

AMENDED IN ASSEMBLY JUNE 23, 2011

AMENDED IN ASSEMBLY JUNE 14, 2011

AMENDED IN SENATE MAY 18, 2011

AMENDED IN SENATE MAY 3, 2011

AMENDED IN SENATE APRIL 25, 2011

AMENDED IN SENATE MARCH 15, 2011

SENATE BILL

No. 244

Introduced by Senator Wolk

(Coauthors: Senators Price and Rubio)

~~(Coauthor: Assembly Member Perea)~~

(Coauthors: Assembly Members Fong, Perea, and V. Manuel Pérez)

February 10, 2011

An act to amend Sections 56375, 56425, and 56430 of, and to add Sections 56033.5 and 65302.10 to, the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 244, as amended, Wolk. Land use: general plan: disadvantaged unincorporated communities.

(1) The Planning and Zoning Law requires a city or county to adopt a comprehensive, long-term general plan for the physical development of the city or county and of any land outside its boundaries that bears relation to its planning. That law also requires the general plan to contain specified mandatory elements, including a housing element for the preservation, improvement, and development of the community's housing.

This bill would require, ~~upon the next revision~~ *on or before the next adoption* of its housing element, ~~and each revision thereafter,~~ a city or county to review and update ~~one or more elements~~ *the land use element* of its general plan, ~~as necessary,~~ to include an analysis of the presence of island, fringe, or legacy unincorporated communities, as defined, ~~inside or near its boundaries,~~ and would require the updated general plan to include specified information. This bill would also require the city or county planning agency, after the initial revision and update of the general plan, to review, and if necessary amend, the general plan to update the information, goals, and program of action relating to these communities therein. By adding to the duties of city and county officials, this bill would impose a state-mandated local program.

(2) The Cortese-Knox-Hertzberg Act of 2000 requires a local agency formation commission to develop and determine the sphere of influence of each local governmental agency within the county and to enact policies designed to promote the logical and orderly development of areas within the sphere, and requires the commission, in preparing and updating spheres of influence to conduct a service review of the municipal services provided in the county or other area designated by the commission, and to prepare a written statement of its determinations with respect to the growth and population projections for the affected area, the present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies, financial ability of agencies to provide services, status of, and opportunities for, shared facilities, accountability for community service needs, including governmental structure, and operational efficiencies, as specified.

This bill would also require the agency to include in its written statement a determination with respect to the location and characteristics and the present and planned capacity of public facilities and adequacy of public services, including sewers, water, and ~~structural~~ *structural* fire protection needs or deficiencies, of any disadvantaged inhabited communities within or adjacent to the sphere of influence, thereby imposing a state-mandated local program. The bill would also require a commission, upon the review and update of a sphere of influence on or after July 1, 2012, to include in the review or update of each sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection to include the present and probable need for public facilities and services of disadvantaged inhabited communities within

or adjacent to the sphere of influence, and would authorize the agency to assess the feasibility of governmental reorganization of particular agencies, as specified.

~~(3) Existing law sets forth the various powers and duties of a local agency formation commission in reviewing and approving or disapproving proposals for changes of organization or reorganization.~~

~~This bill would revise the powers of the commission to prohibit it from approving an annexation to a city of any territory where there exists a disadvantaged inhabited community that is contiguous to the area of proposed annexation, unless the annexation application includes a separate application to annex the disadvantaged unincorporated inhabited territory to the subject city.~~

~~(4)~~

(3) 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. (a) The Legislature finds and declares all of the
2 following:

3 (1) Hundreds of disadvantaged unincorporated communities,
4 commonly referred to as “colonias,” exist in California. There are
5 more than 200 of these communities in the San Joaquin Valley
6 alone. Many of these communities are geographically isolated
7 islands, surrounded by the city limits of large and medium-sized
8 cities.

9 (2) Conditions within these disadvantaged unincorporated
10 communities evidence a distinct lack of public and private
11 investment that threatens the health and safety of the residents of
12 these communities and fosters economic, social, and educational
13 inequality. Many of these communities lack basic infrastructure,
14 including, but not limited to, streets, sidewalks, storm drainage,
15 clean drinking water, and adequate sewer service.

