

AMENDED IN SENATE MARCH 28, 1995

**SENATE BILL**

**No. 660**

---

---

**Introduced by Committee on Housing and Land Use  
(Senators Campbell (Chairman), Costa, Kopp, Marks,  
Mello, Monteith, and Watson)**

February 22, 1995

---

---

An act to amend Sections 51231, 51287, 65861, ~~and 66016~~  
~~66016~~, and 66031 of, and to repeal Sections 65036.5 and 65040.7  
of, the Government Code, *and to amend Section 50459 of the*  
*Health and Safety Code*, relating to the Housing and Land Use  
Omnibus Act of 1995.

LEGISLATIVE COUNSEL'S DIGEST

SB 660, as amended, Committee on Housing and Land  
Use. Housing and Land Use Omnibus Act of 1995.

(1) Existing law, known as the Williamson Act, authorizes  
any city or county to contract with a landowner for the  
purpose of preserving land as an agricultural preserve, as  
specified. Existing law also authorizes cancellations of these  
contracts, under certain conditions, and further authorizes  
the city or county to charge a fee designed to cover the  
reasonable cost of services provided by the county incident to  
the cancellation, pursuant to specified provisions of existing  
law.

This bill would delete an obsolete statutory reference to  
those provisions of existing law that authorize the city or  
county to charge a fee for its services incident to the  
cancellation, and would replace it with an updated reference.

*Existing law also requires rules related to compatible uses of lands covered by the Williamson Act to conform to specified statutory principles; however, the statute referred to in this regard is not drafted in terms of specified principles.*

*This bill would delete the reference to statutory principles, and would instead require the rules related to compatible uses to conform to the provisions of the specified statute.*

(2) Under existing law, the Governor's Office of Planning and Research exists to further state policy to insure the preservation and use of land, so as to improve the quality of life in California, as specified. In connection with this policy, existing law requires the Office of Planning and Research to conduct various surveys and demonstration projects, and report the results of these surveys to the Legislature. Under existing law, the deadlines for some of these required reports have passed, and have not been extended.

This bill would repeal the expired surveys and demonstration projects.

(3) Existing law relating to zoning regulation requires the legislative body of a city to do all things required or authorized of the city planning commission in this regard, when there is no city planning commission.

This bill would extend this requirement to the legislative body of a county, when there is no county planning commission.

(4) Existing law establishes a procedure, including a public hearing, for the levy or increase by a local agency of specified fees relating to planning and land use. Under existing law, fees imposed pursuant to the Williamson Act are subject to this procedure, but the act contains an outdated statutory reference to the procedure.

This bill would delete the outdated reference, and would make the levy or increase of fees charged by a local agency in connection with the cancellation of a contract under the Williamson Act subject to the above procedure pursuant to the current statutory reference.

(5) This bill would make findings and declarations and state legislative intent relative to the desire of the Legislature to both run the government efficiently and economically, and



to reduce the number of separate bills affecting housing, land use, and related topics.

*(6) Existing law provides that any action brought in a superior court relating to certain subjects involving land use may be subject to a mediation procedure, as specified.*

*This bill would add actions relating to the validity of specified zoning decisions to the list of subjects which may be mediated according to this procedure.*

*(7) Existing law authorizes the Department of Housing and Community Development to adopt and revise guidelines relating to the preparation of housing elements, as specified by state law. Existing federal law requires local governments to prepare Consolidated Submissions for Community Planning and Development Programs, in connection with the receipt of certain federal funding.*

*This bill would also authorize the department to adopt and revise guidelines relating to the preparation of a document that meets housing element requirements pursuant to state law, and requirements for the Consolidated Submissions for Community Planning and Development Programs.*

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. This act shall be known, and may be  
2 cited as, the Housing and Land Use Omnibus Act of 1995.  
3 The Legislature finds and declares that Californians  
4 desire their government to be run efficiently and  
5 economically, and that public officials should avoid waste  
6 and duplication whenever possible. The Legislature  
7 further finds and declares that it desires to reduce its own  
8 operating costs by reducing the number of separate bills  
9 affecting housing, land use, and related topics.

10 Based on the above findings and declarations, it is the  
11 intent of the Legislature in enacting this act to combine  
12 several minor, noncontroversial statutory changes  
13 relating to housing, land use, and related topics into a  
14 single measure.



