



Local Agency Formation Commission of Napa County
Subdivision of the State of California

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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 10b (Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer *BF*

MEETING DATE: June 2, 2025

SUBJECT: Legislative Report and Proposed Positions on Bills

RECOMMENDATION

It is recommended by the Commission's Legislative Committee that the Commission authorize the Executive Officer to submit letters to the Legislature in support of Assembly Bill (AB) 1156 and a letter in opposition to Senate Bill (SB) 777.

BACKGROUND AND SUMMARY

Commissioners Cottrell and Kahn currently serve on the Commission's Legislative Committee ("the Committee"), which is an ad hoc subcommittee responsible for reviewing proposed legislation affecting LAFCOs and making recommendations to the Commission with respect to taking formal positions. The Commission's *Legislative Policy* and *Legislative Platform* are included as Attachments 1 and 2, respectively.

On May 13, 2025, the Committee met to review all bills affecting LAFCOs. The Committee's recommendations follow:

- AB 1156, included as Attachment 3, was introduced by Assemblymember Wicks and makes substantive changes to certain aspects of the Williamson Act. The Committee recommends the Commission take a support position.
- SB 777, included as Attachment 4, was introduced by Senator Richardson and requires LAFCO to designate a local agency to take over care, maintenance, and embellishment of an abandoned endowment care cemetery. The Committee recommends the Commission take an oppose position.

ATTACHMENTS

- 1) Legislative Policy
- 2) Legislative Platform
- 3) AB 1156
- 4) SB 777

Beth Painter, Vice Chair
Councilmember, City of Napa

Paul Dohring, Commissioner
Councilmember, City of St. Helena

David Oro, Alternate Commissioner
Councilmember, City of American Canyon

Anne Cottrell, Commissioner
County of Napa Supervisor, 3rd District

Belia Ramos, Commissioner
County of Napa Supervisor, 5th District

Joelle Gallagher, Alternate Commissioner
County of Napa Supervisor, 1st District

Kenneth Leary, Chair
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer



LOCAL AGENCY FORMATION COMMISSION OF NAPA

Legislative Policy

(Adopted: December 4, 2017; Last Amended: April 3, 2023)

- 1) The Local Agency Formation Commission (LAFCO) of Napa County (“the Commission”) shall annually establish an ad hoc committee, which shall terminate at the end of the calendar year, and appoint two members (“Legislative Committee”) to advise staff as described in this policy.
- 2) The Legislative Committee shall, at least annually, review this policy, the Commission’s adopted legislative platform, and the California Association of Local Agency Formation Commissions (CALAFCO)’s legislative policies. Based on communication with the Legislative Committee, staff shall present recommendations to the full Commission with respect to any appropriate amendments to this policy or the local legislative platform.
- 3) The Legislative Committee shall, at least annually, review proposed legislation affecting LAFCO. Based on communication with the Legislative Committee, staff shall continue monitoring proposed legislation and present recommendations to the full Commission with respect to formal positions on proposed legislation.
- 4) In the event that proposed legislation affecting LAFCO cannot be considered by the full Commission due to timing, the Executive Officer and Assistant Executive Officer are authorized to submit written correspondence to the appropriate entity regarding the Commission’s position if the position is consistent with the local legislative platform. The Chair, or the Vice Chair if the Chair is unavailable, shall review and approve the written correspondence prior to submittal by the Executive Officer or Assistant Executive Officer.
- 5) All submitted correspondence pursuant to this policy will be included on the next available Commission agenda.



LOCAL AGENCY FORMATION COMMISSION OF NAPA

Legislative Platform

(Adopted: February 5, 2018; Last Amended: April 4, 2022)

The following core guiding principles underlie the Local Agency Formation Commission (LAFCO) of Napa County's activities. Each of these principles is centered on Napa LAFCO having in-depth, active communication with respect to all relevant constituents.

- Municipal Service Reviews based on local agency, Napa County, & LAFCO needs
- Re-writing policies (on a schedule) to be comprehensive, effective, and transparent
- Forecasting issues relating to local services and boundaries, as well as State legislation
- Active involvement of agency constituents in problem-solving local agency sustainability
- Engagement with local city/town general plan updates
- Active with local agencies in managing housing growth and related issues including transportation

The following serves as Napa LAFCO's Legislative Platform for purposes of informing actions relating to proposed legislation. Napa LAFCO will first review and consider the positions of the California Association of Local Agency Formation Commissions (CALAFCO), the League of California Cities, and the California State Association of Counties before recommending the full Commission take a formal position on proposed legislation.

