

ASSEMBLY BILL

No. 2651

Introduced by Assembly Member Gomez

February 19, 2016

An act to amend Section 816.52 of the Civil Code, and to amend Sections 65302 and 65560 of the Government Code, relating to open-space lands, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2651, as introduced, Gomez. Greenway easements.

(1) The Greenway Development and Sustainment Act applies to greenway easements certain creation and transfer provisions similar to those of conversation easements. The act defines various terms for purposes of the act, including “greenway,” to mean certain types of travel corridors that, among other requirements, incorporate an array of amenities for users of the corridor and nearby communities, and “greenway easement” to mean a limitation in a deed, will, or other instrument for the purpose of developing greenways adjacent to urban waterways. The act provides that a recorded greenway easement constitutes an enforceable restriction for purposes of certain property tax provisions.

This bill would require a greenway to incorporate an array of amenities only within an urbanized area, as defined. The bill would include easements created for the purpose of preserving greenways adjacent to urban waterways as greenway easements. The bill would require greenway easements created for the purpose of developing greenways to be consistent with restoration efforts undertaken at the adjacent urban waterways at the time of the creation of the easement.

Because this bill, by revising these terms for purposes of the act and by expanding the definition of a greenway easement, would change the manner in which county assessors assess property for property taxation purposes, this bill would impose a state-mandated local program.

(2) The Planning and Zoning Law requires each city, county, and city and county to prepare and adopt a general plan that contains certain mandatory elements, including a land use element and an open-space element. Existing law includes greenways, as defined in the Greenway Development and Sustainment Act, in the definition of “open-space land” for the purposes of the open-space element.

This bill would instead specify that greenways be included in the land use element of a general plan.

By revising the contents of the mandatory elements of a general plan, this bill would impose a state-mandated local program.

(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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. 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 816.52 of the Civil Code is amended to
- 2 read:
- 3 816.52. For purposes of this chapter, the following definitions
- 4 apply:
- 5 (a) (1) “Adjacent” means within 400 yards from the property
- 6 boundary of an existing urban waterway.
- 7 (2) This subdivision does not create a new authority to place or
- 8 extend an easement on private property that is not part of a
- 9 voluntary agreement.

1 (b) “Greenway” means a pedestrian and bicycle, nonmotorized
2 vehicle transportation, and recreational travel corridor that meets
3 the following requirements:

4 (1) Includes landscaping that improves rivers and streams,
5 provides flood protection benefits, and incorporates the significance
6 and value of natural, historical, and cultural resources, as
7 documented in the local agency’s applicable planning document,
8 including, but not limited to, a master plan, a general plan, or a
9 specific plan.

10 (2) Is separated and protected from shared roadways, is adjacent
11 to an urban waterway, and incorporates both ease of access to
12 nearby communities and an array of amenities *within an urbanized*
13 *area* and services for the users of the corridor and nearby
14 communities.

15 (3) Is located on public lands or private lands, or a combination
16 of public and private lands, where public access to those lands for
17 greenway purposes has been legally authorized by, or legally
18 obtained from, the fee owner of the land and, if applicable, the
19 operator of any facility or improvement located on the land,
20 through leases, easements, or other agreements entered into by the
21 fee owner and the operator of any affected facility or improvement
22 on the land.

23 (4) Reflects design standards regarding appropriate widths,
24 clearances, setbacks from obstructions, and centerlines protecting
25 directional travel, and other considerations, as appropriate, that
26 are applicable for each affected local agency, as documented in
27 the local agency’s applicable planning document, including, but
28 not limited to, a master plan, general plan, or specific plan.

29 (5) May incorporate appropriate lighting, ~~public amenities,~~
30 *amenities within an urbanized area*, art, and other features that are
31 consistent with a local agency’s planning document, including,
32 but not limited to, a general plan, master plan, or specific plan.

33 (c) “Greenway easement” means any limitation in a deed, will,
34 or other instrument in the form of an easement, restriction,
35 covenant, or condition that is or has been executed by or on behalf
36 of the owner of the land subject to the easement and is binding
37 upon successive owners of that land, for *either of the purpose of*
38 ~~developing~~ *following purposes:*

1 (1) *Developing greenways adjacent to urban waterways*
2 *consistent with restoration efforts undertaken at those waterways*
3 *at the time of the creation of the easement, if any.*

4 (2) *Preserving greenways adjacent to urban waterways.*

5 (d) “Local agency” means a city, county, or city and county.

