreement, subdivision map, and/or other land use entitlement or permit that has received environmental certification under the California Environmental Quality Act, and/or which otherwise has 'vested rights' in effect." The Delta Reform Act does provide an exemption from the covered action process for projects that have already vested prior to the effective date of the Delta Plan's regulations (September 1, 2013) (Water Code sec 85057.5(c)). However, any other activities which meet the definition of a covered action will require certification of consistency with the Delta Plan.

We appreciate your inclusion of several proposed general plan policies that support Delta Plan Policy DP P1:

- **LU-1.1, Compact Growth and Development:** "...discourage urban sprawl and promote compact development patterns, mixed-use development, and higher development intensities that conserve agricultural land resources, protect habitat, support transit, reduce vehicle trips, improve air quality, make efficient use of existing infrastructure, encourage healthful, active living, conserve energy and water, and diversify San Joaquin County's housing stock."
- **LU-7.1, Protect Agricultural Land:** "protect agricultural lands needed for the continuation of viable commercial agricultural production and other agricultural enterprises."
- **LU-8-1, Open Space Preservation:** "...limit, to the extent feasible, the conversion of open space and agricultural lands to urban uses, and place a high priority on preserving open space lands for recreation, habitat protection and enhancement, flood hazard management, public safety, water resource protection, and overall community benefit."
- **Delta Plan Recommendation DP R7, Subsidence Reduction and Reversal.** Proposed general plan policy **PHS-3.6, Subsidence in the Delta**, which states "The County shall promote regional and local efforts to reduce subsidence in the Delta," is consistent with DP R7.
- **Delta Plan Recommendation DP R10, Encourage Wildlife-Friendly Farming.** Proposed general plan policy **D-5.3 Agricultural Habitat Areas**, which states, "The County shall encourage management of agricultural lands within the Delta which maximize seasonal and year-round wildlife habitat, through techniques such as fall and winter flooding, leaving crop residue, creation of mosaic of small grains and flooded areas, wildlife friendly farming, controlling predators, controlling poaching, controlling public access, and others" is consistent with DP R10.
- **Delta Plan Recommendation DP R16, Encourage Recreation on Public Lands.** Delta Plan Recommendation DP R16 states, "Public agencies owning land should increase opportunities, where feasible, for bank fishing, hunting, levee-top trails, and environmental education."

Proposed general plan policies that would support this goal include **LU-8-3, Waterway Conservation and Restoration**, which commits the County to “encourage the conservation and restoration of rivers, creeks, and sloughs as multi-functional open space corridors that complement adjoining development and connect city and County recreation facilities (e.g., parks).”

#### 4. Water Quality

- **Delta Plan Recommendation WQ R1, Protect Beneficial Uses.** Several proposed general plan policies are intended to protect water quality, which is consistent with Delta Plan Recommendation WQ R1. For example, proposed general plan policy **IS-7.1, Adequate Stormwater Facilities**, states, “The County shall require that stormwater drainage facilities are properly designed, sited, constructed, and maintained to efficiently capture and dispose of runoff and minimize impacts to water quality.”

