

## Assembly Bill No. 1544

### CHAPTER 129

An act to amend Section 56425 of, and to add Sections 25210.70a and 56429 to, the Government Code, to add Section 33492.42 to the Health and Safety Code, and to amend Section 71697 of the Water Code, relating to local government, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 14, 2000. Filed with  
Secretary of State July 14, 2000.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1544, Calderon. Local government: redevelopment.

(1) Existing law provides procedures for the establishment of county service areas for counties to provide specified governmental services within unincorporated areas, for the establishment of municipal water districts, and for the formation of joint powers agencies as redevelopment agencies for the redevelopment of military facilities located within the redevelopment project area of the agencies.

This bill would authorize county service areas, the Inland Valley Development Agency, and municipal water districts to establish sewer and water supply facilities on specified lands related to development of certain territory within the Norton Air Force Base Redevelopment Project Area without approval by other agencies, except as specified. The bill would exempt water and sewer services, as specified, in that redevelopment project area from a requirement for the payment of just compensation for private utility property taken for public purposes.

(2) Existing law requires a local agency formation commission to determine the territory to be included in a sphere of influence for local agencies within its jurisdiction and the need for and capacity of public facilities. Existing law also requires the commission to place on its meeting agenda and consider a written request from any person or local agency to amend a sphere of influence.

This bill would authorize landowners of unincorporated territory located in that redevelopment project area to petition a local agency formation commission for the removal of the territory from a city's sphere of influence. The bill would also provide that a determination of a city's sphere of influence shall not preclude the provision of specified services to that redevelopment project area.

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

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

SECTION 1. Section 25210.70a is added to the Government Code, to read:

25210.70a. (a) A county service area in whose territory all or any portion of the redevelopment project area referenced in subdivision (e) of Section 33492.41 of the Health and Safety Code is located may locate, construct, and maintain facilities and infrastructure for sewer and water pipelines or other facilities for sewer transmission and water supply or distribution systems along and across any street or public highway and on any lands that are now or hereafter owned by the state, for the purpose of providing facilities or services related to development, as defined in subdivision (e) of Section 56426, to or in that portion of the redevelopment project area that, as of January 1, 2000, meets all of the following requirements:

- (1) Is unincorporated territory.
- (2) Contains at least 100 acres.
- (3) Is surrounded or substantially surrounded by incorporated territory.
- (4) Contains at least 100 acres zoned for commercial or industrial uses or is designated on the applicable county general plan for commercial or industrial uses.

(b) The facilities or services related to development may be provided by the county service area to all or any portion of the area defined in paragraphs (1) to (4), inclusive, of subdivision (a). Notwithstanding any other provision of this code, building ordinances, zoning ordinances, and any other local ordinances, rules, and regulations of a city or other political subdivision of the state shall not apply to the location, construction, or maintenance of facilities or services related to development pursuant to this section.

SEC. 2. Section 56425 of the Government Code is amended to read:

56425. (a) In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities, the commission shall develop and determine the sphere of influence of each local governmental agency within the county. In determining the sphere of influence of each local agency, the commission shall consider and prepare a written statement of its determinations with respect to each of the following:

- (1) The present and planned land uses in the area, including agricultural and open-space lands.
- (2) The present and probable need for public facilities and services in the area.
- (3) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.



(4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

(b) Upon determination of a sphere of influence, the commission shall adopt that sphere, and shall periodically review and update the adopted sphere.

(c) The commission may recommend governmental reorganizations to particular agencies in the county, using the spheres of influence as the basis for those recommendations. Those recommendations shall be made available, upon request, to other agencies or to the public.

(d) A determination of a city's sphere of influence, provided that the sphere of influence includes any portion of the redevelopment project area referenced in subdivision (e) of Section 33492.41 of the Health and Safety Code, shall not preclude any other local agency, as defined in Section 54951, including the redevelopment agency referenced in Section 33492.41 of the Health and Safety Code, in addition to that city, from providing facilities or services related to development, as defined in subdivision (e) of Section 56426, to or in that portion of the redevelopment project area that, as of January 1, 2000, meets all of the following requirements:

- (1) Is unincorporated territory.
- (2) Contains at least 100 acres.
- (3) Is surrounded or substantially surrounded by incorporated territory.
- (4) Contains at least 100 acres zoned for commercial or industrial uses or is designated on the applicable county general plan for commercial or industrial uses.

(e) Facilities or services related to development may be provided by other local agencies to all or any portion of the area defined in paragraphs (1) to (4), inclusive, of subdivision (d). Subdivision (d) and this subdivision shall be effective whether the determination of the sphere of influence is made preceding or subsequent to January 1, 2000.

SEC. 3. Section 56429 is added to the Government Code, to read:

56429. (a) Notwithstanding Sections 56427 and 56428, a petition for removal of territory from a sphere of influence determination may be brought pursuant to this section by landowners within the redevelopment project area referenced in subdivision (e) of Section 33492.41 of the Health and Safety Code, if, at the time the petition is submitted, the area for which the petition is being requested meets all of the following requirements:

- (1) Is unincorporated territory.
- (2) Contains at least 100 acres.
- (3) Is surrounded or substantially surrounded by incorporated territory.



(4) Contains at least 100 acres zoned for commercial or industrial uses or is designated on the applicable county general plan for commercial or industrial uses.

(b) On receipt of a petition signed by landowners owning at least 25 percent of the assessed value of the land within the affected territory, the commission shall hear and consider oral or written testimony.

(c) The petition shall be placed on the agenda of the commission in accordance with subdivision (b) of Section 56428.

(d) The executive officer shall give notice of the hearing in accordance with Section 56427.