6 (e) “Urbanized area” has the same meaning as set forth in
7 *Section 21071 of the Public Resources Code.*

8 (e)

9 (f) “Urban waterway” means a creek, stream, or river that crosses

10 (1) developed residential, commercial, or industrial property or

11 (2) open space where the land use is designated as residential,
12 commercial, or industrial, as referenced in a local agency’s
13 planning document, including, but not limited to, a general plan,
14 master plan, or specific general plan.

15 SEC. 2. Section 65302 of the Government Code is amended
16 to read:

17 65302. The general plan shall consist of a statement of
18 development policies and shall include a diagram or diagrams and
19 text setting forth objectives, principles, standards, and plan
20 proposals. The plan shall include the following elements:

21 (a) A land use element that designates the proposed general
22 distribution and general location and extent of the uses of the land
23 for housing, business, industry, open space, including agriculture,
24 natural resources, recreation, and enjoyment of scenic beauty,
25 education, public buildings and grounds, solid and liquid waste
26 disposal facilities, *greenways, as defined in Section 816.52 of the*
27 *Civil Code*, and other categories of public and private uses of land.

28 The location and designation of the extent of the uses of the land
29 for public and private uses shall consider the identification of land
30 and natural resources pursuant to paragraph (3) of subdivision (d).

31 The land use element shall include a statement of the standards of
32 population density and building intensity recommended for the
33 various districts and other territory covered by the plan. The land
34 use element shall identify and annually review those areas covered
35 by the plan that are subject to flooding identified by flood plain
36 mapping prepared by the Federal Emergency Management Agency
37 (FEMA) or the Department of Water Resources. The land use
38 element shall also do both of the following:

39 (1) Designate in a land use category that provides for timber
40 production those parcels of real property zoned for timberland

1 production pursuant to the California Timberland Productivity Act
2 of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1
3 of Division 1 of Title 5).

4 (2) Consider the impact of new growth on military readiness
5 activities carried out on military bases, installations, and operating
6 and training areas, when proposing zoning ordinances or
7 designating land uses covered by the general plan for land, or other
8 territory adjacent to military facilities, or underlying designated
9 military aviation routes and airspace.

10 (A) In determining the impact of new growth on military
11 readiness activities, information provided by military facilities
12 shall be considered. Cities and counties shall address military
13 impacts based on information from the military and other sources.

14 (B) The following definitions govern this paragraph:

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

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

18 (II) Operation, maintenance, and security of any military
19 installation.

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

22 (ii) “Military installation” means a base, camp, post, station,
23 yard, center, homeport facility for any ship, or other activity under
24 the jurisdiction of the United States Department of Defense as
25 defined in paragraph (1) of subsection (g) of Section 2687 of Title
26 10 of the United States Code.

27 (b) (1) A circulation element consisting of the general location
28 and extent of existing and proposed major thoroughfares,
29 transportation routes, terminals, any military airports and ports,
30 and other local public utilities and facilities, all correlated with the
31 land use element of the plan.

32 (2) (A) Commencing January 1, 2011, upon any substantive
33 revision of the circulation element, the legislative body shall
34 modify the circulation element to plan for a balanced, multimodal
35 transportation network that meets the needs of all users of streets,
36 roads, and highways for safe and convenient travel in a manner
37 that is suitable to the rural, suburban, or urban context of the
38 general plan.

39 (B) For purposes of this paragraph, “users of streets, roads, and
40 highways” mean bicyclists, children, persons with disabilities,

1 motorists, movers of commercial goods, pedestrians, users of public
2 transportation, and seniors.

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

5 (d) (1) A conservation element for the conservation,
6 development, and utilization of natural resources including water
7 and its hydraulic force, forests, soils, rivers and other waters,
8 harbors, fisheries, wildlife, minerals, and other natural resources.