#### 5. Flood Risk Reduction

- **Delta Plan Policy RR P1, Prioritization of State Investments in Delta Levees and Risk Reduction** (23 CCR Section 5012). Delta Plan Policy RR P1 calls for the prioritization of state investments in Delta flood risk management, including levee operation, maintenance and improvements. This policy includes interim priorities categorized as specific goals (e.g. localized flood protection, levee network and ecosystem conservation) to guide budget and funding allocation for levee improvements and to assist the Department of Water Resources in achieving a balance in funding the various goals. Council staff appreciates the inclusion of the proposed general plan policy **D-7.5, Levee Funding**, which supports funding mechanisms to improve levees for up to a 200-year flood protection level. This proposed policy can provide localized flood protection and it appears to be consistent with one of the goals contained in Delta Plan policy RR P1.
- **Delta Plan Policy RR P2 Require Flood Protection for Residential Development in Rural Areas** (23 CCR Section 5013). Delta Plan Policy RR P2 states that “new residential development of five or more parcels shall be protected through floodproofing to a level 12 inches above the 100-year base flood elevation, plus sufficient additional elevation to protect against a 55-inch rise in sea level at the Golden Gate, unless the development is located within: (1) Areas that city or county general plans, as of May 16, 2013, designate for development in cities or their spheres of influence...(3) Areas within the Mountain House General Plan Community Boundary in San Joaquin County; ....” We appreciate your inclusion of general plan policy **D-4.7, Delta Development Limitations**, which states, “The County shall regulate new development within flood hazard areas in the Delta consistent with the statutory requirements contained in the Delta Plan. Increased flood protection shall not provide a basis for new residential designations or increased densities beyond those allowed under zoning and general plan designations.”
- **Delta Plan Recommendation RR R1, Implement Emergency Preparedness and Response.** With respect to emergency preparedness and response, the proposed general plan policy **PHS-2.13 Delta Emergency Flood Response** states, “The County shall continue to work with the Sacramento-San Joaquin Delta Flood Response Group to coordinate emergency flood response efforts in the Delta.” This policy could be strengthened by acknowledging the need to coordinate with federal, state and other local agencies in implementing the recommendations of the Sacramento-San Joaquin Delta Multi-Hazard Coordination Task Force, as outlined in Delta Plan Recommendation RR R1.

## Requirements of Flood Risk Management Legislation

As part of its coordination role, the Council supports the implementation of existing state law related to flood risk reduction in the Delta. As the Delta Plan indicates, “consistent with existing law, urban development in the Delta Primary Zone should remain prohibited. Urban development in the Delta Secondary Zone should be confined to existing urban spheres of influence where the 200-year design standard will be fully implemented by 2025. The 2007 flood risk management legislation (SB 5) contained provisions affecting city and county responsibilities relating to local planning requirements, such as general plans, development agreements, zoning ordinances, tentative maps, and other actions (California Government Code sections 65865.5, 65962, and 66474.5).” Several sections and policies in the proposed San Joaquin County general plan should address the following concerns and comments:

- **Reference to Flood Risk Management Legislation.** On pages 1-2, Legal Authority and Requirements, this section of the final general plan should include the California Government Code, Sections 65865.5, 65962, and 66474 to ensure that San Joaquin County’s general plan is consistent with existing state laws regarding flood risk reduction.
- **200-Year Flood Protection.** On page 3.3-7, **PHS-2.3, 100-Year Flood Protection**, requires the County to strive to ensure that all levees protecting urban or urbanizing areas provide a minimum of 100-year flood protection in accordance with the County’s Floodplain Management Ordinance. For the final general plan, this policy should be reconsidered to address the following issues: (1) The policy is inconsistent with the **PHS-2.3, 200-Year Flood Protection** shown on page A-36, and (2) this policy should be consistent with current state requirements stating that, after July 2, 2016, urban and urbanizing areas within the Sacramento–San Joaquin within a flood hazard zone will be required to demonstrate the 200-year Urban Level of Protection (California Government Code Section 65865.5 and Section 65007(n)). In addition, this policy should be consistent with the findings of the Draft EIR on page 4.J-25, Senate Bills SB 5, SB 17, SB 156 and SB 162 - Flood Protection, and the statement on page 4.J-49 stating, “Policies included as part of the proposed Plan are consistent with FloodSAFE, the 2007 flood legislation and the 2012 Central Valley Flood Protection Plan (CVFPP) which require protection from a 200-year flood.”
- **Legal Definitions of Urban and Urbanizing Areas.** According to California Government Code Section 65007(l), “urban area” means a developed area in which there are 10,000 residents or more. In addition, California Government Code Section 65007(m) defines an “urbanizing area” as a developed area or an area outside a developed area that is planned or anticipated to have 10,000 residents or more within the next 10 years, such as Mountain House in San Joaquin County. These definitions specifically relate to current state requirements for levels of flood protection. Therefore, in the final general plan, Council staff suggests using the same definitions as existing state law to avoid potential controversy and confusion, especially in the Community Development Element and the Public Health and Safety Element.
- **New Development in Flood Hazard Zones.** Proposed general plan policy **PHS-2.5, New Development**, states, “The County shall require evaluation of potential flood hazards prior to approval of development projects to determine whether the proposed development is reasonably safe from flooding.” SB 5 requires cities and counties to stop entering into development agreements for properties in flood hazard zones unless certain requirements are met. SB 5 provides an opportunity for cities or counties that are making “adequate progress” toward construction of a flood protection system that will meet 200-year protection standards to continue to enter into development agreements for properties located in flood hazard zones. Adequate progress means having a total project scope developed, 90 percent of the funds for a given year