1. LAFCO Purpose and Authority

- 1.1 Support legislation which enhances Napa LAFCO's authority and powers to carry out the legislative findings and authority in Government Code §56000 et seq., and oppose legislation which diminishes Napa LAFCO's authority.
- 1.2 Support authority for Napa LAFCO to establish local policies to apply Government Code §56000 et seq. based on local needs and conditions, and oppose any limitations to that authority.
- 1.3 Oppose additional Napa LAFCO responsibilities which require expansion of current local funding sources. Oppose unrelated responsibilities which dilute Napa LAFCO's ability to meet its primary mission.
- 1.4 Support alignment of responsibilities and authority of Napa LAFCO and regional agencies which may have overlapping responsibilities in orderly growth, preservation, and service delivery, and oppose legislation or policies which create conflicts or hamper those responsibilities.

- 1.5 Oppose grants of special status to any individual agency or proposal to circumvent the Napa LAFCO process.
- 1.6 Support individual commissioner responsibility that allows each commissioner to independently vote their conscience on issues affecting their own jurisdiction.
- 1.7 Support the independence of Napa LAFCO from local agencies.
- 1.8 Support recognition of Napa LAFCO's spheres of influence by other agencies involved in determining and developing long-term growth and infrastructure plans.
- 1.9 Support efforts to acquire funding for local projects if the funding efforts are supported by the CALAFCO Board of Directors.

2. Agricultural, Watershed, and Open Space Protection

- 2.1. Support legislation which clarifies Napa LAFCO's authority to identify, encourage, and ensure the preservation of agricultural, watershed, and open space lands.
- 2.2. Support policies which encourage cities, counties and special districts to direct development away from agricultural, watershed, and open space lands.
- 2.3. Support policies and tools which protect agricultural, watershed, and open space lands.
- 2.4. Support the continuance of the Williamson Act and restoration of program funding through State subvention payments.
- 2.5. Support the recognition and use of spheres of influence as a management tool to provide better planning of growth and development, and to preserve agricultural, watershed, and open space lands.

AMENDED IN ASSEMBLY MAY 5, 2025

AMENDED IN ASSEMBLY MARCH 20, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1156

Introduced by Assembly Member Wicks

February 20, 2025

An act to amend Sections 51190, 51191, 51191.1, 51191.2, 51191.3, 51191.4, ~~51191.5~~, 51191.5, 51192, and 51192.1 of, *to add Section 51191.5.5 to*, to repeal Section 51192.2 of, and to repeal and add Section 51255.1 of, the Government Code, and to amend Section 21080 of the Public Resources Code, relating to solar-use easements.

LEGISLATIVE COUNSEL'S DIGEST

AB 1156, as amended, Wicks. Solar-use easements: suspension of Williamson Act contracts: terms of easement: termination.

The California Land Conservation Act of 1965, otherwise known as the Williamson Act, authorizes a city or county to contract with a landowner to limit the use of agricultural land to agricultural use if the land is located in an agricultural preserve designated by the city or county, as specified. The act authorizes the parties to mutually agree to rescind the contract in order to simultaneously enter into a solar-use easement if approved by the Department of Conservation, as specified. Existing law defines the term “solar-use easement” for these purposes to mean any right or interest acquired by a county, or city in a parcel or parcels determined to be eligible, as provided, where the deed or other instrument granting the right or interest imposes certain restrictions that effectively restrict the use of the land to photovoltaic solar facilities for the purpose of providing for the collection and distribution of solar

energy and certain other incidental or subordinate uses or other alternative renewable energy facilities.

This bill would revise the definition of the term “solar-use easement” to, among other changes, ~~include a right or interest acquired by the Energy Commission, and to~~ expand the authorized uses of the land under the easement to include solar energy storage and appurtenant renewable energy facilities. ~~The bill would make various conforming changes in this regard.~~ The bill would revise the conditions under which the land subject to a Williamson Act contract may be subject to a solar-use easement, as described above, to instead require the suspension of the Williamson Act contract for the term of the solar-use easement, rather than the rescission of the contract, if the Department of Conservation determines that the parcel is eligible to be placed in the easement, as specified.

