

AMENDED IN ASSEMBLY APRIL 1, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2843

Introduced by Assembly Member Thomson

February 25, 2002

An act to amend Sections ~~65560, 65561, 65562, 65564, 65566, and 65567~~ of, and to amend the heading of Article 10.5 (commencing with Section ~~65560~~) of Division 1 of Title 7 of, the Government Code, ~~relating to local planning,~~ 56080, 56300, 56434, 56720, and 56750 of, and to add Section 56300.1 to, the Government Code, relating to local agency formation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2843, as amended, Thomson. ~~Agricultural lands: local plans~~
Local agency formation.

(1) The existing Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 prescribes procedures for the approval of proposals for organization or reorganization of local agencies. The act declares the intent of the Legislature that each local agency formation commission, not later than January 1, 2002, establish written policies and procedures and exercise its powers pursuant to the act in a manner consistent with those policies and procedures and that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space lands within those patterns.

This bill would delete that declaration of intent and instead require each commission to exercise its powers pursuant to the act to provide, among other things, the efficient extension of local government services

and discourage premature expansion of local agency boundaries, according to prescribed policies. The bill would create a state-mandated local program by imposing new duties on local agencies.

(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.

~~(1) The Planning and Zoning Law requires that the general plan of a city or county include specified elements, including a land use element that designates the proposed general distribution and general location and extent of the uses of the land for, among other things, housing, business, industry, and open space, including agriculture. The act also requires that every city and county adopt and submit to the Secretary of the Resources Agency a local open-space plan for the comprehensive and long-range preservation and conservation of open-space land within its jurisdiction and that the plan contain an action program consisting of specific programs to implement the open-space plan.~~

~~This bill would change references from open-space lands to agricultural and open-space lands, and would make other conforming changes. It would also require the county to amend its local agricultural and open-space plan to include specified elements. The bill would also require the plan to include a specified inventory of agricultural and open-space resources and goals, objectives, and feasible implementation measures that support these purposes and would require each revision of the plan to be amended to minimize or avoid conflicts between urban, open space, and agricultural uses to protect the long-term viability of the agricultural economy within the county. By increasing the duties of local public officials, the bill would impose a state-mandated local program.~~

~~(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.~~ The heading of Article 10.5 (commencing with
2 *SECTION 1.* Section 56080 of the Government Code is
3 amended to read:

4 56080. "Urban service area" means developed,
5 undeveloped, or agricultural land, either incorporated or
6 unincorporated, within the sphere of influence of a city, which is
7 served by urban facilities, utilities, and services or which are
8 proposed to be served by urban facilities, utilities, and services
9 during the first five years of an adopted capital improvement
10 program of the city if the city adopts that type of program for those
11 facilities, utilities, and services. The boundary around an urban
12 area shall be called the "urban service area boundary" and shall
13 be developed in cooperation with a city and adopted by a
14 commission pursuant to policies adopted by the commission in
15 accordance with of Sections ~~56300~~ 56300.1, 56301, and 56425.

16 *SEC. 2.* Section 56300 of the Government Code is amended to
17 read:

18 56300. (a) ~~It is the intent of the Legislature that each~~
19 ~~commission, not later than January 1, 2002, shall establish written~~
20 ~~policies and procedures and exercise its powers pursuant to this~~
21 ~~part in a manner consistent with those policies and procedures and~~
22 ~~that encourages and provides planned, well ordered, efficient~~
23 ~~urban development patterns with appropriate consideration of~~
24 ~~preserving open space lands within those patterns.~~

25 ~~(b)~~ Each commission with a proposal pending on January 1,
26 2001, shall, by March 31, 2001, hold a public hearing to discuss
27 the adoption of policies and procedures to require the disclosure



1 of contributions, expenditures, and independent expenditures
2 authorized by Section 56100.1. Reporting requirements adopted
3 pursuant to this section shall be effective upon the date of adoption
4 or a later date specified in the resolution. Any commission that
5 does not have a proposal pending on January 1, 2001, shall hold
6 a public hearing to discuss the adoption of those policies and
7 procedures within 90 days of submission of a proposal or at any
8 time prior to submission of a proposal. Once a hearing has taken
9 place under this subdivision, no subsequent hearing shall be
10 required except by petition of 100 or more registered voters
11 residing in the county in which the commission is located.

