

# L A F C O M E M O R A N D U M

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**SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION**  
105 East Anapamu Street ♦ Santa Barbara CA 93101 ♦ (805) 568-3391 ♦ Fax (805) 568-2249

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March 7, 2019

TO: Each Member of the Commission

FROM: Paul Hood *PH*  
Executive Officer

SUBJECT: Report on Assembly Bill 2238 (Aguilar-Curry) – 2018 Chapter 990

*This is an Informational Report. No Action is Necessary*

## DISCUSSION

Commissioners that attended the 2019 UCLA Land Use and Planning Conference last month, were made aware of Assembly Bill 2238 (Aguilar-Curry) – 2018 Chapter 990.

The bill amended the Cortese-Knox-Hertzberg act to add Government Code Section 56668 (q), that now requires LAFCOs, when reviewing a proposal, to consider information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone or maps that identify land determined to be in a state responsibility area if it is determined that such information is relevant to the area that is the subject of the proposal.

This is relevant information to consider when reviewing proposals particularly in high fire hazard areas such as Santa Barbara County. Pertinent language from the bill is contained in **Exhibit A**.

## Exhibits:

Exhibit A Assembly Bill 2238 (Aguilar-Curry) – 2018 Chapter 990 (Pertinent Language)

Please contact the LAFCO office if you have any questions.

**Assembly Bill No. 2238**

CHAPTER 990

An act to amend Sections 56668, 65584.01, and 65584.04 of the Government Code, and to amend Section 101080 of the Health and Safety Code, relating to local hazard management.

[ Approved by Governor- September 30, 2018. Filed with Secretary of State - September 30, 2018. ]

LEGISLATIVE COUNSEL'S DIGEST

AB 2238, Aguiar-Curry. Local agency formation: regional housing need allocation: fire hazards: local health emergencies: hazardous and medical waste.

- (1) Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the authority and procedures for the initiation, conduct, and completion of changes of organization and reorganization of cities and districts. The act specifies the factors that a local agency formation commission is required to consider in the review of a proposal for a change of organization or reorganization, including, among other things, per capita assessed valuation and the proposal's consistency with city or county general and specific plans.

- (2) This bill would instead require the commission to consider the assessed valuation rather than per capita assessed valuation. The bill would additionally require the commission to consider information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone or maps that identify land determined to be in a state responsibility area if it is determined that such information is relevant to the area that is the subject of the proposal. By adding to the duties of local agency formation commissions in reviewing a change of organization or reorganization, this bill would impose a state-mandated local program.