

AMENDED IN ASSEMBLY JANUARY 3, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 1724

Introduced by Assembly Member McPherson

February 24, 1995

An act to add Section 65302.6 to the Government Code, relating to general plans.

LEGISLATIVE COUNSEL'S DIGEST

AB 1724, as amended, McPherson. General plans: compliance: school facilities location.

Existing law requires each city, county, or city and county to prepare and adopt a long-term, comprehensive general plan for the physical development of its jurisdiction. Under existing law, the general plan includes certain mandatory elements, including a land use element which designates the proposed general distribution, and general location and extent of the uses of land for, among other things, housing, business, open space, including agriculture, and education. Existing law generally requires that development projects be consistent with the general plan of the jurisdiction in which the project is located, and requires general plan consistency in numerous other contexts.

~~This bill would require, if a school district that selects a location for a new school facility that is contrary to the general plan, that the facility provide justification to the legislative body as to the need for the chosen location. The bill would provide that if the chosen location is sufficiently close to~~

~~designated agricultural land so as to require an agricultural buffer setback, it is the responsibility of the school district to maintain the buffer zone.~~

This bill would provide that it is the policy of the state that new school facilities should be located on sites where this use is consistent with the existing general plan, and would further provide that if a school district selects a site for a new school facility that is inconsistent with the existing general plan, the district shall demonstrate to the local legislative body that the selection of the site is in the public interest, as defined.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. Section 65302.6 is added to the
2 Government Code, to read:

3 ~~65302.6. (a) If a school district selects a location for a~~
4 ~~new school facility that is contrary to the general plan, the~~
5 ~~school district shall provide justification to the legislative~~
6 ~~body as to the need for the chosen location.~~

7 ~~(b) If the location chosen pursuant to subdivision (a)~~
8 ~~is sufficiently close to designated agricultural land so as to~~
9 ~~require an agricultural buffer setback, it shall be the~~
10 ~~responsibility of the school district to maintain the buffer~~
11 ~~zone.~~

12 *65302.6. (a) It is the policy of the state that new*
13 *school facilities should be located on sites where this use*
14 *is consistent with the existing general plan. If a school*
15 *district selects a site for a new school facility that is*
16 *inconsistent with the existing general plan, the district*
17 *shall demonstrate to the local legislative body that the*
18 *selection of the site is in the public interest.*

19 *(b) For purposes of this section, selection of a site shall*
20 *be deemed to be within the public interest only if the*
21 *local legislative body makes both of the following*
22 *findings:*

23 *(1) The site has not been selected primarily because of*
24 *its low cost.*



1 (2) *If the site is within an agricultural or industrial*
2 *area, all necessary mitigation for the protection of the*
3 *public health and safety can be provided within the*
4 *boundaries of the site.*

O