16 (3) The Clean Water State Revolving Fund, the Safe Drinking
17 Water State Revolving Fund, ~~the Clean up and Abatement Account,~~

1 and the Community Development Block Grant are robust and
2 continuous sources of funding for drinking water, wastewater, and
3 other basic infrastructure.

4 (b) It is the intent of the Legislature to encourage investment in
5 these communities and address the complex legal, financial, and
6 political barriers that contribute to regional inequity and
7 infrastructure deficits within disadvantaged unincorporated
8 communities.

9 SEC. 2. Section 56033.5 is added to the Government Code, to
10 read:

11 56033.5. “Disadvantaged inhabited community” means
12 inhabited territory, as defined by Section 56046, or as determined
13 by commission policy, that constitutes all or a portion of a
14 “disadvantaged community” as defined by Section 79505.5 of the
15 Water Code.

16 SEC. 3. Section 56375 of the Government Code is amended to
17 read:

18 56375. The commission shall have all of the following powers
19 and duties subject to any limitations upon its jurisdiction set forth
20 in this part:

21 (a) (1) To review and approve or disapprove with or without
22 amendment, wholly, partially, or conditionally, proposals for
23 changes of organization or reorganization, consistent with written
24 policies, procedures, and guidelines adopted by the commission.

25 (2) The commission may initiate proposals by resolution of
26 application for any of the following:

- 27 (A) The consolidation of a district, as defined in Section 56036.
- 28 (B) The dissolution of a district.
- 29 (C) A merger.
- 30 (D) The establishment of a subsidiary district.
- 31 (E) The formation of a new district or districts.
- 32 (F) A reorganization that includes any of the changes specified

33 in subparagraph (A), (B), (C), (D), or (E).

34 (3) A commission may initiate a proposal described in paragraph
35 (2) only if that change of organization or reorganization is
36 consistent with a recommendation or conclusion of a study
37 prepared pursuant to Section 56378, 56425, or 56430, and the
38 commission makes the determinations specified in subdivision (b)
39 of Section 56881.

1 (4) A commission shall not disapprove an annexation to a city,
2 initiated by resolution, of contiguous territory that the commission
3 finds is any of the following:

4 (A) Surrounded or substantially surrounded by the city to which
5 the annexation is proposed or by that city and a county boundary
6 or the Pacific Ocean if the territory to be annexed is substantially
7 developed or developing, is not prime agricultural land as defined
8 in Section 56064, is designated for urban growth by the general
9 plan of the annexing city, and is not within the sphere of influence
10 of another city.

11 (B) Located within an urban service area that has been delineated
12 and adopted by a commission, which is not prime agricultural land,
13 as defined by Section 56064, and is designated for urban growth
14 by the general plan of the annexing city.

15 (C) An annexation or reorganization of unincorporated islands
16 meeting the requirements of Section 56375.3.

17 (5) As a condition to the annexation of an area that is
18 surrounded, or substantially surrounded, by the city to which the
19 annexation is proposed, the commission may require, where
20 consistent with the purposes of this division, that the annexation
21 include the entire island of surrounded, or substantially surrounded,
22 territory.

23 (6) A commission shall not impose any conditions that would
24 directly regulate land use density or intensity, property
25 development, or subdivision requirements.

26 (7) The decision of the commission with regard to a proposal
27 to annex territory to a city shall be based upon the general plan
28 and rezoning of the city. When the development purposes are not
29 made known to the annexing city, the annexation shall be reviewed
30 on the basis of the adopted plans and policies of the annexing city
31 or county. A commission shall require, as a condition to
32 annexation, that a city prezone the territory to be annexed or present
33 evidence satisfactory to the commission that the existing
34 development entitlements on the territory are vested or are already
35 at build-out, and are consistent with the city's general plan.
36 However, the commission shall not specify how, or in what
37 manner, the territory shall be rezoned.

38 (8) *Except for those changes of organization or reorganization*
39 *authorized under Section 56375.3, a commission shall not approve*
40 *an annexation to a city of any territory greater than 10 acres, or*

1 *as determined by commission policy, where there exists a*
2 *disadvantaged unincorporated community that is contiguous to*
3 *the area of proposed annexation, unless an application to annex*
4 *the disadvantaged unincorporated community to the subject city*
5 *has been filed with the executive officer.*

6 (b) With regard to a proposal for annexation or detachment of
7 territory to, or from, a city or district or with regard to a proposal
8 for reorganization that includes annexation or detachment, to
9 determine whether territory proposed for annexation or detachment,
10 as described in its resolution approving the annexation, detachment,
11 or reorganization, is inhabited or uninhabited.

