

ASSEMBLY BILL

No. 1514

Introduced by Assembly Member Canciamilla

February 23, 2001

An act to amend Section 65302 of the Government Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 1514, as introduced, Canciamilla. General plans: Urban Growth Boundary.

(1) The Planning and Zoning Law requires that a general plan consist of a statement of development policies and include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals, including, among other things, a land use element.

This bill would require the land use element and diagram of a general plan to include an Urban Growth Boundary that indicates the area to which the city or county intends to extend urban services over the next 20 years. The bill would require the land use element to include policies that, among other things, encourage urban growth within this boundary and requires that the boundary be consistent with the objectives of the State Comprehensive Plan.

By creating new duties for local public officials, the bill would impose a state-mandated local program.

The bill would provide for state reimbursement of a portion of the planning costs incurred by cities and counties that submit an updated land use element with an Urban Growth Boundary to the Office of Planning and Research for review and acceptance on or before July 1, 2002. These cities and counties would also be eligible for priority consideration by the California Infrastructure and Economic

Development Bank when seeking funding for local capital improvement and other infrastructure projects, as specified.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65302 of the Government Code is
 2 amended to read:
 3 65302. The general plan shall consist of a statement of
 4 development policies and shall include a diagram or diagrams and
 5 text setting forth objectives, principles, standards, and plan
 6 proposals. The plan shall include the following elements:
 7 (a) A land use element which designates the proposed general
 8 distribution and general location and extent of the uses of the land
 9 for housing, business, industry, open space, including agriculture,
 10 natural resources, recreation, and enjoyment of scenic beauty,
 11 education, public buildings and grounds, solid and liquid waste
 12 disposal facilities, and other categories of public and private uses
 13 of land. The land use element shall include a statement of the
 14 standards of population density and building intensity
 15 recommended for the various districts and other territory covered
 16 by the plan. The land use element shall identify areas covered by
 17 the plan which are subject to flooding and shall be reviewed
 18 annually with respect to those areas. The land use element shall
 19 designate, in a land use category that provides for timber
 20 production, those parcels of real property zoned for timberland
 21 production pursuant to the California Timberland Productivity



1 Act of 1982, Chapter 6.7 (commencing with Section 51100) of
2 Part 1 of Division 1 of Title 5.

3 (1) *The land use element and corresponding land use diagram*
4 *shall include an Urban Growth Boundary. The boundary shall*
5 *indicate the area to which the jurisdiction intends to extend urban*
6 *services over the next 20 years. These services shall include, but*
7 *not be limited to, water; sewer; public transportation, recreation,*
8 *energy, waste disposal, and administration. The boundary shall be*
9 *based upon an analysis of the capacities of these services and how*
10 *they will be expanded to serve the area inside the boundary. The*
11 *boundary shall also be based upon an analysis of environmental*
12 *constraints, including, but not limited to, prime agricultural lands,*
13 *agricultural lands of state and local importance, creeks, lakes,*
14 *riparian area, wetlands, forest lands, wildlife habitat for species*
15 *of concern, scenic resources, lands for resource extraction, areas*
16 *of natural hazards, recreational facilities, and any other area*
17 *designated in the Open Space and Conservation Elements of the*
18 *general plan.*

19 (2) *The land use element shall include policies that state all of*
20 *the following:*

21 (A) *Urban growth is encouraged within the boundaries of the*
22 *Urban Growth Boundary.*

23 (B) *The boundary shall be in effect for a period of not less than*
24 *20 years.*

25 (C) *Urban services shall not be extended to areas outside the*
26 *boundary without an amendment to the general plan.*

27 (D) *Major expansions of the boundary during the 20-year*
28 *period shall be prohibited unless certain conditions are met, for*
29 *example, infill development within the existing boundary is no*
30 *longer feasible.*

31 (E) *The boundary shall be coterminous with the adopted sphere*
32 *of influence for that jurisdiction, to the extent possible, provided*
33 *that the sphere of influence is based upon the factors cited above.*

34 (3) *The boundary shall be consistent with objectives of the State*
35 *Comprehensive Plan, if legislation to require preparation of such*
36 *a plan is enacted.*

37 (4) *Jurisdictions that submit an updated land use element with*
38 *an Urban Growth Boundary to the Office of Planning and*
39 *Research for review and acceptance on or before July 1, 2002,*
40 *shall be eligible for state reimbursement of a portion of planning*



1 costs incurred by the jurisdiction in preparing an updated land use
2 element. The reimbursement shall be provided through a return of
3 Educational Revenue Augmentation Funds to the local
4 jurisdiction, after an application has been submitted and approved
5 by the Governor's office. Reimbursement shall be limited to a
6 single payment of no more than twenty-five thousand dollars
7 (\$25,000) for a city or county under a population of 50,000
8 persons, or fifty thousand dollars (\$50,000), for a city or county
9 over a population of 50,000 persons.

10 (5) Jurisdictions that submit an updated land use element with
11 an Urban Growth Boundary to the Office of Planning and
12 Research for review and acceptance shall also be eligible for
13 priority consideration by the California Infrastructure and
14 Economic Development Bank when seeking funding for local
15 capital improvement and other infrastructure projects that are
16 consistent with the updated land use element, with all of the other
17 elements of the general plan, and with objectives of the State
18 Comprehensive Plan, if legislation to require preparation of such
19 a plan is enacted.

20 (b) A circulation element consisting of the general location and
21 extent of existing and proposed major thoroughfares,
22 transportation routes, terminals, and other local public utilities and
23 facilities, all correlated with the land use element of the plan.

24 (c) A housing element as provided in Article 10.6
25 (commencing with Section 65580).

