

**ASSEMBLY BILL**

**No. 802**

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**Introduced by Assembly Member Wolk**

February 18, 2005

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

LEGISLATIVE COUNSEL'S DIGEST

AB 802, as introduced, Wolk. Land use: water supply.

(1) Existing law requires a city or county general plan to include a specified land use element, requires the city or county to use a water agency's water management plan as a source document upon the adoption or revision of its general plan on or after January 1, 1996, and requires specified public water systems to provide certain information to the city or county planning agency upon notification of the proposed adoption or amendment of a general plan.

This bill would require the land use element of the general plan to also consider any urban water management plan prepared and adopted by an urban water supplier that affects the land covered by the general plan. 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.

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  
5 and text setting forth objectives, principles, standards, and plan  
6 proposals. The plan shall include the following elements:

7 (a) A land use element that designates the proposed general  
8 distribution and general location and extent of the uses of the  
9 land for housing, business, industry, open space, including  
10 agriculture, natural resources, recreation, and enjoyment of  
11 scenic beauty, education, public buildings and grounds, solid and  
12 liquid waste disposal facilities, and other categories of public and  
13 private uses of land. The land use element shall include a  
14 statement of the standards of population density and building  
15 intensity recommended for the various districts and other  
16 territory covered by the plan. The land use element shall identify  
17 areas covered by the plan which are subject to flooding and shall  
18 be reviewed annually with respect to those areas. The land use  
19 element shall also do ~~both~~ all 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 impact of new growth on military readiness  
26 activities carried out on military bases, installations, and  
27 operating and training areas, when proposing zoning ordinances  
28 or designating land uses covered by the general plan for land, or  
29 other territory adjacent to military facilities, or underlying  
30 designated military aviation routes and airspace.

31 (A) In determining the impact of new growth on military  
32 readiness activities, information provided by military facilities  
33 shall be considered. Cities and counties shall address military  
34 impacts based on information from the military and other  
35 sources.

1 (B) The following definitions govern this paragraph:

2 (i) “Military readiness activities” mean all of the following:

3 (I) Training, support, and operations that prepare the men and  
4 women of the military for combat.

5 (II) Operation, maintenance, and security of any military  
6 installation.

7 (III) Testing of military equipment, vehicles, weapons, and  
8 sensors for proper operation or suitability for combat use.

9 (ii) “Military installation” means a base, camp, post, station,  
10 yard, center, homeport facility for any ship, or other activity  
11 under the jurisdiction of the United States Department of Defense  
12 as defined in paragraph (1) of subsection (e) of Section 2687 of  
13 Title 10 of the United States Code.

14 (3) *Consider any urban water management plan prepared and*  
15 *adopted by an urban water supplier pursuant to Article 3*  
16 *(commencing with Section 10620) of Part 2.6 of Division 6 of the*  
17 *Water Code, that affects the land covered by the general plan.*

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

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

25 (d) A conservation element for the conservation, development,  
26 and utilization of natural resources including water and its  
27 hydraulic force, forests, soils, rivers and other waters, harbors,  
28 fisheries, wildlife, minerals, and other natural resources. The  
29 conservation element shall consider the effect of development  
30 within the jurisdiction, as described in the land use element, on  
31 natural resources located on public lands, including military  
32 installations. That portion of the conservation element including  
33 waters shall be developed in coordination with any countywide  
34 water agency and with all district and city agencies that have  
35 developed, served, controlled or conserved water for any purpose  
36 for the county or city for which the plan is prepared.  
37 Coordination shall include the discussion and evaluation of any  
38 water supply and demand information described in Section  
39 65352.5, if that information has been submitted by the water

1 agency to the city or county. The conservation element may also  
2 cover the following:

3 (1) The reclamation of land and waters.

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

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

8 (4) Prevention, control, and correction of the erosion of soils,  
9 beaches, and shores.

10 (5) Protection of watersheds.

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

13 (7) Flood control.

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

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

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

25 (1) Highways and freeways.

26 (2) Primary arterials and major local streets.

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

29 (4) Commercial, general aviation, heliport, helistop, and  
30 military airport operations, aircraft overflights, jet engine test  
31 stands, and all other ground facilities and maintenance functions  
32 related to airport operation.

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

35 (6) Other ground stationary noise sources, including, but not  
36 limited to, military installations, identified by local agencies as  
37 contributing to the community noise environment.

38 Noise contours shall be shown for all of these sources and  
39 stated in terms of community noise equivalent level (CNEL) or  
40 day-night average level ( $L_{dn}$ ). The noise contours shall be

1 prepared on the basis of noise monitoring or following generally  
2 accepted noise modeling techniques for the various sources  
3 identified in paragraphs (1) to (6), inclusive.

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

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

12 (g) A safety element for the protection of the community from  
13 any unreasonable risks associated with the effects of seismically  
14 induced surface rupture, ground shaking, ground failure, tsunami,  
15 seiche, and dam failure; slope instability leading to mudslides  
16 and landslides; subsidence, liquefaction and other seismic  
17 hazards identified pursuant to Chapter 7.8 (commencing with  
18 Section 2690) of the Public Resources Code, and other geologic  
19 hazards known to the legislative body; flooding; and wild land  
20 and urban fires. The safety element shall include mapping of  
21 known seismic and other geologic hazards. It shall also address  
22 evacuation routes, military installations, peakload water supply  
23 requirements, and minimum road widths and clearances around  
24 structures, as those items relate to identified fire and geologic  
25 hazards.

26 (1) Prior to the periodic review of its general plan and prior to  
27 preparing or revising its safety element, each city and county  
28 shall consult the Division of Mines and Geology of the  
29 Department of Conservation and the Office of Emergency  
30 Services for the purpose of including information known by and  
31 available to the department and the office required by this  
32 subdivision.

33 (2) To the extent that a county's safety element is sufficiently  
34 detailed and contains appropriate policies and programs for  
35 adoption by a city, a city may adopt that portion of the county's  
36 safety element that pertains to the city's planning area in  
37 satisfaction of the requirement imposed by this subdivision.

38 SEC. 2. If the Commission on State Mandates determines that  
39 this act contains costs mandated by the state, reimbursement to  
40 local agencies and school districts for those costs shall be made

1 pursuant to Part 7 (commencing with Section 17500) of Division  
2 4 of Title 2 of the Government Code.

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