12 (c) With regard to a proposal for consolidation of two or more
13 cities or districts, to determine which city or district shall be the
14 consolidated successor city or district.

15 (d) To approve the annexation of unincorporated, noncontiguous
16 territory, subject to the limitations of Section 56742, located in the
17 same county as that in which the city is located, and that is owned
18 by a city and used for municipal purposes and to authorize the
19 annexation of the territory without notice and hearing.

20 (e) To approve the annexation of unincorporated territory
21 consistent with the planned and probable use of the property based
22 upon the review of general plan and rezoning designations. No
23 subsequent change may be made to the general plan for the annexed
24 territory or zoning that is not in conformance to the rezoning
25 designations for a period of two years after the completion of the
26 annexation, unless the legislative body for the city makes a finding
27 at a public hearing that a substantial change has occurred in
28 circumstances that necessitate a departure from the rezoning in
29 the application to the commission.

30 (f) With respect to the incorporation of a new city or the
31 formation of a new special district, to determine the number of
32 registered voters residing within the proposed city or special district
33 or, for a landowner-voter special district, the number of owners
34 of land and the assessed value of their land within the territory
35 proposed to be included in the new special district. The number
36 of registered voters shall be calculated as of the time of the last
37 report of voter registration by the county elections official to the
38 Secretary of State prior to the date the first signature was affixed
39 to the petition. The executive officer shall notify the petitioners of
40 the number of registered voters resulting from this calculation.

1 The assessed value of the land within the territory proposed to be
2 included in a new landowner-voter special district shall be
3 calculated as shown on the last equalized assessment roll.

4 (g) To adopt written procedures for the evaluation of proposals,
5 including written definitions consistent with existing state law.
6 The commission may adopt standards for any of the factors
7 enumerated in Section 56668. Any standards adopted by the
8 commission shall be written.

9 (h) To adopt standards and procedures for the evaluation of
10 service plans submitted pursuant to Section 56653 and the initiation
11 of a change of organization or reorganization pursuant to
12 subdivision (a).

13 (i) To make and enforce regulations for the orderly and fair
14 conduct of hearings by the commission.

15 (j) To incur usual and necessary expenses for the
16 accomplishment of its functions.

17 (k) To appoint and assign staff personnel and to employ or
18 contract for professional or consulting services to carry out and
19 effect the functions of the commission.

20 (l) To review the boundaries of the territory involved in any
21 proposal with respect to the definiteness and certainty of those
22 boundaries, the nonconformance of proposed boundaries with lines
23 of assessment or ownership, and other similar matters affecting
24 the proposed boundaries.

25 (m) To waive the restrictions of Section 56744 if it finds that
26 the application of the restrictions would be detrimental to the
27 orderly development of the community and that the area that would
28 be enclosed by the annexation or incorporation is so located that
29 it cannot reasonably be annexed to another city or incorporated as
30 a new city.

31 (n) To waive the application of Section 22613 of the Streets and
32 Highways Code if it finds the application would deprive an area
33 of a service needed to ensure the health, safety, or welfare of the
34 residents of the area and if it finds that the waiver would not affect
35 the ability of a city to provide any service. However, within 60
36 days of the inclusion of the territory within the city, the legislative
37 body may adopt a resolution nullifying the waiver.

38 (o) If the proposal includes the incorporation of a city, as defined
39 in Section 56043, or the formation of a district, as defined in
40 Section 2215 of the Revenue and Taxation Code, the commission

1 shall determine the property tax revenue to be exchanged by the
2 affected local agencies pursuant to Section 56810.

3 (p) To authorize a city or district to provide new or extended
4 services outside its jurisdictional boundaries pursuant to Section
5 56133.

6 (q) To enter into an agreement with the commission for an
7 adjoining county for the purpose of determining procedures for
8 the consideration of proposals that may affect the adjoining county
9 or where the jurisdiction of an affected agency crosses the boundary
10 of the adjoining county.