9 The conservation element shall consider the effect of development
10 within the jurisdiction, as described in the land use element, on
11 natural resources located on public lands, including military
12 installations. That portion of the conservation element including
13 waters shall be developed in coordination with any countywide
14 water agency and with all district and city agencies, including
15 flood management, water conservation, or groundwater agencies
16 that have developed, served, controlled, managed, or conserved
17 water of any type for any purpose in the county or city for which
18 the plan is prepared. Coordination shall include the discussion and
19 evaluation of any water supply and demand information described
20 in Section 65352.5, if that information has been submitted by the
21 water agency to the city or county.

22 (2) The conservation element may also cover all of the
23 following:

24 (A) The reclamation of land and waters.

25 (B) Prevention and control of the pollution of streams and other
26 waters.

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

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

31 (E) Protection of watersheds.

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

34 (3) Upon the next revision of the housing element on or after
35 January 1, 2009, the conservation element shall identify rivers,
36 creeks, streams, flood corridors, riparian habitats, and land that
37 may accommodate floodwater for purposes of groundwater
38 recharge and stormwater management.

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

1 (f) (1) A noise element that shall identify and appraise noise
2 problems in the community. The noise element shall analyze and
3 quantify, to the extent practicable, as determined by the legislative
4 body, current and projected noise levels for all of the following
5 sources:

- 6 (A) Highways and freeways.
- 7 (B) Primary arterials and major local streets.
- 8 (C) Passenger and freight online railroad operations and ground
9 rapid transit systems.
- 10 (D) Commercial, general aviation, heliport, helistop, and military
11 airport operations, aircraft overflights, jet engine test stands, and
12 all other ground facilities and maintenance functions related to
13 airport operation.
- 14 (E) Local industrial plants, including, but not limited to, railroad
15 classification yards.
- 16 (F) 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 (2) 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 sound 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 (3) The noise contours shall be used as a guide for establishing
26 a pattern of land uses in the land use element that minimizes the
27 exposure of community residents to excessive noise.

28 (4) The noise element shall include implementation measures
29 and 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 standards.

32 (g) (1) A safety element for the protection of the community
33 from any unreasonable risks associated with the effects of
34 seismically induced surface rupture, ground shaking, ground
35 failure, tsunami, seiche, and dam failure; slope instability leading
36 to mudslides and landslides; subsidence; liquefaction; and other
37 seismic hazards identified pursuant to Chapter 7.8 (commencing
38 with Section 2690) of Division 2 of the Public Resources Code,
39 and other geologic hazards known to the legislative body; flooding;
40 and wildland and urban fires. The safety element shall include

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

6 (2) The safety element, upon the next revision of the housing
7 element on or after January 1, 2009, shall also do the following:

8 (A) Identify information regarding flood hazards, including,
9 but not limited to, the following:

10 (i) Flood hazard zones. As used in this subdivision, “flood
11 hazard zone” means an area subject to flooding that is delineated
12 as either a special hazard area or an area of moderate or minimal
13 hazard on an official flood insurance rate map issued by the Federal
14 Emergency Management Agency (FEMA). The identification of
15 a flood hazard zone does not imply that areas outside the flood
16 hazard zones or uses permitted within flood hazard zones will be
17 free from flooding or flood damage.

18 (ii) National Flood Insurance Program maps published by
19 FEMA.

20 (iii) Information about flood hazards that is available from the
21 United States Army Corps of Engineers.

22 (iv) Designated floodway maps that are available from the
23 Central Valley Flood Protection Board.

24 (v) Dam failure inundation maps prepared pursuant to Section
25 8589.5 that are available from the Office of Emergency Services.

26 (vi) Awareness Floodplain Mapping Program maps and 200-year
27 flood plain maps that are or may be available from, or accepted
28 by, the Department of Water Resources.

29 (vii) Maps of levee protection zones.

30 (viii) Areas subject to inundation in the event of the failure of
31 project or nonproject levees or floodwalls.

32 (ix) Historical data on flooding, including locally prepared maps
33 of areas that are subject to flooding, areas that are vulnerable to
34 flooding after wildfires, and sites that have been repeatedly
35 damaged by flooding.

36 (x) Existing and planned development in flood hazard zones,
37 including structures, roads, utilities, and essential public facilities.

38 (xi) Local, state, and federal agencies with responsibility for
39 flood protection, including special districts and local offices of
40 emergency services.