26 (d) A conservation element for the conservation, development,
27 and utilization of natural resources including water and its
28 hydraulic force, forests, soils, rivers and other waters, harbors,
29 fisheries, wildlife, minerals, and other natural resources. That
30 portion of the conservation element including waters shall be
31 developed in coordination with any countywide water agency and
32 with all district and city agencies which have developed, served,
33 controlled or conserved water for any purpose for the county or
34 city for which the plan is prepared. Coordination shall include the
35 discussion and evaluation of any water supply and demand
36 information described in Section 65352.5, if that information has
37 been submitted by the water agency to the city or county. The
38 conservation element may also cover:

39 (1) The reclamation of land and waters.



1 (2) Prevention and control of the pollution of streams and other
2 waters.

3 (3) Regulation of the use of land in stream channels and other
4 areas required for the accomplishment of the conservation plan.

5 (4) Prevention, control, and correction of the erosion of soils,
6 beaches, and shores.

7 (5) Protection of watersheds.

8 (6) The location, quantity and quality of the rock, sand and
9 gravel resources.

10 (7) Flood control.

11 The conservation element shall be prepared and adopted no later
12 than December 31, 1973.

13 (e) An open-space element as provided in Article 10.5
14 (commencing with Section 65560).

15 (f) A noise element which shall identify and appraise noise
16 problems in the community. The noise element shall recognize the
17 guidelines established by the Office of Noise Control in the State
18 Department of Health Services and shall analyze and quantify, to
19 the extent practicable, as determined by the legislative body,
20 current and projected noise levels for all of the following sources:

21 (1) Highways and freeways.

22 (2) Primary arterials and major local streets.

23 (3) Passenger and freight on-line railroad operations and
24 ground rapid transit systems.

25 (4) Commercial, general aviation, heliport, helistop, and
26 military airport operations, aircraft overflights, jet engine test
27 stands, and all other ground facilities and maintenance functions
28 related to airport operation.

29 (5) Local industrial plants, including, but not limited to,
30 railroad classification yards.

31 (6) Other ground stationary noise sources identified by local
32 agencies as contributing to the community noise environment.

33 Noise contours shall be shown for all of these sources and stated
34 in terms of community noise equivalent level (CNEL) or day-night
35 average level (L_{dn}). The noise contours shall be prepared on the
36 basis of noise monitoring or following generally accepted noise
37 modeling techniques for the various sources identified in
38 paragraphs (1) to (6), inclusive.



1 The noise contours shall be used as a guide for establishing a
2 pattern of land uses in the land use element that minimizes the
3 exposure of community residents to excessive noise.

4 The noise element shall include implementation measures and
5 possible solutions that address existing and foreseeable noise
6 problems, if any. The adopted noise element shall serve as a
7 guideline for compliance with the state’s noise insulation
8 standards.

9 (g) A safety element for the protection of the community from
10 any unreasonable risks associated with the effects of seismically
11 induced surface rupture, ground shaking, ground failure, tsunami,
12 seiche, and dam failure; slope instability leading to mudslides and
13 landslides; subsidence, liquefaction and other seismic hazards
14 identified pursuant to Chapter 7.8 (commencing with Section
15 2690) of the Public Resources Code, and other geologic hazards
16 known to the legislative body; flooding; and wild land and urban
17 fires. The safety element shall include mapping of known seismic
18 and other geologic hazards. It shall also address evacuation routes,
19 peakload water supply requirements, and minimum road widths
20 and clearances around structures, as those items relate to identified
21 fire and geologic hazards. Prior to the periodic review of its
22 general plan and prior to preparing or revising its safety element,
23 each city and county shall consult the Division of Mines and
24 Geology of the Department of Conservation and the Office of
25 Emergency Services for the purpose of including information
26 known by and available to the department and the office required
27 by this subdivision.

28 To the extent that a county’s safety element is sufficiently
29 detailed and contains appropriate policies and programs for
30 adoption by a city, a city may adopt that portion of the county’s
31 safety element that pertains to the city’s planning area in
32 satisfaction of the requirement imposed by this subdivision.

33 At least 45 days prior to adoption or amendment of the safety
34 element, each county and city shall submit to the Division of Mines
35 and Geology of the Department of Conservation one copy of a
36 draft of the safety element or amendment and any technical studies
37 used for developing the safety element. The division may review
38 drafts submitted to it to determine whether they incorporate known
39 seismic and other geologic hazard information, and report its
40 findings to the planning agency within 30 days of receipt of the



1 draft of the safety element or amendment pursuant to this
2 subdivision. The legislative body shall consider the division's
3 findings prior to final adoption of the safety element or
4 amendment unless the division's findings are not available within
5 the above prescribed time limits or unless the division has
6 indicated to the city or county that the division will not review the
7 safety element. If the division's findings are not available within
8 those prescribed time limits, the legislative body may take the
9 division's findings into consideration at the time it considers future
10 amendments to the safety element. Each county and city shall
11 provide the division with a copy of its adopted safety element or
12 amendments. The division may review adopted safety elements or
13 amendments and report its findings. All findings made by the
14 division shall be advisory to the planning agency and legislative
15 body.

16 SEC. 2. Notwithstanding Section 17610 of the Government
17 Code, if the Commission on State Mandates determines that this
18 act contains costs mandated by the state, reimbursement to local
19 agencies and school districts for those costs shall be made pursuant
20 to Part 7 (commencing with Section 17500) of Division 4 of Title
21 2 of the Government Code. If the statewide cost of the claim for
22 reimbursement does not exceed one million dollars (\$1,000,000),
23 reimbursement shall be made from the State Mandates Claims
24 Fund.

