

AMENDED IN SENATE AUGUST 12, 2002  
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**

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

February 21, 2002

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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 benefit land uses that are allowed under the contract and the landowner consents. *The bill would nevertheless authorize the commission to approve such a change of organization or reorganization if it makes a specified finding.* 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-Hertzberg Local Government Reorganization Act  
5 of 2000 (Division 3 (commencing with Section 56000)), a local  
6 agency formation commission shall not approve a change of  
7 organization or reorganization that would result in the annexation  
8 of land within a designated farmland security zone to a city.  
9 However, this subdivision shall not apply under any of the  
10 following circumstances:

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

14 (b) If annexation of a parcel or a portion of a parcel is necessary  
15 for the location of a public improvement, as defined in Section  
16 51290.5, except as provided in Section 51296.5 or 51296.6.

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

18 SEC. 2. Section 51296.4 of the Government Code is amended  
19 to read:

20 51296.4. Notwithstanding any provision of the  
21 Cortese-Knox-Hertzberg Local Government Reorganization Act  
22 of 2000 (Division 3 (commencing with Section 56000)), a local  
23 agency formation commission shall not approve a change of



1 organization or reorganization that would result in the annexation  
2 of land within a designated farmland security zone to a special  
3 district that provides or would provide sewers, nonagricultural  
4 water, or streets and roads, unless the facilities or services provided  
5 by the special district benefit land uses that are allowed under the  
6 contract and the landowner consents to the change of organization  
7 or reorganization.

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

10 56426. The commission shall not approve or conditionally  
11 approve a change to the sphere of influence of a local government  
12 agency of territory that is subject to a farmland security zone  
13 contract pursuant to Article 7 (commencing with Section 51296)  
14 of Chapter 7 of Part 1 of Division 1, if that local government  
15 agency provides or would provide facilities or services related to  
16 sewers, nonagricultural water, or streets and roads to the territory,  
17 unless these facilities or services benefit land uses that are allowed  
18 under the contract and the landowner consents to the change to the  
19 sphere of influence.

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

22 56426.5. (a) The commission shall not approve a change to  
23 the sphere of influence of a local government agency of territory  
24 that is subject to a contract entered into pursuant to the California  
25 Land Conservation Act of 1965 (Chapter 7 (commencing with  
26 Section 51200) of Part 1 of Division 1) if that local government  
27 agency provides or would provide facilities or services related to  
28 sewers, nonagricultural water, or streets and roads to the territory,  
29 unless these facilities or services benefit land uses that are allowed  
30 under the contract and the landowner consents to the change to the  
31 sphere of influence.

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

35 ~~(1) That the change is likely to facilitate logical patterns of land~~  
36 ~~use or provision of services.~~

37 *(1) That the change would facilitate planned, orderly, and*  
38 *efficient patterns of land use or provision of services, and the*  
39 *public interest in the change substantially outweighs the public*



1 *interest in the current continuation of the contract beyond its*  
2 *current expiration date.*

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

5 *In making this determination, the commission shall consider all*  
6 *of the following:*

7 (A) *The policies and implementation measures adopted by the*  
8 *city or county that would administer the contract both before and*  
9 *after any ultimate annexation, relative to the continuation of*  
10 *agriculture or other uses allowable under the contract.*

11 (B) *The infrastructure plans of the annexing agency.*

12 (C) *Other factors that the commission deems relevant.*

13 (c) This section shall not apply to any of the following:

14 (1) Territory that is subject to a contract for which a notice of  
15 nonrenewal has been served pursuant to Section 51245.

16 (2) Territory that is subject to a contract for which a tentative  
17 cancellation has been approved pursuant to Section 51282.

18 (3) Territory for which the governing body of the county or city  
19 administering the contract has given its written approval to the  
20 change and the landowner consents to the change.

21 SEC. 5. Section 56749 of the Government Code is amended  
22 to read:

23 56749. (a) The commission shall not approve or  
24 conditionally approve a change of organization or reorganization  
25 that would result in the annexation to a city of territory that is  
26 within a farmland security zone created pursuant to Article 7  
27 (commencing with Section 51296) of Chapter 7 of Division 1 if  
28 that city provides or would provide facilities or services related to  
29 sewers, nonagricultural water, or streets and roads, unless the  
30 facilities or services provided by the city benefit land uses that are  
31 allowed under a farmland security zone contract and the  
32 landowner consents to the change of organization or  
33 reorganization. However, this subdivision shall not apply under  
34 any of the following circumstances:

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

38 (2) If annexation of a parcel or a portion of a parcel is necessary  
39 for the location of a public improvement, as defined in Section



1 51290.5, except as provided in subdivision (f) or (g) of Section  
2 51296.

3 (3) If the landowner consents to the annexation.

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

8 SEC. 6. Section 56856.5 is added to the Government Code, to  
9 read:

10 56856.5. (a) The commission shall not approve or  
11 conditionally approve a change of organization or reorganization  
12 that would result in the annexation to a city or special district of  
13 territory that is subject to a contract entered into pursuant to the  
14 California Land Conservation Act of 1965 (Chapter 7  
15 (commencing with Section 51200) of Part 1 of Division 1), other  
16 than a contract entered into pursuant to Article 7 (commencing  
17 with Section 51296) of Chapter 7 of Part 1 of Division 1, if that city  
18 or special district provides or would provide facilities or services  
19 related to sewers, nonagricultural water, or streets and roads to the  
20 territory, unless these facilities or services benefit land uses that are  
21 allowed under the contract.

22 (b) This section shall not be construed to preclude the  
23 annexation of territory for the purpose of using other facilities or  
24 services provided by the agency that benefit land uses allowable  
25 under the contract.

26 (c) Notwithstanding subdivision (a), the commission may  
27 nevertheless approve a change of organization or reorganization if  
28 it finds ~~both~~ *either* of the following:

29 (1) The city or county that would administer the contract after  
30 annexation has adopted policies and feasible implementation  
31 measures applicable to the subject territory ensuring the  
32 continuation of agricultural use and other uses allowable under the  
33 contract on a long-term basis.

34 (2) The change of organization or reorganization would  
35 ~~facilitate logical patterns of land use or the provision of services.~~  
36 *encourage contiguous patterns of urban development or would*  
37 *facilitate the provision of services to contiguous patterns of urban*  
38 *development or existing urban areas, or is otherwise necessary to*  
39 *implement the commission's policies adopted pursuant to*  
40 *subdivision (c) of Section 56300.*



1 (d) This section shall not apply to territory subject to a contract  
2 for which either of the following applies:

3 (1) A notice of nonrenewal has been served pursuant to Section  
4 51245, if the annexing agency agrees that no services will actually  
5 be provided by it for use during the remaining life of the contract  
6 for land uses or activities not allowed under the contract.

7 (2) A tentative cancellation has been approved pursuant to  
8 Section 51282.

9 SEC. 7. The changes in law made by this act shall not apply  
10 to any change of organization or reorganization initiated prior to  
11 January 1, 2003.

