

Introduced by Senator Knight

February 19, 2002

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1468, as introduced, Knight. General plans: military facilities.

(1) The Planning and Zoning Law requires that a general plan consist of various elements, including a land use element, which is required to meet specified requirements.

This bill would also require the land use element to also consider the importance of military facilities to national defense when proposing zoning ordinances or designating land uses covered by the plan for land or other territory near or around those military facilities. By increasing the duties of local agency 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. 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~~, also do both of the following:

20 (1) *Designate* in a land use category that provides for timber
21 production; those parcels of real property zoned for timberland
22 production pursuant to the California Timberland Productivity
23 Act of 1982, Chapter 6.7 (commencing with Section 51100) of
24 Part 1 of Division 1 of Title 5.

25 (2) *Consider the importance of military facilities to national*
26 *defense, including, but not limited to, military installations, bases,*
27 *and operating and training areas when proposing zoning*
28 *ordinances or designating land uses covered by the general plan*
29 *for land, or other territory near or around military facilities.*

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

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

36 (d) A conservation element for the conservation, development,
37 and utilization of natural resources including water and its
38 hydraulic force, forests, soils, rivers and other waters, harbors,



1 fisheries, wildlife, minerals, and other natural resources. That
2 portion of the conservation element including waters shall be
3 developed in coordination with any countywide water agency and
4 with all district and city agencies which have developed, served,
5 controlled or conserved water for any purpose for the county or
6 city for which the plan is prepared. Coordination shall include the
7 discussion and evaluation of any water supply and demand
8 information described in Section 65352.5, if that information has
9 been submitted by the water agency to the city or county. The
10 conservation element may also cover *the following*:

- 11 (1) The reclamation of land and waters.
- 12 (2) Prevention and control of the pollution of streams and other
13 waters.
- 14 (3) Regulation of the use of land in stream channels and other
15 areas required for the accomplishment of the conservation plan.
- 16 (4) Prevention, control, and correction of the erosion of soils,
17 beaches, and shores.
- 18 (5) Protection of watersheds.
- 19 (6) The location, quantity and quality of the rock, sand and
20 gravel resources.
- 21 (7) Flood control.

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

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

26 (f) A noise element which shall identify and appraise noise
27 problems in the community. The noise element shall recognize the
28 guidelines established by the Office of Noise Control in the State
29 Department of Health Services and shall analyze and quantify, to
30 the extent practicable, as determined by the legislative body,
31 current and projected noise levels for all of the following sources:

- 32 (1) Highways and freeways.
- 33 (2) Primary arterials and major local streets.
- 34 (3) Passenger and freight on-line railroad operations and
35 ground rapid transit systems.
- 36 (4) Commercial, general aviation, heliport, helistop, and
37 military airport operations, aircraft overflights, jet engine test
38 stands, and all other ground facilities and maintenance functions
39 related to airport operation.



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

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

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

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

14 The noise element shall include implementation measures and
15 possible solutions that address existing and foreseeable noise
16 problems, if any. The adopted noise element shall serve as a
17 guideline for compliance with the state's noise insulation
18 standards.

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

38 To the extent that a county's safety element is sufficiently
39 detailed and contains appropriate policies and programs for
40 adoption by a city, a city may adopt that portion of the county's



1 safety element that pertains to the city’s planning area in
2 satisfaction of the requirement imposed by this subdivision.

3 At least 45 days prior to adoption or amendment of the safety
4 element, each county and city shall submit to the Division of Mines
5 and Geology of the Department of Conservation one copy of a
6 draft of the safety element or amendment and any technical studies
7 used for developing the safety element. The division may review
8 drafts submitted to it to determine whether they incorporate known
9 seismic and other geologic hazard information, and report its
10 findings to the planning agency within 30 days of receipt of the
11 draft of the safety element or amendment pursuant to this
12 subdivision. The legislative body shall consider the division’s
13 findings prior to final adoption of the safety element or
14 amendment unless the division’s findings are not available within
15 the above prescribed time limits or unless the division has
16 indicated to the city or county that the division will not review the
17 safety element. If the division’s findings are not available within
18 those prescribed time limits, the legislative body may take the
19 division’s findings into consideration at the time it considers future
20 amendments to the safety element. Each county and city shall
21 provide the division with a copy of its adopted safety element or
22 amendments. The division may review adopted safety elements or
23 amendments and report its findings. All findings made by the
24 division shall be advisory to the planning agency and legislative
25 body.

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

