

AMENDED IN SENATE MAY 11, 2005  
AMENDED IN SENATE APRIL 13, 2005  
AMENDED IN SENATE MARCH 29, 2005

**SENATE BILL**

**No. 409**

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**Introduced by Senator Kehoe**

February 17, 2005

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An act to amend Section 65302 of the Government Code, relating to general plans.

LEGISLATIVE COUNSEL'S DIGEST

SB 409, as amended, Kehoe. General plans: conservation element.

(1) The Planning and Zoning Law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries that bears relation to its planning. That law requires the plan to include several elements, including a land use element and a conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers, and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. It requires that portion of the conservation element that includes water to be developed in coordination with any countywide water agency and other specified public water agencies.

This bill would, additionally, require ~~that~~ *the water supply* portion of the conservation element ~~that includes waters~~ to be *prepared, adopted, and* correlated with the land use element no later than *one year from the date specified for the next revision of the housing element that occurs after January 1, 2007,* ~~unless an extension is granted,~~ as specified.

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.

This bill would provide that no reimbursement is required by this act for a specified reason.

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 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

1 or designating land uses covered by the general plan for land, or  
2 other territory adjacent to military facilities, or underlying  
3 designated military aviation routes and airspace.

4 (A) In determining the impact of new growth on military  
5 readiness activities, information provided by military facilities  
6 shall be considered. Cities and counties shall address military  
7 impacts based on information from the military and other  
8 sources.

9 (B) The following definitions govern this paragraph:

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

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

13 (II) Operation, maintenance, and security of any military  
14 installation.

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

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

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

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

29 (d) (1) A conservation element for the conservation,  
30 development, and utilization of natural resources including water  
31 and its hydraulic force, forests, soils, rivers and other waters,  
32 harbors, fisheries, wildlife, minerals, and other natural resources.  
33 The conservation element shall consider the effect of  
34 development within the jurisdiction, as described in the land use  
35 element, on natural resources located on public lands, including  
36 military installations. That portion of the conservation element  
37 ~~including waters shall be correlated with the land use element~~  
38 ~~and be waters shall be~~ developed in coordination with any  
39 countywide water agency and with all district and city agencies  
40 that have developed, served, controlled, or conserved water for

1 any purpose for the county or city for which the plan is prepared.  
 2 ~~The correlation of the water supply portion of the conservation~~  
 3 ~~element shall be correlated with the land use element and the~~  
 4 ~~correlation shall be prepared and adopted no later than January 1,~~  
 5 ~~2007, unless an extension is granted pursuant to Section 65361~~  
 6 ~~one year from the date specified in Section 65588 for the next~~  
 7 ~~revision of the housing element for the jurisdiction that occurs~~  
 8 ~~after January 1, 2007. Coordination shall include the discussion~~  
 9 ~~and evaluation of any water supply and demand information~~  
 10 ~~described in Section 65352.5, if that information has been~~  
 11 ~~submitted by the water agency to the city or county. The~~  
 12 ~~conservation element may also cover the following:~~

13 (2) *A city or county that has correlated the water supply*  
 14 *portion of the conservation element with the land use element of*  
 15 *its general plan prior to January 1, 2007, shall be deemed to*  
 16 *have complied with the requirements of paragraph (1) if it makes*  
 17 *a written finding to this effect.*

18 (3) *The conservation element may also cover the following:*

19 ~~(1)~~

20 (A) The reclamation of land and waters.

21 ~~(2)~~

22 (B) Prevention and control of the pollution of streams and  
 23 other waters.

24 ~~(3)~~

25 (C) Regulation of the use of land in stream channels and other  
 26 areas required for the accomplishment of the conservation plan.

27 ~~(4)~~

28 (D) Prevention, control, and correction of the erosion of soils,  
 29 beaches, and shores.

30 ~~(5)~~

31 (E) Protection of watersheds.

32 ~~(6)~~

33 (F) The location, quantity and quality of the rock, sand and  
 34 gravel resources.

35 ~~(7)~~

36 (G) Flood control.

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

39 (f) A noise element which shall identify and appraise noise  
 40 problems in the community. The noise element shall recognize

1 the guidelines established by the Office of Noise Control in the  
2 State Department of Health Services and shall analyze and  
3 quantify, to the extent practicable, as determined by the  
4 legislative body, current and projected noise levels for all of the  
5 following sources:

6 (1) Highways and freeways.

7 (2) Primary arterials and major local streets.

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

10 (4) Commercial, general aviation, heliport, helistop, and  
11 military airport operations, aircraft overflights, jet engine test  
12 stands, and all other ground facilities and maintenance functions  
13 related to airport operation.

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

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

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

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

28 The noise element shall include implementation measures and  
29 possible solutions that address existing and foreseeable noise  
30 problems, if any. The adopted noise element shall serve as a  
31 guideline for compliance with the state's noise insulation  
32 standards.

33 (g) A safety element for the protection of the community from  
34 any unreasonable risks associated with the effects of seismically  
35 induced surface rupture, ground shaking, ground failure, tsunami,  
36 seiche, and dam failure; slope instability leading to mudslides  
37 and landslides; subsidence, liquefaction and other seismic  
38 hazards identified pursuant to Chapter 7.8 (commencing with  
39 Section 2690) of the Public Resources Code, and other geologic  
40 hazards known to the legislative body; flooding; and wild land

1 and urban fires. The safety element shall include mapping of  
2 known seismic and other geologic hazards. It shall also address  
3 evacuation routes, military installations, peakload water supply  
4 requirements, and minimum road widths and clearances around  
5 structures, as those items relate to identified fire and geologic  
6 hazards.

7 (1) Prior to the periodic review of its general plan and prior to  
8 preparing or revising its safety element, each city and county  
9 shall consult the Division of Mines and Geology of the  
10 Department of Conservation and the Office of Emergency  
11 Services for the purpose of including information known by and  
12 available to the department and the office required by this  
13 subdivision.

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

19 SEC. 2. No reimbursement is required by this act pursuant to  
20 Section 6 of Article XIII B of the California Constitution because  
21 a local agency or school district has the authority to levy service  
22 charges, fees, or assessments sufficient to pay for the program or  
23 level of service mandated by this act, within the meaning of  
24 Section 17556 of the Government Code.