11 ~~SEC. 3.~~

12 *SEC. 4.* Section 56425 of the Government Code is amended
13 to read:

14 56425. (a) In order to carry out its purposes and responsibilities
15 for planning and shaping the logical and orderly development and
16 coordination of local governmental agencies to advantageously
17 provide for the present and future needs of the county and its
18 communities, the commission shall develop and determine the
19 sphere of influence of each local governmental agency within the
20 county and enact policies designed to promote the logical and
21 orderly development of areas within the sphere.

22 (b) Prior to a city submitting an application to the commission
23 to update its sphere of influence, representatives from the city and
24 representatives from the county shall meet to discuss the proposed
25 new boundaries of the sphere and explore methods to reach
26 agreement on development standards and planning and zoning
27 requirements within the sphere to ensure that development within
28 the sphere occurs in a manner that reflects the concerns of the
29 affected city and is accomplished in a manner that promotes the
30 logical and orderly development of areas within the sphere. If an
31 agreement is reached between the city and county, the city shall
32 forward the agreement in writing to the commission, along with
33 the application to update the sphere of influence. The commission
34 shall consider and adopt a sphere of influence for the city consistent
35 with the policies adopted by the commission pursuant to this
36 section, and the commission shall give great weight to the
37 agreement to the extent that it is consistent with commission
38 policies in its final determination of the city sphere.

39 (c) If the commission's final determination is consistent with
40 the agreement reached between the city and county pursuant to

1 subdivision (b), the agreement shall be adopted by both the city
2 and county after a noticed public hearing. Once the agreement has
3 been adopted by the affected local agencies and their respective
4 general plans reflect that agreement, then any development
5 approved by the county within the sphere shall be consistent with
6 the terms of that agreement.

7 (d) If no agreement is reached pursuant to subdivision (b), the
8 application may be submitted to the commission and the
9 commission shall consider a sphere of influence for the city
10 consistent with the policies adopted by the commission pursuant
11 to this section.

12 (e) In determining the sphere of influence of each local agency,
13 the commission shall consider and prepare a written statement of
14 its determinations with respect to each of the following:

15 (1) The present and planned land uses in the area, including
16 agricultural and open-space lands.

17 (2) The present and probable need for public facilities and
18 services in the area. Upon the next update of a sphere of influence
19 that occurs pursuant to subdivision (g) on or after July 1, 2012,
20 the update of each sphere of influence of a city or special district
21 that provides public facilities or services related to sewers,
22 municipal and industrial water, or structural fire protection shall
23 include the present and probable need for public facilities and
24 services of any disadvantaged inhabited communities within or
25 contiguous to the existing or proposed sphere of influence of the
26 subject city or special district.

27 (3) The present capacity of public facilities and adequacy of
28 public services that the agency provides or is authorized to provide.

29 (4) The existence of any social or economic communities of
30 interest in the area if the commission determines that they are
31 relevant to the agency.

32 (f) Upon determination of a sphere of influence, the commission
33 shall adopt that sphere.

34 (g) On or before January 1, 2008, and every five years thereafter,
35 the commission shall, as necessary, review and update each sphere
36 of influence.

37 (h) In determining the sphere of influence, the commission may
38 assess the feasibility of governmental reorganization of particular
39 agencies and recommend reorganization of those agencies when
40 they are found to be feasible and if reorganization will further the

1 goals of orderly development as well as efficient and affordable
2 service delivery. The commission shall make all reasonable efforts
3 to ensure wide public dissemination of the recommendations.

4 (i) When adopting, amending, or updating a sphere of influence
5 for a special district, the commission shall do all of the following:

6 (1) Require existing districts to file written statements with the
7 commission specifying the functions or classes of services provided
8 by those districts.

9 (2) Establish the nature, location, and extent of any functions
10 or classes of services provided by existing districts.

11 ~~SEC. 4.~~

12 *SEC. 5.* Section 56430 of the Government Code is amended
13 to read:

14 56430. (a) In order to prepare and to update spheres of
15 influence in accordance with Section 56425, the commission shall
16 conduct a service review of the municipal services provided in the
17 county or other appropriate area designated by the commission.
18 The commission shall include in the area designated for service
19 review the county, the region, the subregion, or any other
20 geographic area as is appropriate for an analysis of the service or
21 services to be reviewed, and shall prepare a written statement of
22 its determinations with respect to each of the following:

23 (1) Growth and population projections for the affected area.

