

## Senate Bill No. 1566

### CHAPTER 617

An act to amend Sections 33333.3, 33344.5, and 33501 of, and to add Sections 33320.8 and 33321.5 to, the Health and Safety Code, relating to redevelopment.

[Approved by Governor September 18, 1996. Filed  
with Secretary of State September 19, 1996.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1566, Monteith. Redevelopment: Project areas: Agricultural and open-space lands.

(1) The existing Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities to address the effects of blight, as defined, in blighted areas in those communities known as project areas. Existing law separately regulates the use of land for agricultural and open-space purposes, as defined.

This bill would provide that agricultural and open-space lands that are enforceably restricted, as defined under existing law, shall not be included within a project area. The bill would further provide that a parcel of land larger than 2 acres that is in agricultural use but that is not enforceably restricted, as defined, shall not be included within a project area unless the redevelopment agency makes specified findings, and would exempt certain land located within specified counties from these provisions.

(2) The existing Community Redevelopment Law requires a redevelopment agency to send a notice of preparation and a copy of a draft environmental impact report to each affected taxing entity, as specified.

This bill would further require that the agency send a copy of the draft EIR to the Department of Conservation, and to agricultural entities and general farm organizations, that provide a written request for notice, if the project area contains land in use, as specified. The bill would require a separate written request for notice for each proposed redevelopment plan or amendment that adds territory and would provide that a request relating to one plan or amendment would not be effective for a subsequent plan or amendment. By requiring new duties of the redevelopment agency with respect to the dissemination of the draft EIR under certain circumstances, this bill would impose a state-mandated local program.

(3) The existing Community Redevelopment Law requires a redevelopment agency that includes in its redevelopment plan a provision for the division of taxes, as specified, to prepare a



preliminary report, and to submit this report to each affected taxing entity. Existing law specifies the contents of this report.

This bill would add to the required contents of the preliminary report the total number of acres in the project area that are in “agricultural use,” as defined. The bill would further require that the preliminary report be sent to the Department of Conservation, and to agricultural entities and general farm organizations that provide a written request for notice, if the project area contains land in use for agricultural purposes. The bill would require each entity or organization requesting notice to submit a separate request for each proposed redevelopment plan or amendment that adds territory and would provide that the request relating to one plan or amendment would not be effective for a subsequent plan or amendment. By requiring new duties of the redevelopment agency with respect to the preparation and dissemination of the preliminary report under certain circumstances, this bill would impose a state-mandated local program.

(4) The existing Community Redevelopment Law provides that an action may be brought in connection with determining the validity of a redevelopment plan, and related bonds, as specified. Existing law separately regulates the conduct of validating proceedings of this nature, including providing that any “interested person” may bring the action, under specified conditions.

This bill would provide that the Department of Conservation, and specified agricultural entities and general farm organizations that provide a written request for notice, are interested persons in any action brought with respect to the validity of an ordinance adopting a redevelopment plan, as specified.

(5) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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. Section 33320.8 is added to the Health and Safety Code, to read:

33320.8. (a) The territory which is described in subdivision (b) shall not be subject to the requirements of subdivision (b) of Section 33321.5.



(b) All lands not enforceably restricted within the Counties of Riverside and San Bernardino, within the spheres of influence of the Cities of Chino and Ontario as of January 1, 1996, according to the United States Government Township Plat thereof, described as follows:

(1) That portion of Township 2 South, Range 7 West, San Bernardino Meridian, in the County of San Bernardino, State of California, described as follows:

Beginning at the center line intersection of Euclid Avenue and Riverside Drive, said intersection being on the existing city limits of Ontario; thence east along said city limits line and continuing along said line, following all of its various courses to the intersection of Riverside Drive with the San Bernardino County line; thence leaving said city limits line south and southwesterly along said county line to the north line of Section 27, said Township 2 South, Range 7 West; thence west along said north line, being also the center line of Remington Avenue, to the center line of Carpenter Avenue; thence north along said center line to the center line of Merrill Avenue; thence west along said center line to the east line of Grove Avenue; thence north along said east line to the north line of Merrill Avenue; thence west along said north line and its prolongation to the center line of Euclid Avenue; thence north along said center line to the Point of Beginning.

