

AMENDED IN SENATE MAY 3, 2005

SENATE BILL

No. 968

Introduced by Senator Torlakson

February 22, 2005

An act to amend Section 65302 of the Government Code, relating to general plans.

LEGISLATIVE COUNSEL'S DIGEST

SB 968, as amended, Torlakson. Land use planning: general plans.

The Planning and Zoning Law requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a land use element that sets forth a statement of the standards of population density and building intensity recommended for districts and other territory covered by the plan. The act also requires that the maximum allowable residential density be consistent with the applicable zoning ordinance and the adopted general plan.

This bill would require the land use element to identify sufficient land for housing at appropriate densities to accommodate the jurisdiction's housing needs through the end of the general plan's planning period. By increasing the duties of local public officials, the bill would impose a state-mandated local program.

~~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, 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 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 no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) Few issues facing California are as important as the state's
4 ability to meet its future housing needs. The lack of an adequate
5 supply of housing to support population growth and economic
6 expansion is a critical problem that, if not resolved, threatens the
7 economic prosperity and competitiveness of California.

8 (2) California's population growth demands that California
9 must plan for its housing needs in a more comprehensive and
10 long-term fashion. Not all communities are the same.
11 California's local governments face different economic, social,
12 political, environmental and historical conditions and, as a result,
13 measures enacted by the state to address land use and housing
14 issues should encourage local solutions that reflect local needs
15 and circumstances and that allow local governments to plan for
16 their share of the economic and housing growth of their region.
17 Successful solutions will require a cooperative and coordinated
18 problem-solving approach involving local, regional, and state
19 government, and the identification of fiscal solutions for cities
20 and counties to support the costs of public services and
21 infrastructure necessary to maintain a quality of life in the
22 community.

23 (b) The Legislature further finds and declares all of the
24 following:

25 (1) Local land use plans should include a long-range,
26 comprehensive perspective on the communities' housing needs,
27 and encourage infill development. Sufficient funding must be
28 indentified to enable local governments to complete necessary
29 planning and environmental reviews.

1 (2) Local land use plans should provide mechanisms and
2 solutions to achieve the highest level of certainty regarding
3 housing development within a community.

4 (3) Once designated in the general plan for residential
5 development, the timeframe for obtaining site approvals should
6 be streamlined.

7 SEC. 2. It is therefore the intent of the Legislature that
8 California's land use planning framework comprehensively
9 addresses these issues on a long-term basis.

10 SEC. 3. Section 65302 of the Government Code is amended
11 to read:

12 65302. The general plan shall consist of a statement of
13 development policies and shall include a diagram or diagrams
14 and text setting forth objectives, principles, standards, and plan
15 proposals. The plan shall include the following elements:

16 (a) A land use element that designates the proposed general
17 distribution and general location and extent of the uses of the
18 land for housing, business, industry, open space, including
19 agriculture, natural resources, recreation, and enjoyment of
20 scenic beauty, education, public buildings and grounds, solid and
21 liquid waste disposal facilities, and other categories of public and
22 private uses of land. The land use element shall include a
23 statement of the standards of population density and building
24 intensity recommended for the various districts and other
25 territory covered by the plan. The land use element shall identify
26 sufficient land for housing at appropriate densities to
27 accommodate the jurisdiction's housing needs through the end of
28 the general plan's planning period. The land use element shall
29 identify areas covered by the plan which are subject to flooding
30 and shall be reviewed annually with respect to those areas. The
31 land use element shall also do both of the following:

32 (1) Designate in a land use category that provides for timber
33 production those parcels of real property zoned for timberland
34 production pursuant to the California Timberland Productivity
35 Act of 1982, Chapter 6.7 (commencing with Section 51100) of
36 Part 1 of Division 1 of Title 5.

37 (2) Consider the impact of new growth on military readiness
38 activities carried out on military bases, installations, and
39 operating and training areas, when proposing zoning ordinances
40 or designating land uses covered by the general plan for land, or

1 other territory adjacent to military facilities, or underlying
2 designated military aviation routes and airspace.

3 (A) In determining the impact of new growth on military
4 readiness activities, information provided by military facilities
5 shall be considered. Cities and counties shall address military
6 impacts based on information from the military and other
7 sources.

8 (B) The following definitions govern this paragraph:

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

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

12 (II) Operation, maintenance, and security of any military
13 installation.

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

16 (ii) “Military installation” means a base, camp, post, station,
17 yard, center, homeport facility for any ship, or other activity
18 under the jurisdiction of the United States Department of Defense
19 as defined in paragraph (1) of subsection (e) of Section 2687 of
20 Title 10 of the United States Code.

21 (b) A circulation element consisting of the general location
22 and extent of existing and proposed major thoroughfares,
23 transportation routes, terminals, any military airports and ports,
24 and other local public utilities and facilities, all correlated with
25 the land use element of the plan.