Under existing law, the Department of Conservation, in consultation with the Department of Food and Agriculture, and upon a request from a city or county, may determine that a parcel is eligible for rescission of a Williamson Act contract for placement into a solar-use easement, as provided. Existing law requires that the parcel meet certain criteria in order to be eligible under these provisions, including that the land meet 1 of 2 specified alternative criteria relating to the use of the land for agricultural purposes and the parcel not be located on lands designated as prime farmland, unique farmland, or farmland of statewide importance, as specified.

This bill would revise these provisions to authorize the Department of Conservation to determine that a parcel is eligible for suspension, as described above, upon the request of the landowner, instead of a request from a county or city, and would require the department to additionally make that determination in consultation with any applicable groundwater sustainability agency or services. The bill would revise the eligibility criteria for a parcel to be deemed eligible under these provisions by (1) additionally authorizing land for which there ~~are~~ *is* or will be insufficient surface water or groundwater ~~rights associated with the land~~ *available* to support commercially viable irrigated agricultural use; (2) deleting the requirement that the land not be located on lands designated as prime farmland, unique farmland, or farmland of statewide importance; and (3) additionally requiring that the land meet certain additional requirements relating to the land’s historical use as cropland and whether it is encumbered by a conservation easement or enrolled in a land conservation program, as specified. The bill would also require the

Department of Conservation to issue its determination of eligibility within 120 days following submission of a completed application package, and would deem any application not rejected within this 120-day period to be approved.

Existing law authorizes a county or city to require a solar-use easement deed or restriction to contain any restrictions, conditions, or covenants as are necessary or desirable to restrict the use of the land to photovoltaic solar facilities. Under existing law, these restrictions, conditions, or covenants may include, among other things, mitigation measures on the land that is subject to the solar-use easement and mitigation measures beyond the land that is subject to the solar-use easement. For term easements or self-renewing easements, existing law requires that the restrictions, conditions, or covenants include a requirement for the landowner to post a performance bond or other securities to fund the restoration of the land that is subject to the easement to the conditions that existed before the approval or acceptance of the easement by the time the easement is extinguished.

This bill would delete the above-described provisions relating to mitigation measures on or beyond the land that is subject to a solar-use easement. The bill would also delete the above-described requirement that a landowner post a performance bond or other securities in relation to a term easement or self-renewing easement. *The bill would additionally permit the county or city to require a solar-use easement deed or restriction to include a provision for termination of the easement under prescribed circumstances. The bill would allow a city or county to require, as a condition of entering into a solar-use easement, that the photovoltaic solar facility enter into a community benefits agreement, as defined, with one or more local communities, as defined.*

Existing law, during the term of a solar-use easement, prohibits the approval of any land use on the land covered by the easement and the issuance of a building permit for a structure that would violate the easement. Existing law requires the county or city to seek an injunction against any construction or other development or activity that would violate the easement and, if the county or city fails to do so or if the county or city engages in specified activity in violation of the easement, authorizes a person or entity to seek an injunction. Existing law authorizes a court to award a plaintiff who prevails in an action under these provisions the costs of their litigation, including reasonable attorney's fees.

This bill would additionally prohibit the issuance of a construction notice to proceed that would violate the easement. The bill would also remove the above-described authorization of a person or entity to seek the injunction. The bill would also delete the authority of the court to award litigation costs to a prevailing plaintiff.

Existing law authorizes a solar-use easement to be extinguished by nonrenewal, termination, or returning the land to the previous Williamson Act contract. If the landowner or the county or city desires in any year not to renew the solar-use easement on all or a portion of a parcel, existing law requires that party to serve written notice of nonrenewal of the easement, as specified. If the county, city, or the landowner serves notice of intent in any year not to renew the solar-use easement, existing law provides that the existing solar-use easement remains in effect for the balance of the period remaining since the original execution or the last renewal of the solar-use easement, as the case may be.

The bill would additionally authorize the termination of a solar-use easement by mutual consent, and would make various conforming changes in that regard. The bill would also revise the above-described provisions relating to service of written notice to instead only require a landowner to issue that ~~notice~~: *notice any time they desire not to renew a solar-use-easement, and to allow a city or county to serve the notice only at the end of the photovoltaic solar facility's operating life, as specified, and make conforming changes.* The bill would delete the above-described provisions relating to the remaining effect of the easement following service of a notice of intent.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA exempts from its provisions various activities, including ministerial projects proposed to be carried out or approved by public agencies.