- 1 (B) Establish a set of comprehensive goals, policies, and
2 objectives based on the information identified pursuant to
3 subparagraph (A), for the protection of the community from the
4 unreasonable risks of flooding, including, but not limited to:
5 (i) Avoiding or minimizing the risks of flooding to new
6 development.
7 (ii) Evaluating whether new development should be located in
8 flood hazard zones, and identifying construction methods or other
9 methods to minimize damage if new development is located in
10 flood hazard zones.
11 (iii) Maintaining the structural and operational integrity of
12 essential public facilities during flooding.
13 (iv) Locating, when feasible, new essential public facilities
14 outside of flood hazard zones, including hospitals and health care
15 facilities, emergency shelters, fire stations, emergency command
16 centers, and emergency communications facilities or identifying
17 construction methods or other methods to minimize damage if
18 these facilities are located in flood hazard zones.
19 (v) Establishing cooperative working relationships among public
20 agencies with responsibility for flood protection.
21 (C) Establish a set of feasible implementation measures designed
22 to carry out the goals, policies, and objectives established pursuant
23 to subparagraph (B).
24 (3) Upon the next revision of the housing element on or after
25 January 1, 2014, the safety element shall be reviewed and updated
26 as necessary to address the risk of fire for land classified as state
27 responsibility areas, as defined in Section 4102 of the Public
28 Resources Code, and land classified as very high fire hazard
29 severity zones, as defined in Section 51177. This review shall
30 consider the advice included in the Office of Planning and
31 Research’s most recent publication of “Fire Hazard Planning,
32 General Plan Technical Advice Series” and shall also include all
33 of the following:
34 (A) Information regarding fire hazards, including, but not limited
35 to, all of the following:
36 (i) Fire hazard severity zone maps available from the Department
37 of Forestry and Fire Protection.
38 (ii) Any historical data on wildfires available from local agencies
39 or a reference to where the data can be found.

- 1 (iii) Information about wildfire hazard areas that may be
2 available from the United States Geological Survey.
- 3 (iv) General location and distribution of existing and planned
4 uses of land in very high fire hazard severity zones and in state
5 responsibility areas, including structures, roads, utilities, and
6 essential public facilities. The location and distribution of planned
7 uses of land shall not require defensible space compliance measures
8 required by state law or local ordinance to occur on publicly owned
9 lands or open space designations of homeowner associations.
- 10 (v) Local, state, and federal agencies with responsibility for fire
11 protection, including special districts and local offices of
12 emergency services.
- 13 (B) A set of goals, policies, and objectives based on the
14 information identified pursuant to subparagraph (A) for the
15 protection of the community from the unreasonable risk of wildfire.
- 16 (C) A set of feasible implementation measures designed to carry
17 out the goals, policies, and objectives based on the information
18 identified pursuant to subparagraph (B) including, but not limited
19 to, all of the following:
 - 20 (i) Avoiding or minimizing the wildfire hazards associated with
21 new uses of land.
 - 22 (ii) Locating, when feasible, new essential public facilities
23 outside of high fire risk areas, including, but not limited to,
24 hospitals and health care facilities, emergency shelters, emergency
25 command centers, and emergency communications facilities, or
26 identifying construction methods or other methods to minimize
27 damage if these facilities are located in a state responsibility area
28 or very high fire hazard severity zone.
 - 29 (iii) Designing adequate infrastructure if a new development is
30 located in a state responsibility area or in a very high fire hazard
31 severity zone, including safe access for emergency response
32 vehicles, visible street signs, and water supplies for structural fire
33 suppression.
 - 34 (iv) Working cooperatively with public agencies with
35 responsibility for fire protection.
- 36 (D) If a city or county has adopted a fire safety plan or document
37 separate from the general plan, an attachment of, or reference to,
38 a city or county's adopted fire safety plan or document that fulfills
39 commensurate goals and objectives and contains information
40 required pursuant to this paragraph.