12 ~~(e)~~

13 (b) A commission may require, through the adoption of written
14 policies and procedures, lobbying disclosure and reporting
15 requirements for persons who attempt to influence pending
16 decisions by commission members, staff, or consultants.
17 Disclosure shall be made either to the commission's executive
18 officer, in which case it shall be posted on the commission ~~website~~
19 *Web site*, if applicable, or to the recorder, registrar of voters, or
20 clerk of the board of supervisors of the county in which the
21 commission is located. Each commission that on January 1, 2001,
22 has a pending proposal, as defined in Section 56069 shall, by
23 March 31, 2001, hold a public hearing to discuss the adoption of
24 policies and procedures governing lobbying disclosure authorized
25 by this subdivision. Reporting requirements adopted pursuant to
26 this section shall be effective upon the date of adoption or on a later
27 date specified in the resolution. Any commission that does not
28 have a proposal pending on January 1, 2001, shall hold a public
29 hearing to discuss the adoption of those policies and procedures
30 within 90 days of submission of a proposal, or at any time prior to
31 submission of a proposal.

32 ~~(d)~~

33 (c) Any public hearings required by this section may be held
34 concurrently.

35 ~~(e)~~

36 (d) The written policies and procedures adopted by the
37 commission shall include forms to be used for various submittals
38 to the commission including at a minimum a form for any protests
39 to be filed with the commission concerning any proposed
40 organization change.



1 ~~(f)~~

2 (e) (1) On or before January 1, 2002, the commission shall
3 establish and maintain, or otherwise provide access to notices and
4 other commission information for the public through an Internet
5 ~~website~~ *Web site*.

6 (2) The written policies and procedures adopted by the
7 commission shall require that, to the extent that the commission
8 maintains an Internet ~~website~~ *Web site*, notice of all public
9 hearings and commission meetings shall be made available in
10 electronic format on that site.

11 *SEC. 3. Section 56300.1 is added to the Government Code, to*
12 *read:*

13 *56300.1. (a) Each commission shall exercise its powers*
14 *pursuant to this part to do all of the following:*

15 *(1) Provide the efficient extension of local government services*
16 *and discourage premature expansion of local agency boundaries.*

17 *(2) Promote a change of organization or reorganization of*
18 *local agencies where it can be shown that a change of organization*
19 *or reorganization would result in service cost savings, services*
20 *improvements, or both, and prevent the formation of new local*
21 *agencies where an existing local agency can provide the necessary*
22 *services and controls.*

23 *(3) Encourage the inclusion of developed areas requiring the*
24 *full range of local government services within the boundaries of a*
25 *single general purpose local agency, and balance the expansion of*
26 *local agency serviced areas between revenue-producing activities*
27 *and activities characterized by higher service costs that need or*
28 *would benefit from the services provided by the local agency.*

29 *(4) Prevent the premature and unnecessary conversion of*
30 *agricultural and other valuable open-space lands to other uses.*

31 *(b) In order to carry out the intent of this section, all actions of*
32 *each commission shall be consistent with the following policies:*

33 *(1) The demand for public facilities and services created by the*
34 *activities proposed for the area subject to a proposed change of*
35 *organization or reorganization shall justify the change of*
36 *organization or reorganization.*

37 *(2) The planned public facilities and services shall meet the*
38 *demand occasioned by the uses proposed for the area that is the*
39 *subject of the change of organization or reorganization and the*
40 *provision of those facilities and services shall be fiscally feasible.*