24 (2) The location and characteristics of any disadvantaged
25 inhabited communities.

26 (3) Present and planned capacity of public facilities and
27 adequacy of public services, including sewers, municipal and
28 industrial water, and structural fire protection needs or deficiencies
29 of disadvantaged, unincorporated communities within or
30 contiguous to the agency’s proposed sphere of influence.

31 (4) Financial ability of agencies to provide services.

32 (5) Status of, and opportunities for, shared facilities.

33 (6) Accountability for community service needs, including
34 governmental structure and operational efficiencies.

35 (7) Any other matter related to effective or efficient service
36 delivery, as required by commission policy.

37 (b) In conducting a service review, the commission shall
38 comprehensively review all of the agencies that provide the
39 identified service or services within the designated geographic
40 area. The commission may assess various alternatives for

1 improving efficiency and affordability of infrastructure and service
2 delivery within and contiguous to the sphere of influence,
3 including, but not limited to, the consolidation of governmental
4 agencies.

5 (c) The commission shall conduct a service review before, or
6 in conjunction with, but no later than the time it is considering an
7 action to establish a sphere of influence in accordance with Section
8 56425 or Section 56426.5 or to update a sphere of influence
9 pursuant to Section 56425.

10 ~~SEC. 5.~~

11 *SEC. 6.* Section 65302.10 is added to the Government Code,
12 to read:

13 65302.10. (a) As used in this section, the following terms shall
14 have the following meanings:

15 (1) “Community” means an inhabited area within a city or
16 county that is comprised of no less than ~~_____~~ 10 dwellings adjacent
17 or in close proximity to one another.

18 (2) “Disadvantaged unincorporated community” means a fringe,
19 island, or legacy community in which the median household
20 income is 80 percent or less than the statewide median household
21 income.

22 (3) “Unincorporated fringe community” means any inhabited
23 and unincorporated territory that is within a city’s sphere of
24 influence.

25 (4) “Unincorporated island community” means any inhabited
26 and unincorporated territory that is surrounded or substantially
27 surrounded by one or more cities or by one or more cities and a
28 county boundary or the Pacific Ocean.

29 (5) “Unincorporated legacy community” means a geographically
30 isolated community that is inhabited and has existed for at least
31 50 years.

32 ~~(b) Upon the next revision of its housing element, pursuant to~~
33 ~~Section 65588, the legislative body of a city or county shall review~~
34 ~~and update one or more elements of its general plan as necessary~~
35 ~~to include an analysis, based on available data and analysis of the~~
36 ~~presence of unincorporated island, fringe, or legacy communities~~
37 ~~inside or near its boundaries. The updated general plan shall include~~
38 ~~all of the following:~~

39 *(b) On or before the due date for the next adoption of its housing*
40 *element pursuant to Section 65588, each city or county shall review*

1 and update the land use element of its general plan to include all
2 of the following:

3 (1) In the case of a city, an identification of each unincorporated
4 island or fringe community, within the city’s sphere of influence.
5 In the case of a county, an identification of each legacy community
6 within the boundaries of the county, but not including any area
7 within the sphere of influence of any city. This identification shall
8 include a description of the community and a map designating its
9 location.

10 (2) For each identified community, an analysis of water,
11 wastewater, stormwater drainage, and structural fire protection
12 needs or deficiencies, ~~and, if appropriate, sidewalks and street~~
13 ~~lighting.~~

14 ~~(3) An analysis of resources and a timeline of actions.~~
15 (3) *An analysis, based on then existing available data, of benefit*
16 *assessment districts or other financing alternatives that could*
17 *make the extension of services to identified communities financially*
18 *feasible.*

19 (c) On or before the due date for ~~the next~~ *each subsequent*
20 *revision of its housing element, the planning agency pursuant to*
21 *Section 65588, each city and county shall review, and if necessary*
22 *amend, its general plan to update the analysis, goals, and actions*
23 *required by this section.*

