

AMENDED IN SENATE AUGUST 5, 2002

AMENDED IN SENATE JUNE 27, 2002

AMENDED IN ASSEMBLY MAY 29, 2002

AMENDED IN ASSEMBLY APRIL 8, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2370

**Introduced by Assembly Member Thomson
(Coauthor: Assembly Member Cardoza)**

February 21, 2002

An act to amend Sections 51296.3, 51296.4, and 56749 of, and to add Sections 56426, 56426.5, and 56856.5 to, the Government Code, relating to local agency formation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2370, as amended, Thomson. Local agency formation: annexation.

Existing law prohibits a local agency formation commission from approving or conditionally approving a change of organization or reorganization that would result in the annexation to a special district of territory that is within a farmland security zone if that special district provides or would provide facilities or services or services related to sewers, nonagricultural water, or streets and roads unless the facilities or services benefit land uses that are allowed under the contract and the landowner consents.

This bill would prohibit the commission from approving or conditionally approving a change of organization or reorganization or

a change in a sphere of influence of a local government agency that would result in the annexation to a city or special district of territory that is subject to a contract in a farmland security zone or a contract to conserve agricultural land under prescribed conditions if the city or special district provides or would provide those facilities or services, unless the facilities or services, ~~or others provided by the agency,~~ benefit land uses that are allowed under the contract and the landowner consents. The bill would also make various conforming changes.

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

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

1 SECTION 1. Section 51296.3 of the Government Code is
2 amended to read:

3 51296.3. Notwithstanding any provision of the
4 ~~Cortese-Knox~~ Cortese-Knox-Hertzberg Local Government
5 Reorganization Act of ~~1985-2000~~ (Division 3 (commencing with
6 Section 56000)), a local agency formation commission ~~may shall~~
7 not approve a change of organization or reorganization that would
8 result in the annexation of land within a designated farmland
9 security zone to a city ~~if that city provides or would provide~~
10 ~~facilities or services related to sewers, nonagricultural water, or~~
11 ~~streets and roads, unless the facilities or services provided by the~~
12 ~~city benefit land uses that are allowed under a farmland security~~
13 ~~zone contract and the landowner consents to the change of~~
14 ~~organization or reorganization.~~ ~~city.~~ However, this subdivision
15 shall not apply under any of the following circumstances:

16 (a) If the farmland security zone is located within a designated,
17 delineated area that has been approved by the voters as a limit for
18 existing and future urban facilities, utilities, and services.

19 (b) If annexation of a parcel or a portion of a parcel is necessary
20 for the location of a public improvement, as defined in Section
21 51290.5, except as provided in Section 51296.5 or 51296.6.

22 (c) If the landowner consents to the annexation.

23 SEC. 2. Section 51296.4 of the Government Code is amended
24 to read:

25 51296.4. Notwithstanding any provision of the
26 ~~Cortese-Knox~~ Cortese-Knox-Hertzberg Local Government
27 Reorganization Act of ~~1985-2000~~ (Division 3 (commencing with



1 Section 56000)), a local agency formation commission shall not
2 approve a change of organization or reorganization that would
3 result in the annexation of land within a designated farmland
4 security zone to a special district that provides or would provide
5 sewers, nonagricultural water, or streets and roads, unless the
6 facilities or services provided by the special district benefit land
7 uses that are allowed under the contract and the landowner
8 consents to the change of organization or reorganization.

9 SEC. 3. Section 56426 is added to the Government Code, to
10 read:

11 56426. The commission shall not approve or conditionally
12 approve a change to the sphere of influence of a local government
13 agency of territory that is subject to a farmland security zone
14 contract pursuant to Article 7 (commencing with Section 51296)
15 of Chapter 7 of Part 1 of Division 1, if that local government
16 agency provides or would provide facilities or services related to
17 sewers, nonagricultural water, or streets and roads to the territory,
18 unless these facilities or services, ~~or others provided by the agency,~~
19 benefit land uses that are allowed under the contract and the
20 landowner consents to the change to the sphere of influence.

21 SEC. 4. Section 56426.5 is added to the Government Code, to
22 read:

23 56426.5. (a) The commission shall not approve a change to
24 the sphere of influence of a local government agency of territory
25 that is subject to a contract entered into pursuant to the California
26 Land ~~Conversion~~ *Conservation* Act of 1965 (Chapter 7
27 (commencing with Section 51200) of Part 1 of Division 1) if that
28 local government agency provides or would provide facilities or
29 services related to sewers, nonagricultural water, or streets and
30 roads to the territory, unless these facilities or services, ~~or others~~
31 ~~provided by the agency,~~ benefit land uses that are allowed under
32 the contract and the landowner consents to the change to the sphere
33 of influence.

34 (b) Notwithstanding subdivision (a), the commission may
35 nevertheless approve a change for that territory if it finds ~~either~~
36 *both* of the following:

37 (1) That the change is likely to facilitate logical patterns of land
38 use or provision of services.

39 (2) That the change is not likely to adversely affect the
40 continuation of the contract beyond its current expiration date.