1 (4) Upon the next revision of a local hazard mitigation plan,
2 adopted in accordance with the federal Disaster Mitigation Act of
3 2000 (Public Law 106-390), on or after January 1, 2017, or, if a
4 local jurisdiction has not adopted a local hazard mitigation plan,
5 beginning on or before January 1, 2022, the safety element shall
6 be reviewed and updated as necessary to address climate adaptation
7 and resiliency strategies applicable to the city or county. This
8 review shall consider advice provided in the Office of Planning
9 and Research’s General Plan Guidelines and shall include all of
10 the following:

11 (A) (i) A vulnerability assessment that identifies the risks that
12 climate change poses to the local jurisdiction and the geographic
13 areas at risk from climate change impacts, including, but not limited
14 to, an assessment of how climate change may affect the risks
15 addressed pursuant to paragraphs (2) and (3).

16 (ii) Information that may be available from federal, state,
17 regional, and local agencies that will assist in developing the
18 vulnerability assessment and the adaptation policies and strategies
19 required pursuant to subparagraph (B), including, but not limited
20 to, all of the following:

21 (I) Information from the Internet-based Cal-Adapt tool.

22 (II) Information from the most recent version of the California
23 Adaptation Planning Guide.

24 (III) Information from local agencies on the types of assets,
25 resources, and populations that will be sensitive to various climate
26 change exposures.

27 (IV) Information from local agencies on their current ability to
28 deal with the impacts of climate change.

29 (V) Historical data on natural events and hazards, including
30 locally prepared maps of areas subject to previous risk, areas that
31 are vulnerable, and sites that have been repeatedly damaged.

32 (VI) Existing and planned development in identified at-risk
33 areas, including structures, roads, utilities, and essential public
34 facilities.

35 (VII) Federal, state, regional, and local agencies with
36 responsibility for the protection of public health and safety and
37 the environment, including special districts and local offices of
38 emergency services.

1 (B) A set of adaptation and resilience goals, policies, and
2 objectives based on the information specified in subparagraph (A)
3 for the protection of the community.

4 (C) A set of feasible implementation measures designed to carry
5 out the goals, policies, and objectives identified pursuant to
6 subparagraph (B) including, but not limited to, all of the following:

7 (i) Feasible methods to avoid or minimize climate change
8 impacts associated with new uses of land.

9 (ii) The location, when feasible, of new essential public facilities
10 outside of at-risk areas, including, but not limited to, hospitals and
11 health care facilities, emergency shelters, emergency command
12 centers, and emergency communications facilities, or identifying
13 construction methods or other methods to minimize damage if
14 these facilities are located in at-risk areas.

15 (iii) The designation of adequate and feasible infrastructure
16 located in an at-risk area.

17 (iv) Guidelines for working cooperatively with relevant local,
18 regional, state, and federal agencies.

19 (v) The identification of natural infrastructure that may be used
20 in adaptation projects, where feasible. Where feasible, the plan
21 shall use existing natural features and ecosystem processes, or the
22 restoration of natural features and ecosystem processes, when
23 developing alternatives for consideration. For the purposes of this
24 clause, “natural infrastructure” means the preservation or
25 restoration of ecological systems, or utilization of engineered
26 systems that use ecological processes, to increase resiliency to
27 climate change, manage other environmental hazards, or both.
28 This may include, but is not limited to, floodplain and wetlands
29 restoration or preservation, combining levees with restored natural
30 systems to reduce flood risk, and urban tree planting to mitigate
31 high heat days.

32 (D) (i) If a city or county has adopted the local hazard
33 mitigation plan, or other climate adaptation plan or document that
34 fulfills commensurate goals and objectives and contains the
35 information required pursuant to this paragraph, separate from the
36 general plan, an attachment of, or reference to, the local hazard
37 mitigation plan or other climate adaptation plan or document.

38 (ii) Cities or counties that have an adopted hazard mitigation
39 plan, or other climate adaptation plan or document that substantially
40 complies with this section, or have substantially equivalent

1 provisions to this subdivision in their general plans, may use that
2 information in the safety element to comply with this subdivision,
3 and shall summarize and incorporate by reference into the safety
4 element the other general plan provisions, climate adaptation plan
5 or document, specifically showing how each requirement of this
6 subdivision has been met.

7 (5) After the initial revision of the safety element pursuant to
8 paragraphs (2), (3), and (4) upon each revision of the housing
9 element, the planning agency shall review and, if necessary, revise
10 the safety element to identify new information that was not
11 available during the previous revision of the safety element.