1 SEC. 1.5. Section 51231 of the Government Code is  
2 amended to read:

3 51231. For the purposes of this chapter, the board or  
4 council, by resolution, shall adopt rules governing the  
5 administration of agricultural preserves, including  
6 procedures for initiating, filing, and processing requests  
7 to establish agricultural preserves. Rules related to  
8 compatible uses shall be consistent with the ~~principles set~~  
9 ~~forth in provisions of~~ Section 51238.1. Those rules shall be  
10 applied uniformly throughout the preserve. The board or  
11 council may require the payment of a reasonable  
12 application fee. The same procedure that is required to  
13 establish an agricultural preserve shall be used to  
14 disestablish or to enlarge or diminish the size of an  
15 agricultural preserve. In adopting rules related to  
16 compatible uses, the board or council may enumerate  
17 those uses, including agricultural laborer housing which  
18 are to be considered to be compatible uses on contracted  
19 lands separately from those uses which are to be  
20 considered to be compatible uses on lands not under  
21 contract within the agricultural preserve.

22 SEC. 2. Section 51287 of the Government Code is  
23 amended to read:

24 51287. The city or county may impose a fee pursuant  
25 to Chapter 8 (commencing with Section 66016) of  
26 Division 1 of Title 7 for recovery of costs under this article.  
27 The fee shall not exceed an amount necessary to recover  
28 the reasonable cost of services provided by the city or  
29 county under this article.

30 SEC. 3. Section 65036.5 of the Government Code is  
31 repealed.

32 SEC. 4. Section 65040.7 of the Government Code is  
33 repealed.

34 SEC. 5. Section 65861 of the Government Code is  
35 amended to read:

36 65861. When there is no planning commission, the  
37 legislative body of the city or county shall do all things  
38 required or authorized by this chapter of the planning  
39 commission.



1 SEC. 6. Section 66016 of the Government Code is  
2 amended to read:

3 66016. (a) Prior to levying a new fee or service  
4 charge, or prior to approving an increase in an existing fee  
5 or service charge, a local agency shall hold at least one  
6 public meeting, at which oral or written presentations  
7 can be made, as part of a regularly scheduled meeting.  
8 Notice of the time and place of the meeting, including a  
9 general explanation of the matter to be considered, and  
10 a statement that the data required by this section is  
11 available, shall be mailed at least 14 days prior to the  
12 meeting to any interested party who files a written  
13 request with the local agency for mailed notice of the  
14 meeting on new or increased fees or service charges. Any  
15 written request for mailed notices shall be valid for one  
16 year from the date on which it is filed unless a renewal  
17 request is filed. Renewal requests for mailed notices shall  
18 be filed on or before April 1 of each year. The legislative  
19 body may establish a reasonable annual charge for  
20 sending notices based on the estimated cost of providing  
21 the service. At least 10 days prior to the meeting, the local  
22 agency shall make available to the public data indicating  
23 the amount of cost, or estimated cost, required to provide  
24 the service for which the fee or service charge is levied  
25 and the revenue sources anticipated to provide the  
26 service, including General Fund revenues. Unless there  
27 has been voter approval, as prescribed by Section 66013  
28 or 66014, no local agency shall levy a new fee or service  
29 charge or increase an existing fee or service charge to an  
30 amount which exceeds the estimated amount required to  
31 provide the service for which the fee or service charge is  
32 levied. If, however, the fees or service charges create  
33 revenues in excess of actual cost, those revenues shall be  
34 used to reduce the fee or service charge creating the  
35 excess.

36 (b) Any action by a local agency to levy a new fee or  
37 service charge or to approve an increase in an existing fee  
38 or service charge shall be taken only by ordinance or  
39 resolution.



1 (c) Any costs incurred by a local agency in  
2 conducting the meeting or meetings required pursuant  
3 to subdivision (a) may be recovered from fees charged  
4 for the services which were the subject of the meeting.

5 (d) This section shall apply only to fees and charges  
6 as described in Sections 51287, 56383, 57004, 65104, 65456,  
7 65863.7, 65909.5, 66013, 66014, and 66451.2 of this code,  
8 Sections 17951, 19132.3, and 19852 of the Health and  
9 Safety Code, Section 41901 of the Public Resources Code,  
10 and Section 21671.5 of the Public Utilities Code.

11 (e) Any judicial action or proceeding to attack, review,  
12 set aside, void, or annul the ordinance, resolution, or  
13 motion levying a fee or service charge subject to this  
14 section shall be brought pursuant to Section 66022.

15 *SEC. 7. Section 66031 of the Government Code is*  
16 *amended to read:*

17 66031. (a) Notwithstanding any other provision of  
18 law, any action brought in the superior court relating to  
19 any of the following subjects may be subject to a  
20 mediation proceeding conducted pursuant to this  
21 chapter:

22 (1) The approval or denial by a public agency of any  
23 development project.

24 (2) Any act or decision of a public agency made  
25 pursuant to the California Environmental Quality Act  
26 (Division 13 (commencing with Section 21000) of the  
27 Public Resources Code).

