

Senate Bill No. 26

CHAPTER 829

An act to amend Section 7 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933), relating to water.

[Approved by Governor September 29, 2014. Filed with
Secretary of State September 29, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

SB 26, Correa. Orange County Water District: land use.

Existing law, the Orange County Water District Act, prescribes the powers of the Orange County Water District. Existing law grants the district the power to perform actions useful or necessary to replenish the underground water basin within the district, or to augment and protect the quality of the common water supplies of the district.

Existing law generally requires a local agency to comply with all applicable building ordinances and zoning ordinances of the county or city in which the territory of the local agency is situated. Existing law prohibits the application of the building ordinances and zoning ordinances of a county or city to the location or construction of specified water facilities.

This bill would require the district to comply with the above-described provisions relating to building and zoning ordinances. This bill would require the district to provide notice of intent to develop real property owned by the district that is located within the boundaries of a city to the planning agency of that city at least 30 days in advance of any action to approve the development by the district's board. This bill would require the district to conduct at least one public meeting in a city where a water facility exempt from the application of building ordinances and zoning ordinances would be located or constructed. By imposing new requirements on the district, this bill would impose a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Orange.

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.

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

SECTION 1. It is the intent of the Legislature that the Orange County Water District adopt a policy to address the process for development of property owned by the district that is located within the boundaries of a city, with the following goals:

(a) To clarify, by amending the Orange County Water District Act (Chapter 924 of the Statutes of 1933), that Article 5 (commencing with Section 53090) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, related to the regulation of local agencies by counties and cities, applies to any property owned by the district.

(b) To foster greater collaboration between the district and a city on the development of real property owned by the district located within the boundaries of that city.

(c) To provide increased transparency to the community in land use decisions with respect to the development of real property owned by the district located within the boundaries of a city.

SEC. 2. Section 7 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

Sec. 7. (a) The legal title to all property acquired under this act shall immediately and by operation of law vest in the district, and shall be held by the district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board of directors is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess the property, as provided in this act. The board of directors may determine, by resolution duly entered in their minutes that any property, real or personal, held by the district is no longer necessary to be retained for the uses and purposes of the district, and may thereafter sell or otherwise dispose of the property.

(b) The district shall comply with Article 5 (commencing with Section 53090) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code for any property owned by the district.

(c) The district shall provide notice of intent to develop real property owned by the district that is located within the boundaries of a city to the planning agency of that city at least 30 days in advance of any action to approve the development by the district's board.

(d) For the location or construction of a facility specified in subdivision (e) of Section 53091 of the Government Code that is proposed to be located within the boundaries of a city, the district shall conduct at least one public meeting in that city.

SEC. 3. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique parcels of land in the County of Orange and the need to ensure that the development of real property by the Orange County Water District not subject to local planning and zoning ordinances is open to public scrutiny.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.