This bill would exempt entry into or recordation of a solar-use easement under the above-described provisions from ~~CEQA~~: *CEQA, but would specify that its provisions do not exempt a photovoltaic solar facility from CEQA.*

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

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

1 SECTION 1. Section 51190 of the Government Code is
2 amended to read:

3 51190. As used in this chapter, the following terms have the
4 following meanings:

5 (a) “City” means any city or city and county.

6 (b) “Landowner” includes a lessee or trustee, if the expiration
7 of the lease or trust occurs at a time later than the expiration of the
8 restriction of the use of the land to photovoltaic solar facilities or
9 any extension of the restriction.

10 (c) “Solar-use easement” means any right or interest acquired
11 by a ~~county, city, or the Energy Commission~~ *city or county* for a
12 term of years, or annually self-renewing as provided in Section
13 51191.2, in a parcel or parcels determined by the Department of
14 Conservation pursuant to Section 51191 to be eligible, where the
15 deed or other instrument granting the right or interest imposes
16 restrictions that, through limitation of future use, will effectively
17 restrict the use of the land to photovoltaic solar facilities for the
18 purpose of providing for the collection, storage, and distribution
19 of solar energy for the generation of electricity, and any other
20 incidental or subordinate agricultural or open-space uses, or other
21 alternative or appurtenant renewable energy facilities. A solar-use
22 easement shall not permit any land located in the easement to be
23 used for any other use allowed in commercial, industrial, or
24 residential zones. A solar-use easement shall contain a covenant
25 with the ~~county, city, or Energy Commission~~ *city or county* running
26 with the land for a term of years that the landowner shall not
27 construct or permit the construction of improvements except those
28 for which the right is expressly reserved in the instrument provided
29 that those reservations would not be inconsistent with the purposes
30 of this chapter and which would not be incompatible with the sole
31 use of the property for solar photovoltaic and appurtenant clean
32 energy facilities, during which time any agricultural land
33 conservation contract binding all or a portion of the land under the
34 solar-use easement and meeting the criteria set forth in subdivision
35 (a) of Section 51191 would be suspended.

36 SEC. 2. Section 51191 of the Government Code is amended
37 to read:

1 51191. (a) For purposes of this chapter, and for purposes of
2 Chapter 7 (commencing with Section 51200), the Department of
3 Conservation, in consultation with the Department of Food and
4 Agriculture, and any applicable groundwater sustainability agency
5 or services, upon a request from a landowner may determine, based
6 on substantial evidence, that a parcel or parcels is eligible for
7 suspension of an agricultural land conservation contract under
8 Section 51255.1 for placement into a solar-use easement if all of
9 the following criteria are met:

10 (1) The land meets one or more of the following criteria:

11 (A) The land consists predominately of soils with significantly
12 reduced agricultural productivity for agricultural activities due to
13 chemical or physical limitations, topography, drainage, flooding,
14 adverse soil conditions, or other physical reasons.

15 (B) The land has severely adverse soil conditions that are
16 detrimental to continued agricultural activities and production.
17 Severely adverse soil conditions may include, but are not limited
18 to, contamination by salts or selenium, or other naturally occurring
19 contaminants.

20 (C) ~~There are~~ *is* or will be insufficient surface water or
21 ~~groundwater rights associated with the land available, or~~
22 *insufficient surface water and groundwater available*, to support
23 commercially viable irrigated agricultural use.

24 (2) The land meets both of the following criteria:

25 (A) The parcel or parcels have an average grade of less than 10
26 percent and have been historically used primarily as irrigated
27 cropland rather than having been historically used primarily as
28 unirrigated grazing land.

29 (B) The parcel or parcels are not encumbered by a conservation
30 easement or enrolled in a land conservation program, the primary
31 purpose of which is the protection of resources other than
32 agriculture, such as recreation, grazing, open space, or biological
33 resources.

34 (b) To assist in the determination described in this section, the
35 ~~city, county, or Energy Commission~~ *city or county* shall require
36 the landowner to provide to the Department of Conservation the
37 following information to the extent applicable:

38 (1) A written narrative demonstrating that even under the best
39 currently available management practices, continued commercially
40 viable agricultural practices would be substantially limited due to

1 the soil's reduced agricultural productivity from chemical or
2 physical limitations.

3 (2) A recent soil test demonstrating that the characteristics of
4 the soil significantly reduce its commercial agricultural
5 productivity.

6 (3) An analysis of water availability demonstrating the
7 insufficiency of water supplies for continued commercially viable
8 agricultural production, including insufficiency based on planned
9 consolidation of water resources on more productive parcels.