appropriated, and critical features of the system under construction. Again, we suggest confirming consistency with state law to avoid potential controversy and confusion.

### Comments on Draft EIR

Based on our review of the Draft EIR for the San Joaquin County 2035 General Plan Update, we recommend the following matters be discussed or included in the Final EIR:

- **Inconsistencies with the Delta Plan.** The Final EIR should discuss any inconsistencies between the proposed project and the Delta Plan, as required by 15125(d) of the California Environmental Quality Act (CEQA) Guidelines. Please note that the CEQA Guidelines' Appendix G states that a project that is inconsistent with any applicable land use plan, policy, or regulation may result in a finding of significant impact on biological resources.
- **Land Use and Population.** The Draft EIR describes a significant impact associated with land use: "Implementation of the proposed 2035 General Plan could conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect" (Impact 4.A-2). The specific element causing the impact is a proposed land use change at the southwest edge of Stockton from Agricultural to General Industrial designation. The proposed mitigation measure (which might more correctly be called an *avoidance* measure) states, "The 2035 General Plan shall be revised to retain the existing agricultural land designations for the approximately 607 acres at the southwestern edge of Stockton that are within the Primary Zone of the Delta and are subject to the Delta Protection Commission Land Use and Resources Management Plan (LURMP)."

In the Final EIR, please note that the proposed land use change at the southwest edge of Stockton, would also conflict with the Delta Plan, specifically Policy DP P1. In addition, several other proposed land use changes near Tracy would conflict with this policy.

As mentioned in the analysis of the draft general plan above, the Draft EIR states that the proposed changes include:

- 607 acres at the southwest edge of Stockton in the Primary Zone of the Delta; and
- Approximately 1,380 acres near Tracy in the Secondary Zone of the Delta.

Please provide an analysis of potential conflicts with Delta Plan Policy DP P1 due to the urbanization of agricultural land and open space within the Delta, and describe how any conflicts with the policy could be avoided or mitigated.

Council staff supports the "Mitigated Alternative" in the Draft EIR, which would retain the existing agricultural land designation for the approximately 607 acres at the southwestern edge of Stockton within the Primary Zone of the Delta. This alternative would eliminate conflict with the Delta Protection Commission Land Use and Resource Management Plan (LURMP). Council staff also supports those elements<sup>1</sup> of the "Blueprint Alternative" that would ensure consistency with the Delta Plan by retaining existing agricultural land designations for five areas where land use changes are proposed in the Secondary Zone of the Delta.

- **Hydrology and Water Quality.** The Draft EIR finds that the proposed general plan will have less than significant impacts to hydrology and water quality, including flood risk, but the document

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<sup>1</sup> We note that the "Blueprint Alternative" include restrictions on development within cities' spheres of influence that go beyond the authority of the Delta Plan regulations.

could benefit from a better explanation of the basis of this conclusion. For example, it wasn't clear to us whether the carrying capacity of the existing flood control system will be diminished by encroachments into floodways, critical floodplains, and existing floodplain or bypass locations in the Delta. It is important to analyze how the general plan may facilitate future actions that could have significant impacts to regional flood risk, especially considering that proposed land use changes in the draft general plan will allow industrial or commercial development in floodplains.

