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SB-1425 Open-space element: updates. (2021-2022)

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Date Published: 10/03/2022 09:00 PM

Senate Bill No. 1425

CHAPTER 997

An act to add Section 65565.5 to the Government Code, relating to local government.

[Approved by Governor September 30, 2022. Filed with Secretary of State September 30, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1425, Stern. Open-space element: updates.

Existing law requires cities and counties to prepare, adopt, and amend general plans and elements of those plans, as specified. Existing law requires the general plan to include a housing element and an open-space element, which is also called an open-space plan. Existing law sets forth various deadlines for updates to the housing element.

This bill would require every city and county to review and update its local open-space plan by January 1, 2026. The bill would require the local open-space plan update to include plans and an action program that address specified issues, including climate resilience and other cobenefits of open space, correlated with the safety element. By imposing additional duties on local officials, the bill would create 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 no reimbursement is required by this act for a specified reason.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 65565.5 is added to the Government Code, to read:

65565.5. (a) Every city and county shall review and update its local open-space plan by January 1, 2026. The update shall include plans and an action program, as required by Section 65564, that address all of the following:

- (1) Access to open space for all residents in a manner that considers social, economic, and racial equity, correlated with the environmental justice element or environmental justice policies in the general plan, as applicable.
- (2) Climate resilience and other cobenefits of open space, correlated with the safety element.

(3) Rewilding opportunities, correlated with the land use element.

(b) For purposes of this section, "rewilding opportunities" may include, but are not limited to, the following:

(1) Opportunities to preserve, enhance, and expand an integrated network of open space to support beneficial uses, such as habitat, recreation, natural resources, historic and tribal resources, water management, and aesthetics.

(2) Establishing a natural communities conservation plan to provide for coordinated mitigation of the impacts of new development.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

SEC. 3. The Legislature finds and declares that the preservation of open space is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 1 of this act adding Section 65565.5 to the Government Code applies to all cities, including charter cities.