1 *A demonstrable method for financing the acquired improvements*
2 *shall exist.*

3 *(3) Determinations regarding changes of organization or*
4 *reorganization shall reflect an evaluation of feasible alternatives*
5 *for the delivery of necessary facilities and promote the most*
6 *efficient delivery of the services and avoid duplication of those*
7 *services.*

8 *(4) Infill development shall be encouraged to the maximum*
9 *extent feasible. Available developable land inside the jurisdiction*
10 *of a local agency shall be substantially developed before proposals*
11 *to expand the jurisdiction of local agencies to include undeveloped*
12 *land are approved. Available land inside the sphere of influence of*
13 *a local agency shall be substantially developed before proposals*
14 *to expand the sphere of influence to include undeveloped land are*
15 *approved.*

16 *(5) No amendment of a sphere of influence or urban services*
17 *line or any proposal involving activities other than open-space*
18 *uses shall be approved on prime agricultural lands that are in*
19 *open-space use unless an adequate supply of land for the use*
20 *proposed is not available within the existing sphere of influence or*
21 *jurisdiction of a local agency.*

22 *(6) Proposals shall contribute to or maintain within the*
23 *affected jurisdiction a balance of revenue producing uses and uses*
24 *characterized by higher service costs, including a reasonable*
25 *balance of jobs and housing.*

26 *SEC. 4. Section 56434 of the Government Code is amended to*
27 *read:*

28 56434. (a) The commission may review and approve a
29 proposal that extends services into previously unserved territory
30 within unincorporated areas and may review the creation of new
31 service providers to extend urban type development into
32 previously unserved territory within unincorporated areas to
33 ensure that the proposed extension is consistent with the policies
34 of Sections 56001, ~~56300~~ 56300.1, and 56301, and the adopted
35 policies of the commission implementing these sections, including
36 promoting orderly development, discouraging urban sprawl,
37 preserving open space and prime agricultural lands, providing
38 housing for persons and families of all incomes, and the efficient
39 extension of governmental services.



1 (b) This section shall remain in effect only until January 1,
2 2007, and as of that date is repealed, unless a later enacted statute,
3 that is enacted before January 1, 2007, deletes or extends that date.

4 *SEC. 5. Section 56720 of the Government Code is amended to*
5 *read:*

6 56720. The commission shall not approve or conditionally
7 approve any proposal that includes an incorporation, unless the
8 commission finds, based on the entire record, that:

9 (a) The proposed incorporation is consistent with the intent of
10 this division, including, but not limited to, the policies of Sections
11 56001, ~~56300~~ 56300.1, 56301, and 56377.

12 (b) It has reviewed the spheres of influence of the affected local
13 agencies and the incorporation is consistent with those spheres of
14 influence.

15 (c) It has reviewed the comprehensive fiscal analysis prepared
16 pursuant to Section 56800 and the Controller's report prepared
17 pursuant to Section 56801.

18 (d) It has reviewed the executive officer's report and
19 recommendation prepared pursuant to Section 56665, and the
20 testimony presented at its public hearing.

21 (e) The proposed city is expected to receive revenues sufficient
22 to provide public services and facilities and a reasonable reserve
23 during the three fiscal years following incorporation.

24 *SEC. 6. Section 56750 of the Government Code is amended to*
25 *read:*

26 56750. Notwithstanding Sections ~~56300~~ 56300.1 and 56301,
27 the commission shall not disapprove a change of organization or
28 reorganization where the reason for disapproval is that the
29 farmland security zone is excluded from the affected territory.

