

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

859



**FROM:** Executive Office

**SUBMITTAL DATE:**  
May 31, 2016

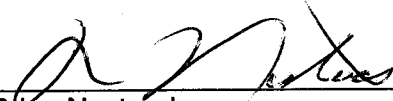
**SUBJECT:** Report from Legislative Platform Ad Hoc Committee, regarding support for S.B. 313 (Monning) - Local Government: Zoning Ordinances: School Districts

**RECOMMENDED MOTION:** That the Board of Supervisors: Receive and Concur with the Legislative Platform Ad Hoc Committee and its action to support S.B. 313 (Monning)

**BACKGROUND:**

**Summary**

**S.B. 313:** This bill expands the requirements to be met by a school district governing board in order to declare a zoning ordinance inapplicable to a proposed use of land for classroom facilities. SB 313 clarifies the existing process which governing boards must follow, including cross referencing existing requirements that the board make specified findings prior to the acquisition of land zoned for agricultural use and production and clarifying that a school board must notify a city or county in writing at least 30 days before it exercises this authority.

  
\_\_\_\_\_  
Brian Nestande  
Deputy County Executive Officer

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
<b>COST</b>	\$	\$	\$	\$	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
<b>NET COUNTY COST</b>	\$	\$	\$	\$	

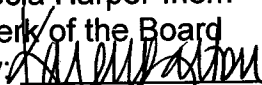
<b>SOURCE OF FUNDS:</b>	<b>Budget Adjustment:</b>
	<b>For Fiscal Year:</b>

**C.E.O. RECOMMENDATION:** APPROVE  
BY   
\_\_\_\_\_  
County Executive Office Signature  
George A. Johnson

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Jeffries, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

**Ayes:** Jeffries, Washington and Benoit  
**Nays:** None  
**Absent:** Tavaglione and Ashley  
**Date:** June 7, 2016  
**xc:** E.O.

Kecia Harper-Ihem  
Clerk of the Board  
By:   
\_\_\_\_\_  
Deputy

**Prev. Agn. Ref.:** \_\_\_\_\_ **District:** All **Agenda Number:** \_\_\_\_\_

3-1

Departmental Concurrence

- A-30
- Positions Added
- 4/5 Vote
- Change Order

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**  
**FORM 11: Report from Legislative Platform Ad Hoc Committee, regarding support for**  
**S.B. 313 (Monning) - Local Government: Zoning Ordinances: School Districts**

**DATE: May 31, 2016**

**PAGE: 2 of 2**

**BACKGROUND:**

**Summary (continued)**

Existing law:

- 1) Requires a school district to comply with city and county zoning ordinances if the zoning ordinance makes provision for the location of public schools and if the city/county has adopted a general plan.
- 2) Authorizes a school district governing board, by a two-thirds vote of its members, to render a city or county zoning ordinance inapplicable to proposed use of property by the school district if it has complied with requirements to notify the planning commission in writing before acquiring title to the property (Public Resources Code § 21151.2), and it participates in notification and meeting requirements that are intended to foster improved communication and coordination between cities, counties, and school districts related to planning for school siting (Government Code § 65352.2). The school district governing board is prohibited from taking such action if the proposed use of the property is for non-classroom facilities.
- 3) Authorizes the city or county to commence an action in the applicable county superior court seeking review of the board's action to determine whether it was arbitrary and capricious, in which case the court can declare it to have no force and effect and the school district is required to comply with the zoning ordinance. (Government Code § 53094)
- 4) Requires, for school sites approved January 1, 1997 and thereafter, that prior to commencing with the acquisition of land designated in a city/county general plan for agricultural use and zoned for agricultural production, a school district governing board makes findings that:
  - a) The school district has consulted with the city/county on the proposed location.
  - b) Final site selection was evaluated by the board based on all public interest factors and not limited to selection on the basis of land cost.
  - c) The school district will try to minimize public health and safety issues from neighboring agricultural uses that might affect students and employees. (Education Code §17215.5)

SB 313:

Expands the requirements to be met by a school district governing board in order to declare a zoning ordinance inapplicable to a proposed use of land for classroom facilities. Specifically it:

- 1) Requires the governing board to comply with specified Education Code provisions regarding the acquisition of agricultural land. (Attached: Education Code §17215.5)
- 2) Requires that the vote of the board be taken at least 30 days after notifying, the city/county in writing of its reasons for intending to take such action and based upon written findings on the record.

**Impact on Residents and Businesses**

The passing of this bill would positively affect residents/businesses within Riverside County as SB 313 would provide greater notice and transparency in school site planning.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

N/A

**Contract History and Price Reasonableness**

N/A

AMENDED IN SENATE JANUARY 20, 2016

AMENDED IN SENATE MAY 12, 2015

AMENDED IN SENATE APRIL 29, 2015

AMENDED IN SENATE APRIL 6, 2015

**SENATE BILL**

**No. 313**

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**Introduced by Senator ~~Galgiani~~ Monning  
(Principal coauthor: Senator Galgiani)**

February 23, 2015

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An act to amend Section 53094 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 313, as amended, ~~Galgiani~~ *Monning*. Local government: zoning ordinances: school districts.