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

28 (d) A conservation element for the conservation, development,
29 and utilization of natural resources including water and its
30 hydraulic force, forests, soils, rivers and other waters, harbors,
31 fisheries, wildlife, minerals, and other natural resources. The
32 conservation element shall consider the effect of development
33 within the jurisdiction, as described in the land use element, on
34 natural resources located on public lands, including military
35 installations. That portion of the conservation element including
36 waters shall be developed in coordination with any countywide
37 water agency and with all district and city agencies that have
38 developed, served, controlled or conserved water for any purpose
39 for the county or city for which the plan is prepared.
40 Coordination shall include the discussion and evaluation of any

1 water supply and demand information described in Section
2 65352.5, if that information has been submitted by the water
3 agency to the city or county. The conservation element may also
4 cover the following:

- 5 (1) The reclamation of land and waters.
- 6 (2) Prevention and control of the pollution of streams and
7 other waters.
- 8 (3) Regulation of the use of land in stream channels and other
9 areas required for the accomplishment of the conservation plan.
- 10 (4) Prevention, control, and correction of the erosion of soils,
11 beaches, and shores.
- 12 (5) Protection of watersheds.
- 13 (6) The location, quantity and quality of the rock, sand and
14 gravel resources.
- 15 (7) Flood control.

16 The conservation element shall be prepared and adopted no
17 later than December 31, 1973.

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

20 (f) A noise element which shall identify and appraise noise
21 problems in the community. The noise element shall recognize
22 the guidelines established by the Office of Noise Control in the
23 State Department of Health Services and shall analyze and
24 quantify, to the extent practicable, as determined by the
25 legislative body, current and projected noise levels for all of the
26 following sources:

- 27 (1) Highways and freeways.
- 28 (2) Primary arterials and major local streets.
- 29 (3) Passenger and freight on-line railroad operations and
30 ground rapid transit systems.
- 31 (4) Commercial, general aviation, heliport, helistop, and
32 military airport operations, aircraft overflights, jet engine test
33 stands, and all other ground facilities and maintenance functions
34 related to airport operation.
- 35 (5) Local industrial plants, including, but not limited to,
36 railroad classification yards.
- 37 (6) Other ground stationary noise sources, including, but not
38 limited to, military installations, identified by local agencies as
39 contributing to the community noise environment.

1 Noise contours shall be shown for all of these sources and
2 stated in terms of community noise equivalent level (CNEL) or
3 day-night average level (L_{dn}). The noise contours shall be
4 prepared on the basis of noise monitoring or following generally
5 accepted noise modeling techniques for the various sources
6 identified in paragraphs (1) to (6), inclusive.

7 The noise contours shall be used as a guide for establishing a
8 pattern of land uses in the land use element that minimizes the
9 exposure of community residents to excessive noise.

10 The noise element shall include implementation measures and
11 possible solutions that address existing and foreseeable noise
12 problems, if any. The adopted noise element shall serve as a
13 guideline for compliance with the state's noise insulation
14 standards.

15 (g) A safety element for the protection of the community from
16 any unreasonable risks associated with the effects of seismically
17 induced surface rupture, ground shaking, ground failure, tsunami,
18 seiche, and dam failure; slope instability leading to mudslides
19 and landslides; subsidence, liquefaction and other seismic
20 hazards identified pursuant to Chapter 7.8 (commencing with
21 Section 2690) of the Public Resources Code, and other geologic
22 hazards known to the legislative body; flooding; and wild land
23 and urban fires. The safety element shall include mapping of
24 known seismic and other geologic hazards. It shall also address
25 evacuation routes, military installations, peakload water supply
26 requirements, and minimum road widths and clearances around
27 structures, as those items relate to identified fire and geologic
28 hazards.

29 (1) Prior to the periodic review of its general plan and prior to
30 preparing or revising its safety element, each city and county
31 shall consult the Division of Mines and Geology of the
32 Department of Conservation and the Office of Emergency
33 Services for the purpose of including information known by and
34 available to the department and the office required by this
35 subdivision.

36 (2) To the extent that a county's safety element is sufficiently
37 detailed and contains appropriate policies and programs for
38 adoption by a city, a city may adopt that portion of the county's
39 safety element that pertains to the city's planning area in
40 satisfaction of the requirement imposed by this subdivision.

1 ~~SEC. 4.—If the Commission on State Mandates determines that~~
2 ~~this act contains costs mandated by the state, reimbursement to~~
3 ~~local agencies and school districts for those costs shall be made~~
4 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
5 ~~4 of Title 2 of the Government Code.~~

6 *SEC. 4. The Legislature finds and declares that Sections*
7 *65104 and 66014 of the Government Code provide local*
8 *agencies with authority to levy fees sufficient to pay for the*
9 *program or level of service mandated by this act.*

10 *SEC. 5. No reimbursement is required by this act pursuant to*
11 *Section 6 of Article XIII B of the California Constitution because*
12 *a local agency or school district has the authority to levy service*
13 *charges, fees, or assessments sufficient to pay for the program or*
14 *level of service mandated by this act, within the meaning of*
15 *Section 17556 of the Government Code.*