(2) Those portions of Townships 2 and 3 South, Ranges 7 and 8 West, San Bernardino Meridian, in the County of San Bernardino, State of California, described as follows:

Beginning at the intersection of the center line of Merrill avenue with the east line of Grove Avenue; thence east along said center line of Merrill Avenue to the center line of Carpenter Avenue; thence south along said center line to the north line of Government Lot 1 of Section 27, said Township 2 South, Range 7 West, said point being also on the center line of Remington Avenue; thence east along said center line to the San Bernardino County line; thence southwesterly, southerly and westerly along said county line to the center line of State Highway 71 being also on the existing city limits line of Chino Hills; thence northwesterly along said center line and city limits line to the southwesterly prolongation of the center line of Pine Avenue; thence easterly along said prolongation and center line to the center line of Chino Creek; thence southeasterly along said center line to the west line of Section 6, said Township 3 South, Range 7 West; thence north along said west line and the west line of Section 31, said Township 2 South, Range 7 West, to the center line of Pine Avenue; thence westerly along said center line to the center line of El Prado Road, formerly Central Avenue; thence northwesterly along said center line to the center line of Kimball Avenue, said point being on the existing city limits of Chino; thence east along said city limits line and continuing along said city limits, following all of its various



courses to the center line intersection of Kimball Avenue and vacated Campus Avenue; thence leaving said city limits line east along said center line of Kimball Avenue to the center line of Grove Avenue; thence north along said center line to the center line of Remington Avenue, vacated; thence east along said vacated center line to the east line of Grove Avenue; thence north along said last line to the Point of Beginning.

(3) Those portions of Sections 6, 7, 18, 19, 30, and 31, Township 2 South, Range 6 West, San Bernardino Meridian; Sections 23, 24, 25, 26, 27, 34, 35, and 36, Township 2 South, Range 7 West, San Bernardino Meridian; and Sections 2, 3, and 10, Township 3 South, Range 7 West, San Bernardino Meridian, within the unincorporated area of the County of Riverside.

SEC. 2. Section 33321.5 is added to the Health and Safety Code, to read:

33321.5. (a) Agricultural land and open-space land that is enforceably restricted shall not be included within a project area.

(b) A parcel of land that is larger than two acres and is in agricultural use, but that is not enforceably restricted, shall not be included within a project area unless the agency makes each of the following findings, based upon substantial evidence in the record:

(1) The inclusion of the land in the project area is consistent with the purposes of this part.

(2) The inclusion of the land in the project area will not cause the removal of adjacent land, designated for agricultural use in the community’s general plan, from agricultural use.

(3) The inclusion of the land within the project area is consistent with the community’s general plan.

(4) The inclusion of the land in the project area will result in a more contiguous pattern of development.

(5) There is no proximate land that is not in agricultural use, that is both available and suitable for inclusion within the project area, and is not already proposed to be within the project area.

(c) As used in this section the following definitions apply:

(1) “Agricultural use” has the same meaning as that term is defined in subdivision (b) of Section 51201 of the Government Code.

(2) “Enforceably restricted” has the same meaning as that term is defined in Sections 422 and 422.5 of the Revenue and Taxation Code.

(3) “Suitable” has the same meaning as that term is defined in subdivision (c) of Section 51282 of the Government Code.

(d) The provisions of subdivision (b) shall not apply to the territory described in Section 33320.8.

SEC. 3. Section 33333.3 of the Health and Safety Code is amended to read:

33333.3. (a) The redevelopment agency shall send a notice of preparation and a copy of a draft environmental impact report to



each affected taxing entity, as defined in Section 33353.2, prepared in accordance with the provisions of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) and regulations adopted pursuant thereto.