Existing law authorizes the governing board of a school district, by a  $\frac{2}{3}$  vote of its members, to render a city or county zoning ordinance inapplicable to a proposed use of school district property, except when *if* the proposed use is for nonclassroom facilities.

This bill would additionally condition this authorization upon compliance with a notice requirement regarding a schoolsite on agricultural land, and would require the governing board to notify the city or county, in writing, of the reason the governing board intends to take that vote at least 30 days prior to the vote. The bill would also require that vote to be based upon written findings that a zoning ordinance fails to accommodate the need to renovate and expand an existing public school or locate a new public school within the city or county.

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 53094 of the Government Code is  
2 amended to read:

3 53094. (a) Notwithstanding any other provision of this article,  
4 this article does not require a school district to comply with the  
5 zoning ordinances of a county or city unless the zoning ordinance  
6 makes provision for the location of public schools and unless the  
7 city or county has adopted a general plan.

8 (b) Notwithstanding subdivision (a), the governing board of a  
9 school district, that has complied with the requirements of Section  
10 65352.2, Section 21151.2 of the Public Resources Code, and  
11 Section 17215.5 of the Education Code, by a vote of two-thirds of  
12 its members taken at least 30 days after the governing board has  
13 notified the city or county, in writing, of the reason the governing  
14 board intends to take action pursuant to this subdivision, and based  
15 upon written findings that a zoning ordinance fails to accommodate  
16 the need to renovate and expand an existing public school or locate  
17 a new public school within the city or county, may render a city  
18 or county zoning ordinance inapplicable to a proposed use of  
19 property by the school district. The governing board of the school  
20 district ~~may~~ shall not take this action ~~when~~ if the proposed use of  
21 the property by the school district is for nonclassroom facilities,  
22 including, but not limited to, warehouses, administrative buildings,  
23 and automotive storage and repair buildings.

24 (c) The governing board of the school district shall, within 10  
25 days of its vote, notify the city or county concerned of any action  
26 taken pursuant to subdivision (b). If the governing board has taken  
27 such an action, the city or county may commence an action in the  
28 superior court of the county whose zoning ordinance is involved  
29 or in which is situated the city whose zoning ordinance is involved,  
30 seeking a review of the action of the governing board of the school  
31 district to determine whether it was arbitrary and capricious  
32 pursuant to Section 1094.5 of the Code of Civil Procedure. The  
33 city or county shall cause a copy of the complaint to be served on  
34 the board. If the court determines that the action was arbitrary and  
35 capricious, it shall declare it to be of no force and effect, and the

- 1 zoning ordinance in question shall be applicable to the use of the
- 2 property by the school district.

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## **EDUCATION CODE SECTION 17215.5**

17215.5. (a) Prior to commencing the acquisition of real property for a new schoolsite in an area designated in a city, county, or city and county general plan for agricultural use and zoned for agricultural production, the governing board of a school district shall make all of the following findings:

(1) The school district has notified and consulted with the city, county, or city and county within which the prospective schoolsite is to be located.

(2) The final site selection has been evaluated by the governing board of the school district based on all factors affecting the public interest and not limited to selection on the basis of the cost of the land.

(3) The school district will attempt to minimize any public health and safety issues resulting from the neighboring agricultural uses that may affect the pupils and employees at the schoolsite.

(b) Subdivision (a) shall not apply to any schoolsite approved by the State Department of Education prior to January 1, 1997.



**COUNTY OF RIVERSIDE**

**Board of Supervisors**

<b>District 1</b>	<b>Kevin Jeffries</b> 951-955-1010
<b>District 2</b>	<b>John F. Tavaglione</b> 951-955-1020
<b>District 3</b>	<b>Chuck Washington</b> 951-955-1030
<b>District 4</b>	<b>John J. Benoit</b> 951-955-1040
<b>District 5</b>	<b>Marion Ashley</b>

May 25, 2016

Senator Bill Monning  
State Capitol Building, Room 313  
Sacramento, CA 95814

**RE: SB 313 (Monning): Zoning Ordinances: School Districts  
As amended 1/20/16  
County of Riverside: SUPPORT**

Senator Monning:

I write on behalf of the County of Riverside to express our support for your legislation, SB 313, which would require the governing board of a school to comply with specified Education Code provisions regarding the acquisition of agricultural land.

The County of Riverside believes that placing schools in exclusively agricultural zones not only removes land from crucial agricultural production, but also has the potential to expose children to pesticide drift and could perhaps lead to other less than optimal zoning decisions. Zoning on or near agricultural lands may make fiscal sense, but may not consider all of the needs of communities such as access, traffic and proximity to population centers.

SB 313 would provide greater notice and transparency in school site planning and hopefully foster a more substantive dialogue about this important decision.

For these reasons, the County of Riverside supports your SB 313. If you have any questions about the County's position, please do not hesitate to contact our Legislative Advocate James Gross at (916) 446-6752, [jgross@nmgovlaw.com](mailto:jgross@nmgovlaw.com) or Deputy County Executive Officer, Brian Nestande at (951) 955-1110, [bnestande@rceo.org](mailto:bnestande@rceo.org).

Sincerely,

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John J. Benoit  
Chairman  
Riverside County Board of Supervisors

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John Tavaglione  
Second District Supervisor  
Riverside County Board of Supervisors

**cc: County of Riverside Legislative Delegation**