24 ~~SEC. 6. Section 56375 of the Government Code is amended~~
25 ~~to read:~~

26 ~~56375. The commission shall have all of the following powers~~
27 ~~and duties subject to any limitations upon its jurisdiction set forth~~
28 ~~in this part:~~

29 ~~(a) (1) To review and approve or disapprove with or without~~
30 ~~amendment, wholly, partially, or conditionally, proposals for~~
31 ~~changes of organization or reorganization, consistent with written~~
32 ~~policies, procedures, and guidelines adopted by the commission.~~

33 ~~(2) The commission may initiate proposals by resolution of~~
34 ~~application for any of the following:~~

35 ~~(A) The consolidation of a district, as defined in Section 56036.~~

36 ~~(B) The dissolution of a district.~~

37 ~~(C) A merger.~~

38 ~~(D) The establishment of a subsidiary district.~~

39 ~~(E) The formation of a new district or districts.~~

1 ~~(F) A reorganization that includes any of the changes specified~~
2 ~~in subparagraph (A), (B), (C), (D), or (E).~~

3 ~~(3) A commission may initiate a proposal described in paragraph~~
4 ~~(2) only if that change of organization or reorganization is~~
5 ~~consistent with a recommendation or conclusion of a study~~
6 ~~prepared pursuant to Section 56378, 56425, or 56430, and the~~
7 ~~commission makes the determinations specified in subdivision (b)~~
8 ~~of Section 56881.~~

9 ~~(4) A commission shall not disapprove an annexation to a city,~~
10 ~~initiated by resolution, of contiguous territory that the commission~~
11 ~~finds is any of the following:~~

12 ~~(A) Surrounded or substantially surrounded by the city to which~~
13 ~~the annexation is proposed or by that city and a county boundary~~
14 ~~or the Pacific Ocean if the territory to be annexed is substantially~~
15 ~~developed or developing, is not prime agricultural land as defined~~
16 ~~in Section 56064, is designated for urban growth by the general~~
17 ~~plan of the annexing city, and is not within the sphere of influence~~
18 ~~of another city.~~

19 ~~(B) Located within an urban service area that has been delineated~~
20 ~~and adopted by a commission, which is not prime agricultural land,~~
21 ~~as defined by Section 56064, and is designated for urban growth~~
22 ~~by the general plan of the annexing city.~~

23 ~~(C) An annexation or reorganization of unincorporated islands~~
24 ~~meeting the requirements of Section 56375.3.~~

25 ~~(5) As a condition to the annexation of an area that is~~
26 ~~surrounded, or substantially surrounded, by the city to which the~~
27 ~~annexation is proposed, the commission may require, where~~
28 ~~consistent with the purposes of this division, that the annexation~~
29 ~~include the entire island of surrounded, or substantially surrounded,~~
30 ~~territory.~~

31 ~~(6) A commission shall not impose any conditions that would~~
32 ~~directly regulate land use density or intensity, property~~
33 ~~development, or subdivision requirements.~~

34 ~~(7) The decision of the commission with regard to a proposal~~
35 ~~to annex territory to a city shall be based upon the general plan~~
36 ~~and rezoning of the city. When the development purposes are not~~
37 ~~made known to the annexing city, the annexation shall be reviewed~~
38 ~~on the basis of the adopted plans and policies of the annexing city~~
39 ~~or county. A commission shall require, as a condition to~~
40 ~~annexation, that a city prezone the territory to be annexed or present~~

1 evidence satisfactory to the commission that the existing
2 development entitlements on the territory are vested or are already
3 at build-out, and are consistent with the city's general plan.
4 However, the commission shall not specify how, or in what
5 manner, the territory shall be rezoned.