- **Biological Resources.** Thank you for including a discussion of the Delta Plan in the discussion of the regulatory setting for the biological resources section. The Draft EIR states that the proposed project would result in less than significant impacts to biological resources (Impacts 4.F-1 through 4.F-7), and therefore concludes that no mitigation measures are required. The Draft EIR finds that several general plan policies require protection of natural resources, e.g., **NCR-1.1, Preserve Natural Areas**, which states "The County shall protect, preserve, and enhance important natural resource habitat, biological diversity, and the ecological integrity of natural systems in the County," and **NCR-2.1, Protect Significant Biological and Ecological Resources**, which states, "The County shall protect significant biological and ecological resources including: wetlands; riparian areas; vernal pools; significant oak woodlands and heritage trees; and rare, threatened, an endangered species and their habitats."

However, the draft general plan's failure to ensure consistency with Delta Plan Policies ER P3 and ER P4, discussed above, could result in significant impacts to biological resources. Delta Plan's Final Programmatic EIR provides a list of mitigation measures to address biological resources impacts that the County should consider including. (See Measures 4-1 through 4-5 in the attached excerpt from the Delta Plan's Mitigation and Monitoring Program.)

- **Agricultural Resources.** The Draft EIR describes a significant impact and unavoidable impact to agricultural resources: "Implementation of the proposed 2035 General Plan would result in the conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to nonagricultural uses" (Impact 4.B-1). All the areas proposed for land use changes in the Delta are prime farmland located outside cities and their spheres of influence. These significant impacts are, in fact, avoidable. According to Colliers International, San Joaquin County had an industrial vacancy rate of 9.5% in mid-2014, indicating that current demand can be met without conversion of agricultural land. Moreover, commercial and industrial development, when needed, can be accommodated within areas of Tracy and Stockton that are already designated for such development but are not yet built out. For example, the Port of Stockton currently has over 600 acres of available land designated for industrial development within Stockton's city limits, and the recently approved Cordes Ranch Specific Plan for the City of Tracy designates approximately 1500 acres as industrial. The San Joaquin County General Plan should support the policies in the City of Tracy's General Plan and the City of Stockton's Climate Action Plan that call for infill development by retaining agricultural land use designations in unincorporated areas. The County should also follow the advice of the San Joaquin Council of Governments' Regional Transportation Plan/Sustainable Communities Strategy, which calls on local governments to "Encourage Efficient Development Patterns that Maintain Agricultural Viability and Natural Resources."

### **San Joaquin Council of Governments' RTP/SCS**

Although the County has already determined that the general plan update is a covered action under the Delta Plan, Council staff would like to conclude with comments explaining why the general plan update is not eligible for an exemption from the covered action process.

The Delta Reform Act establishes specific criteria and categories for excluding actions from the Council's regulatory authority. One of these exclusions is for actions within the secondary zone of the Delta that a metropolitan planning organization determines are consistent with its sustainable communities strategy (SCS). Such proposed actions are *not* "covered actions" regulated by the Council (Water Code Section 85057.5(b)(4)). In order to obtain an exemption from the Council's covered action process for the San Joaquin County general plan update, the County would need to ask the San Joaquin Council of Governments (SJCOG) to make a determination of consistency with the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) it adopted in 2014.

Determinations of consistency are usually based on a comparison of proposed growth areas in the two plans, but the RTP/SCS adopted by SJCOG does not contain a map of proposed growth areas. In addition, in response to Council staff's comments on the draft RTP/SCS, SJCOG staff stated that, "SJCOG does not have land use authority and therefore land use decisions are ultimately made at the discretion of local jurisdictions. Further, the forecast presented in the RTP/SCS is one possible growth forecast and it is up to local jurisdictions to determine consistency with the RTP/SCS and implement any land use changes as SJCOG does not have land use authority." Given SJCOG's decision to waive its authority to make a determination of consistency, as well as the lack of a basis for such a determination, the general plan update is *not* exempt from the Council's covered action process.