(b) If the project area contains land in agricultural use, as defined in subdivision (b) of Section 51201 of the Government Code, the redevelopment agency shall also send a copy of the draft environmental impact report to the Department of Conservation, the county agricultural commissioner, the county farm bureau, the California Farm Bureau Federation, and agricultural entities and general farm organizations that provide a written request for notice. A separate written request for notice shall be required for each proposed redevelopment plan or amendment that adds territory. A written request for notice applicable to one redevelopment plan or amendment shall not be effective for a subsequent plan or amendment.

SEC. 4. Section 33344.5 of the Health and Safety Code is amended to read:

33344.5. After receiving the report prepared pursuant to Section 33328, or after the time period for preparation of that report has passed, a redevelopment agency, which includes a provision for the division of taxes pursuant to Section 33670 in the redevelopment plan, shall prepare and send to each affected taxing entity, as defined in Section 33353.2, a preliminary report which shall contain all of the following:

(a) The reasons for the selection of the project area.

(b) A description of the physical and economic conditions existing in the project area.

(c) A description of the project area which is sufficiently detailed for a determination as to whether the project area is predominantly urbanized. The description shall include at least the following information, which shall be based upon the terms described and defined in Section 33320.1:

(1) The total number of acres within the project area.

(2) The total number of acres that is characterized by the condition described in paragraph (4) of subdivision (a) of Section 33031.

(3) The total number of acres that are in agricultural use. "Agricultural use" shall have the same meaning as that term is defined in subdivision (b) of Section 51201 of the Government Code.

(4) The total number of acres that is an integral part of an area developed for urban uses.

(5) The percent of property within the project area that is predominantly urbanized.

(6) A map of the project area that identifies the property described in paragraphs (2), (3), and (4), and the property not developed for an urban use.



(d) A preliminary assessment of the proposed method of financing the redevelopment of the project area, including an assessment of the economic feasibility of the project and the reasons for including a provision for the division of taxes pursuant to Section 33670 in the redevelopment plan.

(e) A description of the specific project or projects then proposed by the agency.

(f) A description of how the project or projects to be pursued by the agency in the project area will improve or alleviate the conditions described in subdivision (b).

(g) If the project area contains lands that are in agricultural use, the preliminary report shall be sent to the Department of Conservation, the county agricultural commissioner, the county farm bureau, the California Farm Bureau Federation, and agricultural entities and general farm organizations that provide a written request for notice. A separate written request for notice shall be required for each proposed redevelopment plan or amendment that adds territory. A written request for notice applicable to one redevelopment plan or amendment shall not be effective for a subsequent plan or amendment.

SEC. 5. Section 33501 of the Health and Safety Code is amended to read:

33501. (a) An action may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure to determine the validity of bonds and the redevelopment plan to be financed or refinanced, in whole or in part, by the bonds, or to determine the validity of a redevelopment plan not financed by bonds, including without limiting the generality of the foregoing, the legality and validity of all proceedings theretofore taken for or in any way connected with the establishment of the agency, its authority to transact business and exercise its powers, the designation of the survey area, the selection of the project area, the formulation of the preliminary plan, the validity of the finding and determination that the project area is predominantly urbanized, and the validity of the adoption of the redevelopment plan, and also including the legality and validity of all proceedings theretofore taken and (as provided in the bond resolution) proposed to be taken for the authorization, issuance, sale and delivery of the bonds and for the payment of the principal thereof and interest thereon.

(b) For the purposes of protecting the interests of the state, the Department of Finance is an interested person pursuant to Section 863 of the Code of Civil Procedure in any action brought with regard to the validity of an ordinance adopting a redevelopment plan pursuant to this section.

(c) For purposes of contesting the inclusion in a project area of lands that are enforceably restricted, as that term is defined in Sections 422 and 422.5 of the Revenue and Taxation Code, or lands



that are in agricultural use, as defined in subdivision (b) of Section 51201 of the Government Code, the Department of Conservation, the county agricultural commissioner, the county farm bureau, the California Farm Bureau Federation, and agricultural entities and general farm organizations that provide a written request for notice, are interested persons pursuant to Section 863 of the Code of Civil Procedure, in any action brought with respect to the validity of an ordinance adopting a redevelopment plan pursuant to this section.

SEC. 6. Notwithstanding Section 17610 of the Government Code, 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. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

