

AMENDED IN SENATE JULY 3, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 453

Introduced by Assembly Member Mullin

February 19, 2013

An act to amend Section 56668 of the Government Code, and to amend Section 75128 of the Public Resources Code, relating to sustainable communities.

LEGISLATIVE COUNSEL'S DIGEST

AB 453, as amended, Mullin. Sustainable communities.

~~The~~

(1) *The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006*, an initiative measure approved by the voters at the November 7, 2006, statewide general election, makes about \$5,400,000,000 in bond funds available for safe drinking water, water quality and supply, flood control, natural resource protection, and park improvements. Existing law establishes the Strategic Growth Council and appropriated \$500,000 from the funding provided by the initiative to the Natural Resources Agency to support the council and its activities. The council is required to manage and award grants and loans to a council of governments, metropolitan planning organization, regional transportation planning agency, city, county, or joint powers authority for the purpose of developing, adopting, and implementing a regional plan or other planning instrument to support the planning and development of sustainable communities.

This bill would make a local agency formation commission eligible for the award of financial assistance for those planning purposes.

(2) Existing law, the Cortese-Knox-Hertzberg Act, specifies the factors that a local agency formation commission is required to consider in the review of a proposal for a change of organization or reorganization, including a regional transportation plan, as specified, and its consistency with city or county general and specific plans.

This bill would additionally require the regional transportation plan factor to include the effect development in the area is likely to have on meeting the region’s greenhouse gas emissions reduction targets established by the State Air Resources Board in adopted and future plans.

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: ~~no~~-yes.

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

1 SECTION 1. Section 56668 of the Government Code is
 2 amended to read:
 3 56668. Factors to be considered in the review of a proposal
 4 shall include, but not be limited to, all of the following:
 5 (a) Population and population density; land area and land use;
 6 per capita assessed valuation; topography, natural boundaries, and
 7 drainage basins; proximity to other populated areas; the likelihood
 8 of significant growth in the area, and in adjacent incorporated and
 9 unincorporated areas, during the next 10 years.
 10 (b) The need for organized community services; the present
 11 cost and adequacy of governmental services and controls in the
 12 area; probable future needs for those services and controls; probable
 13 effect of the proposed incorporation, formation, annexation, or
 14 exclusion and of alternative courses of action on the cost and
 15 adequacy of services and controls in the area and adjacent areas.
 16 “Services,” as used in this subdivision, refers to governmental
 17 services whether or not the services are services which would be
 18 provided by local agencies subject to this division, and includes
 19 the public facilities necessary to provide those services.

- 1 (c) The effect of the proposed action and of alternative actions,
2 on adjacent areas, on mutual social and economic interests, and
3 on the local governmental structure of the county.
- 4 (d) The conformity of both the proposal and its anticipated
5 effects with both the adopted commission policies on providing
6 planned, orderly, efficient patterns of urban development, and the
7 policies and priorities in Section 56377.
- 8 (e) The effect of the proposal on maintaining the physical and
9 economic integrity of agricultural lands, as defined by Section
10 56016.
- 11 (f) The definiteness and certainty of the boundaries of the
12 territory, the nonconformance of proposed boundaries with lines
13 of assessment or ownership, the creation of islands or corridors of
14 unincorporated territory, and other similar matters affecting the
15 proposed boundaries.
- 16 (g) A regional transportation plan adopted pursuant to Section
17 65080, *including the effect development in the area is likely to*
18 *have on meeting the region's greenhouse gas emissions reduction*
19 *targets established by the State Air Resources Board in adopted*
20 *and future plans*, and its consistency with city or county general
21 and specific plans.
- 22 (h) The sphere of influence of any local agency which may be
23 applicable to the proposal being reviewed.
- 24 (i) The comments of any affected local agency or other public
25 agency.
- 26 (j) The ability of the newly formed or receiving entity to provide
27 the services which are the subject of the application to the area,
28 including the sufficiency of revenues for those services following
29 the proposed boundary change.
- 30 (k) Timely availability of water supplies adequate for projected
31 needs as specified in Section 65352.5.
- 32 (l) The extent to which the proposal will affect a city or cities
33 and the county in achieving their respective fair shares of the
34 regional housing needs as determined by the appropriate council
35 of governments consistent with Article 10.6 (commencing with
36 Section 65580) of Chapter 3 of Division 1 of Title 7.
- 37 (m) Any information or comments from the landowner or
38 owners, voters, or residents of the affected territory.
- 39 (n) Any information relating to existing land use designations.

1 (o) The extent to which the proposal will promote environmental
2 justice. As used in this subdivision, “environmental justice” means
3 the fair treatment of people of all races, cultures, and incomes with
4 respect to the location of public facilities and the provision of
5 public services.

6 ~~SECTION 1.~~

7 *SEC. 2.* Section 75128 of the Public Resources Code is
8 amended to read:

9 75128. (a) To support the planning and development of
10 sustainable communities, the council shall manage and award
11 financial assistance to a council of governments, metropolitan
12 planning organization, regional transportation planning agency,
13 city, county, local agency formation commission, or joint powers
14 authority, to develop, adopt, or implement a regional plan or other
15 planning instrument consistent with a regional plan that improves
16 air and water quality, improves natural resource protection,
17 increases the availability of affordable housing, improves
18 transportation, meets the goals of the California Global Warming
19 Solutions Act of 2006 (Division 25.5 (commencing with Section
20 38500) of the Health and Safety Code), and encourages sustainable
21 land use. The financial assistance provided pursuant to this section
22 shall be funded from moneys made available pursuant to
23 subdivision (c) of Section 75065.

24 (b) In awarding financial assistance pursuant to this section, the
25 council shall give first priority to an application seeking funding
26 to add or enhance elements of a regional plan that are not funded
27 with federal moneys.

28 *SEC. 3. No reimbursement is required by this act pursuant to*
29 *Section 6 of Article XIII B of the California Constitution because*
30 *a local agency or school district has the authority to levy service*
31 *charges, fees, or assessments sufficient to pay for the program or*
32 *level of service mandated by this act, within the meaning of Section*
33 *17556 of the Government Code.*