- 1 (c) This section shall not apply to any of the following:
- 2 (1) Territory that is subject to a contract for which a notice of
- 3 nonrenewal has been served pursuant to Section 51245.
- 4 (2) Territory that is subject to a contract for which a tentative
- 5 cancellation has been approved pursuant to Section 51282.
- 6 (3) Territory for which the governing body of the county or city
- 7 administering the contract has given its written approval to the
- 8 change *and the landowner consents to the change.*

9 SEC. 5. Section 56749 of the Government Code is amended
10 to read:

11 56749. (a) The commission shall not approve or
12 conditionally approve a change of organization or reorganization
13 that would result in the annexation to a city of territory that is
14 within a farmland security zone created pursuant to Article 7
15 (commencing with Section 51296) of Chapter 7 of Division 1 if
16 that city provides or would provide facilities or services related to
17 sewers, nonagricultural water, or streets and roads, unless the
18 facilities or services provided by the city benefit land uses that are
19 allowed under a farmland security zone contract and the
20 landowner consents to the change of organization or
21 reorganization. However, this subdivision shall not apply under
22 any of the following circumstances:

- 23 (1) If the farmland security zone is located within a designated,
- 24 delineated area that has been approved by the voters as a limit for
- 25 existing and future urban facilities, utilities, and services.
- 26 (2) If annexation of a parcel or a portion of a parcel is necessary
- 27 for the location of a public improvement, as defined in Section
- 28 51290.5, except as provided in subdivision (f) or (g) of Section
- 29 51296.
- 30 (3) If the landowner consents to the annexation.

31 (b) This section shall not apply during the three-year period
32 preceding the termination of a farmland security zone contract
33 under Article 7 (commencing with Section 51296) of Chapter 7 of
34 Part 1 of Division 1.

35 SEC. 6. Section 56856.5 is added to the Government Code, to
36 read:

37 56856.5. (a) The commission shall not approve or
38 conditionally approve a change of organization or reorganization
39 that would result in the annexation to a city or special district of
40 territory that is subject to a contract entered into pursuant to the



1 California Land Conservation Act of 1965 (Chapter 7
2 (commencing with Section 51200) of Part 1 of Division 1), other
3 than a contract entered into pursuant to Article 7 (commencing
4 with Section 51296) of Chapter 7 of Part 1 of Division 1, if that city
5 or special district provides or would provide facilities or services
6 related to sewers, nonagricultural water, or streets and roads to the
7 territory, unless these facilities or services, ~~or others provided by~~
8 ~~the agency, benefit land uses that are allowed under the contract,~~
9 ~~no services shall actually be provided for use during the remaining~~
10 ~~term of the contract for land uses or activities not permitted under~~
11 ~~the contract, and the landowner consents to the change of~~
12 ~~organization or reorganization.~~ *contract.*

13 (b) *This section shall not be construed to preclude the*
14 *annexation of territory for the purpose of using other facilities or*
15 *services provided by the agency that benefit land uses allowable*
16 *under the contract.*

17 (c) Notwithstanding subdivision (a), the commission may
18 nevertheless approve a change of organization or reorganization if
19 it finds ~~either~~ both of the following:

20 (1) The city or county ~~administering the contract that would~~
21 ~~administer the contract after annexation~~ has adopted policies and
22 *feasible* implementation measures applicable to the subject
23 territory ensuring the continuation of agricultural use and other
24 uses allowable under the contract on a long-term ~~or interim~~ basis,
25 ~~and its plans, or the plans of the annexing agency, if different, do~~
26 ~~not preclude the continuation of the contract beyond its current~~
27 ~~expiration date.~~ *basis.*

28 (2) The change of organization or reorganization would
29 facilitate logical patterns of land use or the provision of services.

30 (e) ~~If the commission makes the finding provided for in~~
31 ~~paragraph (2) of subdivision (b), it may condition the annexation~~
32 ~~of territory subject to a contract upon service of notice of~~
33 ~~nonrenewal of the contract pursuant to Section 51245 by the city~~
34 ~~or county having jurisdiction over the contract after annexation, if~~
35 ~~it finds that continuation of the contract is no longer consistent~~
36 ~~with the legislative purposes enumerated in Section 51220.~~

37 (d) ~~If the commission makes the finding provided for in~~
38 ~~subdivision (c), the landowner shall have the right to protest the~~
39 ~~condition to the commission, either at the time of the public~~
40 ~~hearing on annexation or in writing within 10 working days after~~



1 ~~the commission's decision. The commission shall hear the protest~~
2 ~~expeditiously with notice to the landowner, shall review its~~
3 ~~findings pursuant to subdivisions (b) and (c), together with the~~
4 ~~supporting evidence and any new information, and shall do one of~~
5 ~~the following:~~

- 6 ~~(1) Deny the protest.~~
- 7 ~~(2) Uphold the protest and rescind the condition.~~
- 8 ~~(3) Rescind the annexation.~~

9 ~~The effect of the denial of the protest for assessed valuation~~
10 ~~purposes shall be the same as if the city or county administering~~
11 ~~the contract had denied the protest.~~

12 ~~(e)~~
13 ~~(d) This section shall not apply to territory subject to a contract~~
14 ~~for which either of the following applies:~~

15 ~~(1) A notice of nonrenewal has been served pursuant to Section~~
16 ~~51245, if the annexing agency agrees that no services will actually~~
17 ~~be provided by it for use during the remaining life of the contract~~
18 ~~for land uses or activities not allowed under the contract.~~

19 ~~(2) A tentative cancellation has been approved pursuant to~~
20 ~~Section 51282.~~

21 *SEC. 7. The changes in law made by this act shall not apply*
22 *to any change of organization or reorganization initiated prior to*
23 *January 1, 2003.*