30 *SEC. 7. Notwithstanding Section 17610 of the Government*
31 *Code, if the Commission on State Mandates determines that this*
32 *act contains costs mandated by the state, reimbursement to local*
33 *agencies and school districts for those costs shall be made*
34 *pursuant to Part 7 (commencing with Section 17500) of Division*
35 *4 of Title 2 of the Government Code. If the statewide cost of the*
36 *claim for reimbursement does not exceed one million dollars*
37 *(\$1,000,000), reimbursement shall be made from the State*
38 *Mandates Claims Fund.*

39 ~~Section 65560) of Division 1 of Title 7 of the Government Code~~
40 ~~is amended to read:~~



Article 10.5. ~~Agricultural and Open-Space Lands~~

SEC. 2. ~~Section 65560 of the Government Code is amended to read:~~

65560. ~~(a) "Local agricultural and open-space plan" is the agricultural and open-space element of a county or city general plan adopted by the board or council, either as the local open-space plan or as the interim local open-space plan adopted pursuant to Section 65563.~~

~~(b) "Agricultural and open-space land" is any parcel or area of land or water which is essentially unimproved and devoted to an agricultural or open-space use as defined in this section, and which is designated on a local, regional or state open-space plan as any of the following:~~

~~(1) Land used for the production of food and fiber, including, but not limited to, rangeland and agricultural lands.~~

~~(2) Lands used for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; and coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.~~

~~(3) Land used for the managed production of resources, including, but not limited to, forest lands; areas required for recharge of ground water basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.~~

~~(4) Land used for outdoor recreation, including, but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and areas which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.~~

~~(5) Land used for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water~~



1 ~~quality and water reservoirs and areas required for the protection~~
2 ~~and enhancement of air quality.~~

3 ~~SEC. 3. Section 65561 of the Government Code is amended~~
4 ~~to read:~~

5 ~~65561. The Legislature finds and declares all of the~~
6 ~~following:~~

7 ~~(a) The preservation of agricultural and open space land, as~~
8 ~~defined in this article, is necessary not only for the maintenance of~~
9 ~~the economy of the state, but also for the assurance of the~~
10 ~~continued availability of land for the production of food and fiber,~~
11 ~~for the enjoyment of scenic beauty, for recreation and for the use~~
12 ~~of natural resources.~~

13 ~~(b) Discouraging premature and unnecessary conversion of~~
14 ~~open space land to urban uses is a matter of public interest and will~~
15 ~~be of benefit to urban dwellers because it will discourage~~
16 ~~noncontiguous development patterns which unnecessarily~~
17 ~~increase the costs of community services to community residents.~~

18 ~~(c) The anticipated increase in the population of the state~~
19 ~~demands that cities, counties, and the state at the earliest possible~~
20 ~~date make definite plans for the preservation of valuable~~
21 ~~open space land and take positive action to carry out such plans by~~
22 ~~the adoption and strict administration of laws, ordinances, rules~~
23 ~~and regulations as authorized by this chapter or by other~~
24 ~~appropriate methods.~~

25 ~~(d) In order to assure that the interests of all its people are met~~
26 ~~in the orderly growth and development of the state and the~~
27 ~~preservation and conservation of its resources, it is necessary to~~
28 ~~provide for the development by the state, regional agencies,~~
29 ~~counties and cities, including charter cities, of statewide~~
30 ~~coordinated plans for the conservation and preservation of~~
31 ~~open space lands.~~

32 ~~(e) For these reasons this article is necessary for the promotion~~
33 ~~of the general welfare and for the protection of the public interest~~
34 ~~in open space land.~~

35 ~~SEC. 4. Section 65562 of the Government Code is amended~~
36 ~~to read:~~

37 ~~65562. It is the intent of the Legislature in enacting this article~~
38 ~~to do all of the following:~~

39 ~~(a) Assure that state agencies, regional agencies, and cities and~~
40 ~~counties recognize that agricultural and open space land is a~~



1 ~~limited and valuable resource that must be conserved for the~~
2 ~~ecological and economic reasons wherever possible.~~

3 ~~(b) Ensure that the long-term viability of agriculture as a major~~
4 ~~component of the state's economy is recognized in the plans and~~
5 ~~actions of state, regional, and local entities, and that the quality and~~
6 ~~diversity of agricultural commodities produced within the state are~~
7 ~~safeguarded by protecting the land resources based upon which~~
8 ~~agriculture relies.~~