12 (6) Cities and counties that have flood plain management
13 ordinances that have been approved by FEMA that substantially
14 comply with this section, or have substantially equivalent
15 provisions to this subdivision in their general plans, may use that
16 information in the safety element to comply with this subdivision,
17 and shall summarize and incorporate by reference into the safety
18 element the other general plan provisions or the flood plain
19 ordinance, specifically showing how each requirement of this
20 subdivision has been met.

21 (7) Prior to the periodic review of its general plan and prior to
22 preparing or revising its safety element, each city and county shall
23 consult the California Geological Survey of the Department of
24 Conservation, the Central Valley Flood Protection Board, if the
25 city or county is located within the boundaries of the Sacramento
26 and San Joaquin Drainage District, as set forth in Section 8501 of
27 the Water Code, and the Office of Emergency Services for the
28 purpose of including information known by and available to the
29 department, the agency, and the board required by this subdivision.

30 (8) To the extent that a county's safety element is sufficiently
31 detailed and contains appropriate policies and programs for
32 adoption by a city, a city may adopt that portion of the county's
33 safety element that pertains to the city's planning area in
34 satisfaction of the requirement imposed by this subdivision.

35 SEC. 3. Section 65560 of the Government Code is amended
36 to read:

37 65560. (a) "Local open-space plan" is the open-space element
38 of a county or city general plan adopted by the board or council,
39 either as the local open-space plan or as the interim local
40 open-space plan adopted pursuant to Section 65563.

1 (b) “Open-space land” is any parcel or area of land or water that
2 is essentially unimproved and devoted to an open-space use as
3 defined in this section, and that is designated on a local, regional,
4 or state open-space plan as any of the following:

5 (1) Open space for the preservation of natural resources
6 including, but not limited to, areas required for the preservation
7 of plant and animal life, including habitat for fish and wildlife
8 species; areas required for ecologic and other scientific study
9 purposes; rivers, streams, bays, and estuaries; and coastal beaches,
10 lakeshores, banks of rivers and streams, ~~greenways, as defined in~~
11 ~~Section 816.52 of the Civil Code~~, and watershed lands.

12 (2) Open space used for the managed production of resources,
13 including, but not limited to, forest lands, rangeland, agricultural
14 lands, and areas of economic importance for the production of
15 food or fiber; areas required for recharge of groundwater basins;
16 bays, estuaries, marshes, rivers, and streams that are important for
17 the management of commercial fisheries; and areas containing
18 major mineral deposits, including those in short supply.

19 (3) Open space for outdoor recreation, including, but not limited
20 to, areas of outstanding scenic, historic, and cultural value; areas
21 particularly suited for park and recreation purposes, including
22 access to lakeshores, beaches, and rivers and streams; and areas
23 that serve as links between major recreation and open-space
24 reservations, including utility easements, banks of rivers and
25 streams, trails, ~~greenways~~, and scenic highway corridors.

26 (4) Open space for public health and safety, including, but not
27 limited to, areas that require special management or regulation
28 because of hazardous or special conditions such as earthquake
29 fault zones, unstable soil areas, flood plains, watersheds, areas
30 presenting high fire risks, areas required for the protection of water
31 quality and water reservoirs, and areas required for the protection
32 and enhancement of air quality.

33 (5) Open space in support of the mission of military installations
34 that comprises areas adjacent to military installations, military
35 training routes, and underlying restricted airspace that can provide
36 additional buffer zones to military activities and complement the
37 resource values of the military lands.

38 (6) Open space for the protection of places, features, and objects
39 described in Sections 5097.9 and 5097.993 of the Public Resources
40 Code.

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

7 However, if the Commission on State Mandates determines that
8 this act contains other costs mandated by the state, reimbursement
9 to local agencies and school districts for those costs shall be made
10 pursuant to Part 7 (commencing with Section 17500) of Division
11 4 of Title 2 of the Government Code.

12 SEC. 5. This act is an urgency statute necessary for the
13 immediate preservation of the public peace, health, or safety within
14 the meaning of Article IV of the Constitution and shall go into
15 immediate effect. The facts constituting the necessity are:

16 In order to timely facilitate the orderly and efficient
17 implementation of Chapter 639 of the Statutes of 2015, it is
18 necessary that this act take effect immediately.