28 (3) The failure of a public agency to meet the time  
29 limits specified in Chapter 4.5 (commencing with Section  
30 65920), commonly known as the Permit Streamlining Act,  
31 or in the Subdivision Map Act (Division 2 (commencing  
32 with Section 66410)).

33 (4) Fees determined pursuant to Sections 53080 to  
34 53082, inclusive, or Chapter 4.9 (commencing with  
35 Section 65995).

36 (5) Fees determined pursuant to Chapter 5  
37 (commencing with Section 66000).

38 (6) The adequacy of a general plan or specific plan  
39 adopted pursuant to Chapter 3 (commencing with  
40 Section 65100).



1 (7) The validity of any sphere of influence, urban  
2 service area, change of organization or reorganization, or  
3 any other decision made pursuant to the Cortese-Knox  
4 Local Government Reorganization Act (Division 3  
5 (commencing with Section 56000) of Title 5).

6 (8) The adoption or amendment of a redevelopment  
7 plan pursuant to the Community Redevelopment Law  
8 (Part 1 (commencing with Section 33000) of Division 24  
9 of the Health and Safety Code).

10 (9) *The validity of any zoning decision made pursuant*  
11 *to Chapter 4 (commencing with Section 65800).*

12 (b) Within five days after the deadline for the  
13 respondent or defendant to file its reply to an action, the  
14 court may invite the parties to consider resolving their  
15 dispute by selecting a mutually acceptable person to  
16 serve as a mediator, or an organization or agency to  
17 provide a mediator.

18 (c) In selecting a person to serve as a mediator, or an  
19 organization or agency to provide a mediator, the parties  
20 shall consider the following:

21 (1) The council of governments having jurisdiction in  
22 the county where the dispute arose.

23 (2) Any subregional or countywide council of  
24 governments in the county where the dispute arose.

25 (3) The Office of Permit Assistance within the Trade  
26 and Commerce Agency, pursuant to its authority in  
27 Article 1 (commencing with Section 15399.50) of Chapter  
28 11 of Part 6.7 of Division 3 of Title 2.

29 (4) Any other person with experience or training in  
30 mediation including those with experience in land use  
31 issues, or any other organization or agency which can  
32 provide a person with experience or training in  
33 mediation, including those with experience in land use  
34 issues.

35 (d) If the court invites the parties to consider  
36 mediation, the parties shall notify the court within 30 days  
37 if they have selected a mutually acceptable person to  
38 serve as a mediator. If the parties have not selected a  
39 mediator within 30 days, the action shall proceed. The  
40 court shall not draw any implication, favorable or



1 otherwise, from the refusal by a party to accept the  
2 invitation by the court to consider mediation. Nothing in  
3 this section shall preclude the parties from using  
4 mediation at any other time while the action is pending.

5 *SEC. 8. Section 50459 of the Health and Safety Code*  
6 *is amended to read:*

7 50459. (a) The department may adopt, and from  
8 time to time revise, guidelines for ~~the~~ *any of the*  
9 *following:*

10 (1) *The preparation of housing elements required by*  
11 *Section 65302 and Article 10.6 (commencing with Section*  
12 *65580) of Chapter 3 of Division 1 of Title 7 of the*  
13 *Government Code.*

14 (2) *The preparation of a document that meets both of*  
15 *the following sets of requirements:*

16 (A) *Requirements for housing elements pursuant to*  
17 *Section 65302 and Article 10.6 (commencing with Section*  
18 *65580) of Chapter 3 of Division 1 of Title 7 of the*  
19 *Government Code.*

20 (B) *Requirements for the Consolidated Submissions*  
21 *for Community Planning and Development Programs*  
22 *required by Part 91 of Title 24 of the Code of Federal*  
23 *Regulations.*

24 (b) The department shall review housing elements  
25 and amendments for substantial compliance with Article  
26 10.6 (commencing with Section 65580) of Chapter 3 of  
27 Division 1 of Title 7 of the Government Code and report  
28 its findings pursuant to Section 65585 of the Government  
29 Code.

30 (c) On or before April 1, 1995, and annually thereafter,  
31 the department shall report to the Legislature on the  
32 status of housing elements and the extent to which they  
33 comply with the requirements of Article 10.6  
34 (commencing with Section 65580) of Chapter 3 of  
35 Division 1 of Title 7 of the Government Code. The  
36 department shall also make this report available to any  
37 other public agency, group, or person who requests a  
38 copy.

39 (d) The department may, in connection with any loan  
40 or grant application submitted to the agency, require



1 submission to the department for review of any housing  
2 element and any local housing assistance plan adopted  
3 pursuant to the Housing and Community Development  
4 Act of 1974 (Public Law 93-383).

O