9 ~~(c) Ensure that every city and county will prepare and carry out~~
10 ~~open-space plans which, along with state and regional open-space~~
11 ~~plans, will accomplish the objectives of a comprehensive~~
12 ~~open-space program.~~

13 ~~SEC. 5. Section 65564 of the Government Code is amended~~
14 ~~to read:~~

15 ~~65564. (a) Every local agricultural and open-space plan shall~~
16 ~~contain an action program consisting of specific programs that the~~
17 ~~legislative body intends to pursue in implementing its agricultural~~
18 ~~and open-space plan.~~

19 ~~(b) At the next regularly scheduled revision of its general plan,~~
20 ~~each county shall amend the agricultural and open-space plan to~~
21 ~~minimize or avoid conflicts between urban, open-space, and~~
22 ~~agricultural uses in order to protect the long-term viability of the~~
23 ~~agricultural economy within the county.~~

24 ~~(c) The plan shall include all of the following:~~

25 ~~(1) An inventory of the agricultural and open-space resources~~
26 ~~in the county, including, all land in or suitable for agricultural~~
27 ~~production, and other land necessary for a viable agricultural~~
28 ~~economy, including, but not limited to, watersheds and drainage~~
29 ~~areas.~~

30 ~~(2) Goals, objectives, policies, and feasible implementation~~
31 ~~measures that support the long-term conservation of agricultural~~
32 ~~and open-space land and the viability of the agricultural economy,~~
33 ~~including, but not limited to, policies and implementation~~
34 ~~measures that seek to avoid or minimize conflicts between~~
35 ~~agricultural pursuits and permitted urban and open-space uses on~~
36 ~~neighboring or nearby lands.~~

37 ~~(3) Provisions for farmworker housing and other facilities and~~
38 ~~services needed to directly support agriculture, and limitations on~~
39 ~~permitted uses and minimum parcel sizes in agricultural areas~~



1 sufficient to discourage inappropriate conversion to urban uses to
2 ensure continued productive use of agricultural land.

3 (d) ~~The local agricultural and open-space plan of the county~~
4 ~~may include one or more agricultural preserves or farmland~~
5 ~~security zones pursuant to Chapter 7 (commencing with Section~~
6 ~~51200), that shall include lands appropriate for long-term~~
7 ~~conservation including, but not limited to, lands zoned for or~~
8 ~~otherwise identified for agriculture and open space in the~~
9 ~~agricultural and open space resources inventory prepared~~
10 ~~pursuant to subdivision (c).~~

11 ~~SEC. 6. Section 65566 of the Government Code is amended~~
12 ~~to read:~~

13 ~~65566. Any action by a county or city by which open-space~~
14 ~~land or any interest therein is acquired or disposed of or its use~~
15 ~~restricted or regulated, whether or not pursuant to this part, shall~~
16 ~~be consistent with the local agricultural and open-space plan.~~

17 ~~SEC. 7. Section 65567 of the Government Code is amended~~
18 ~~to read:~~

19 ~~65567. No building permit may be issued, no subdivision map~~
20 ~~approved, and no open-space zoning ordinance adopted, unless the~~
21 ~~proposed construction, subdivision or ordinance is consistent with~~
22 ~~the local agricultural and open-space plan.~~

23 ~~SEC. 8. Notwithstanding Section 17610 of the Government~~
24 ~~Code, if the Commission on State Mandates determines that this~~
25 ~~act contains costs mandated by the state, reimbursement to local~~
26 ~~agencies and school districts for those costs shall be made pursuant~~
27 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~
28 ~~2 of the Government Code. If the statewide cost of the claim for~~
29 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~
30 ~~reimbursement shall be made from the State Mandates Claims~~
31 ~~Fund.~~