(e) From the date of filing of the petition to the conclusion of the hearing, the commission shall accept written positions from any owner of land in the unincorporated territory that is seeking removal from a city's sphere of influence.

(f) The petition to remove territory from a city's sphere of influence shall be granted and given immediate effect if the commission finds that written positions filed in favor of the petition and not withdrawn prior to the conclusion of the hearing represent landowners owning 50 percent or more of the assessed value of the land within the affected territory.

(g) No removal of territory from a city's sphere of influence that is proposed by petition and adopted pursuant to this section shall be repealed or amended except by the petition and adoption procedure provided in subdivisions (a) to (f), inclusive. In all other respects, a removal of territory from a city's sphere of influence proposed by petition and adopted pursuant to this section shall have the same force and effect as any amendment to or removal of territory from a city's sphere of influence approved by the commission. No territory removed from a city's sphere of influence pursuant to this section shall be annexed to that city, unless the territory is subsequently added to the sphere of influence of the city pursuant to the petition and adoption procedure provided in this section.

(h) Pursuant to Section 56383, the commission may establish a schedule of fees for the costs of carrying out this section.

(i) All proper expenses incurred in connection with removal of territory from a city's sphere of influence pursuant to this section shall be paid by the proponents.

SEC. 4. Section 33492.42 is added to the Health and Safety Code, to read:

33492.42. (a) The redevelopment agency referenced in Section 33492.41 may locate, construct, and maintain facilities and infrastructure for sewer and water pipelines or other facilities for sewer transmission and water supply or distribution systems along and across any street or public highway and on any lands that are now or hereafter owned by the state, for the purpose of providing facilities or services related to development, as defined in subdivision (e) of



Section 56426 of the Government Code, to or in that portion of the redevelopment project area referenced in subdivision (e) of Section 33492.41 that, as of January 1, 2000, meets all of the following requirements:

- (1) Is unincorporated territory.
- (2) Contains at least 100 acres.
- (3) Is surrounded or substantially surrounded by incorporated territory.
- (4) Contains at least 100 acres zoned for commercial or industrial uses or is designated on the applicable county general plan for commercial or industrial uses.

(b) Facilities or services related to development may be provided by the redevelopment agency referenced in Section 33492.41 to all or any portion of the area defined in paragraphs (1) to (4), inclusive, of subdivision (a). Notwithstanding any other provision of the Government Code, building ordinances, zoning ordinances, and any other local ordinances, rules, and regulations of a city or other political subdivision of the state shall not apply to the location, construction, or maintenance of facilities or services related to development pursuant to this section.

SEC. 5. Section 71697 of the Water Code is amended to read:

71697. (a) A district may locate, construct, and maintain district works along and across any street or public highway and on any lands that are now or hereafter owned by the state; and a district has the same rights and privileges appertaining thereto as have been or may be granted to cities within the state. For districts whose territory includes any portion of the redevelopment project area referenced in subdivision (e) of Section 33492.41 of the Health and Safety Code, the exercise of this right shall not be subject to any permitting and approval requirements of any local agency other than the municipal water district that is locating, constructing, or maintaining these district works to the extent that this right is exercised for the purpose of providing facilities or services related to development, as defined in subdivision (e) of Section 56426 of the Government Code, to or in that portion of the redevelopment project area that, as of January 1, 2000, meets all of the following requirements:

- (1) Is unincorporated territory.
- (2) Contains at least 100 acres.
- (3) Is surrounded or substantially surrounded by incorporated territory.
- (4) Contains at least 100 acres zoned for commercial or industrial uses or is designated on the applicable county general plan for commercial or industrial uses.

(b) Facilities or services related to development may be provided by the district to all or any portion of the area defined in paragraphs (1) to (4), inclusive, of subdivision (a). Notwithstanding any other provision of the Government Code, building ordinances, zoning



ordinances, and any other local ordinances, rules, and regulations of a city or other political subdivision of the state shall not apply to the location, construction, or maintenance of facilities or services related to development pursuant to this section.

SEC. 6. (a) (1) "Local agency" as used in this section means a local agency as defined in Section 54951 of the Government Code, including any municipal water district.

(2) "Redevelopment agency" as used in this section means the redevelopment agency referenced in Section 33492.41 of the Health and Safety Code.

(3) "Redevelopment project area" as used in this section means the redevelopment project area referenced in subdivision (e) of Section 33492.41 of the Health and Safety Code.

(4) "Territory" as used in this section means that portion of the redevelopment project area that, as of January 1, 2000, meets all of the following requirements:

(A) Is unincorporated territory.

(B) Contains at least 100 acres.

(C) Is surrounded or substantially surrounded by incorporated territory.

(D) Contains at least 100 acres zoned for commercial or industrial uses or is designated on the applicable county general plan for commercial or industrial uses.

(b) Notwithstanding Section 1505.5 of the Public Utilities Code, Sections 1503 and 1504 of that code are not intended to, and shall not, entitle a local agency to compensation for the provision of water services to all or any part of the territory by any other local agency, private utility, or mutual water company, if that local agency is or was prohibited by ordinance, regulation, or initiative in effect on January 1, 2000, from providing or extending water services to all or any part of the territory, prior to annexation of that territory into that agency.

(c) Notwithstanding Chapter 8.5 (commencing with Section 1501) of Part 1 of Division 1 of the Public Utilities Code, a local agency or the redevelopment agency that provides sewer services to all or any part of the territory shall not be obligated to pay compensation to another local agency providing sewer services to the same area.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to resolve unique local development and service responsibility issues expeditiously, it is necessary that this act go into effect immediately.