6 ~~(8) A commission shall not approve an annexation to a city of
7 any territory where there exists a disadvantaged inhabited
8 community that is contiguous to the area of proposed annexation,
9 unless the annexation application includes a separate application
10 to annex the disadvantaged unincorporated inhabited territory to
11 the subject city.~~

12 ~~(b) With regard to a proposal for annexation or detachment of
13 territory to, or from, a city or district or with regard to a proposal
14 for reorganization that includes annexation or detachment, to
15 determine whether territory proposed for annexation or detachment,
16 as described in its resolution approving the annexation, detachment,
17 or reorganization, is inhabited or uninhabited.~~

18 ~~(c) With regard to a proposal for consolidation of two or more
19 cities or districts, to determine which city or district shall be the
20 consolidated successor city or district.~~

21 ~~(d) To approve the annexation of unincorporated, noncontiguous
22 territory, subject to the limitations of Section 56742, located in the
23 same county as that in which the city is located, and that is owned
24 by a city and used for municipal purposes and to authorize the
25 annexation of the territory without notice and hearing.~~

26 ~~(e) To approve the annexation of unincorporated territory
27 consistent with the planned and probable use of the property based
28 upon the review of general plan and rezoning designations. No
29 subsequent change may be made to the general plan for the annexed
30 territory or zoning that is not in conformance to the rezoning
31 designations for a period of two years after the completion of the
32 annexation, unless the legislative body for the city makes a finding
33 at a public hearing that a substantial change has occurred in
34 circumstances that necessitate a departure from the rezoning in
35 the application to the commission.~~

36 ~~(f) With respect to the incorporation of a new city or the
37 formation of a new special district, to determine the number of
38 registered voters residing within the proposed city or special district
39 or, for a landowner-voter special district, the number of owners
40 of land and the assessed value of their land within the territory~~

1 proposed to be included in the new special district. The number
2 of registered voters shall be calculated as of the time of the last
3 report of voter registration by the county elections official to the
4 Secretary of State prior to the date the first signature was affixed
5 to the petition. The executive officer shall notify the petitioners of
6 the number of registered voters resulting from this calculation.
7 The assessed value of the land within the territory proposed to be
8 included in a new landowner-voter special district shall be
9 calculated as shown on the last equalized assessment roll.

10 (g) To adopt written procedures for the evaluation of proposals,
11 including written definitions consistent with existing state law.
12 The commission may adopt standards for any of the factors
13 enumerated in Section 56668. Any standards adopted by the
14 commission shall be written.

15 (h) To adopt standards and procedures for the evaluation of
16 service plans submitted pursuant to Section 56653 and the initiation
17 of a change of organization or reorganization pursuant to
18 subdivision (a).

19 (i) To make and enforce regulations for the orderly and fair
20 conduct of hearings by the commission.

21 (j) To incur usual and necessary expenses for the
22 accomplishment of its functions.

23 (k) To appoint and assign staff personnel and to employ or
24 contract for professional or consulting services to carry out and
25 effect the functions of the commission.

26 (l) To review the boundaries of the territory involved in any
27 proposal with respect to the definiteness and certainty of those
28 boundaries, the nonconformance of proposed boundaries with lines
29 of assessment or ownership, and other similar matters affecting
30 the proposed boundaries.

31 (m) To waive the restrictions of Section 56744 if it finds that
32 the application of the restrictions would be detrimental to the
33 orderly development of the community and that the area that would
34 be enclosed by the annexation or incorporation is so located that
35 it cannot reasonably be annexed to another city or incorporated as
36 a new city.

37 (n) To waive the application of Section 22613 of the Streets and
38 Highways Code if it finds the application would deprive an area
39 of a service needed to ensure the health, safety, or welfare of the
40 residents of the area and if it finds that the waiver would not affect

1 the ability of a city to provide any service. However, within 60
2 days of the inclusion of the territory within the city, the legislative
3 body may adopt a resolution nullifying the waiver.

4 (o) If the proposal includes the incorporation of a city, as defined
5 in Section 56043, or the formation of a district, as defined in
6 Section 2215 of the Revenue and Taxation Code, the commission
7 shall determine the property tax revenue to be exchanged by the
8 affected local agencies pursuant to Section 56810.

9 (p) To authorize a city or district to provide new or extended
10 services outside its jurisdictional boundaries pursuant to Section
11 56133.

12 (q) To enter into an agreement with the commission for an
13 adjoining county for the purpose of determining procedures for
14 the consideration of proposals that may affect the adjoining county
15 or where the jurisdiction of an affected agency crosses the boundary
16 of the adjoining county.

17 SEC. 7. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 a local agency or school district has the authority to levy service
20 charges, fees, or assessments sufficient to pay for the program or
21 level of service mandated by this act, within the meaning of Section
22 17556 of the Government Code.