

AMENDED IN SENATE JULY 14, 2009

AMENDED IN SENATE JULY 1, 2009

AMENDED IN SENATE JUNE 23, 2009

AMENDED IN ASSEMBLY APRIL 23, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 494**

**Introduced by Assembly Member Caballero**

February 24, 2009

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An act to add ~~Sections 65850.7 and~~ *Section* 66412.9 to the Government Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 494, as amended, Caballero. Local planning: agricultural laborer housing.

The Planning and Zoning Law provides for the adoption and administration of zoning laws, ordinances, rules, and regulations by a city, county, or city and county.

~~This bill would prohibit a county from denying an application for a use permit for the development of agricultural labor housing if the application describes housing that will be developed on leased property and that meets specified conditions, unless the county makes written findings based upon substantial evidence in the record that the proposed development would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings would be required to include the basis for the rejection of potentially feasible methods to mitigate or avoid the specific, adverse impact.~~

This bill would provide that *provisions concerning the filing of subdivision maps, which are part of the Planning and Zoning Law* ~~is, are not applicable to leases of agricultural agriculturally zoned land to nonprofit organizations for the purpose of operating an agricultural labor housing project on the property if specified conditions apply. By increasing the duties of county officials, this bill would impose a state-mandated local program.~~

~~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-no~~. State-mandated local program: ~~yes-no~~.

*The people of the State of California do enact as follows:*

1 SECTION 1. ~~Section 65850.7 is added to the Government~~  
2 ~~Code, to read:~~

3 65850.7. ~~A county shall not deny an application for a use permit~~  
4 ~~for the development of agricultural labor housing if the application~~  
5 ~~described housing that will be developed on leased property and~~  
6 ~~that meets the conditions prescribes in Section 66412.9, unless the~~  
7 ~~county makes written findings based upon substantial evidence in~~  
8 ~~the record that the proposed development would have a specific,~~  
9 ~~adverse impact upon the public health or safety, and there is no~~  
10 ~~feasible method to satisfactorily mitigate or avoid the specific,~~  
11 ~~adverse impact. The findings shall include the basis for the~~  
12 ~~rejection of potentially feasible methods to mitigate or avoid the~~  
13 ~~specific, adverse impact.~~

14 ~~SEC. 2.~~

15 SECTION 1. Section 66412.9 is added to the Government Code,  
16 to read:

17 66412.9. This division shall not apply to leases of ~~agricultural~~  
18 ~~agriculturally zoned~~ land to nonprofit organizations for the purpose  
19 of operating an agricultural labor housing project on the property  
20 if all of the following conditions apply:

- 21 (1) The property to be leased shall not be more than five acres.
- 22 (2) The lease shall be for not less than 30 years.
- 23 (3) ~~The lease shall be executed prior to January 1, 2020.~~

1 (3) *The lease shall be executed prior to January 1, 2017.*

2 ~~SEC. 3.— No reimbursement is required by this act pursuant to~~  
3 ~~Section 6 of Article XIII B of the California Constitution because~~  
4 ~~a local agency or school district has the authority to levy service~~  
5 ~~charges, fees, or assessments sufficient to pay for the program or~~  
6 ~~level of service mandated by this act, within the meaning of Section~~  
7 ~~17556 of the Government Code.~~

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10 CORRECTIONS: \_\_\_\_\_

11 Digest—Page 2.

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