10 (4) An analysis of water quality demonstrating that continued
11 commercial agricultural production would, under the best currently
12 available management practices, be significantly reduced.

13 (5) Crop and yield information for the past six years.

14 (c) The landowner shall provide the Department of Conservation
15 with a proposed management plan describing how the soil will be
16 managed during the life of the easement, how impacts to adjacent
17 agricultural operations will be minimized, how the land will be
18 restored to its previous general condition, as it existed at the time
19 of project approval, upon the termination of the easement. If the
20 Department of Conservation determines, in consultation with the
21 Department of Food and Agriculture, and applicable groundwater
22 sustainability agency or agencies, pursuant to subdivision (a), that
23 lands are subject to this section, ~~the city, county, or Energy~~
24 ~~Commission~~ *city or county* shall require implementation of the
25 management plan, which shall include any recommendations
26 provided by the Department of Conservation, as part of any project
27 approval.

28 (d) A determination of eligibility by the Department of
29 Conservation pursuant to this section shall not be subject to
30 Division 13 (commencing with Section 21000) of the Public
31 Resources Code. *This subdivision shall not be interpreted to exempt*
32 *the photovoltaic solar facility from Division 13 (commencing with*
33 *Section 21000) of the Public Resources Code.*

34 (e) The Department of Conservation shall issue its determination
35 of eligibility within 120 days following submission of a completed
36 application package. Any application not rejected within this
37 120-day period shall be deemed approved.

38 (f) The Department of Conservation may establish a fee to be
39 paid by the landowner to recover the estimated costs incurred by

1 the department in participating in the consultation described in
2 this section.

3 SEC. 3. Section 51191.1 of the Government Code is amended
4 to read:

5 ~~51191.1. Any county or city, or the Energy Commission, city~~
6 ~~or county~~ may, upon request from a landowner and a determination
7 of eligibility in accordance with subdivision (a) of Section 51191,
8 enter into an agreement with a landowner pursuant to Section
9 51255.1 to use lands determined to be eligible pursuant to
10 subdivision (a) of Section 51191 in a solar-use easement in the
11 manner provided in this chapter.

12 SEC. 4. Section 51191.2 of the Government Code is amended
13 to read:

14 51191.2. Any term easement and covenant under this chapter
15 shall run for a term of not less than 20 years unless a shorter term
16 is requested by the landowner, in which case the term may be not
17 less than 10 years. A solar-use easement for a term of years may
18 provide that on the anniversary date of the acceptance of the
19 solar-use easement, or on any other annual date as specified by
20 the deed or other instrument described in subdivision (c) of Section
21 51190, a year shall be added automatically to the initial term unless
22 a notice of nonrenewal is served as provided in Section 51192.

23 SEC. 5. Section 51191.3 of the Government Code is amended
24 to read:

25 51191.3. (a) ~~A county or city, or the Energy Commission, city~~
26 ~~or county~~ may require a deed or other instrument described in
27 subdivision (c) of Section 51190 to contain any restrictions,
28 conditions, or covenants as are necessary or desirable to restrict
29 the use of the land to photovoltaic solar and appurtenant facilities.

30 (b) The deed or restriction may include, but is not limited to,
31 the following:

32 (1) If deemed necessary by the ~~city, county, or Energy~~
33 ~~Commission~~ ~~city or county~~ to ensure that decommissioning
34 requirements are met, the provision for financial assurances, such
35 as performance bonds, letters of credit, a corporate guarantee, or
36 other securities to fund, upon the cessation of the solar photovoltaic
37 use, the restoration of the land that is subject to the easement to
38 the conditions that existed before the approval or acceptance of
39 that easement by the time that the easement terminates. However,
40 any decommissioning requirement shall not be in addition to other

1 state or local requirements that ensure decommissioning of the
2 facility. Salvage value shall not be precluded from the calculation
3 of the cost of decommissioning.

4 (2) *Provision for termination of the easement if the governmental*
5 *authorization allowing the facilities to be constructed expires*
6 *without being exercised and the project is not built.*

7 ~~(2)~~

8 (3) Provision for necessary amendments by the ~~parties~~ *parties,*
9 *including, but not limited to, amendments to adjust the boundaries*
10 *of the easement if the facilities constructed are less extensive than*
11 *originally anticipated, provided that the amendments are consistent*
12 *with the provisions of this chapter.*

13 (c) The Department of Conservation may adopt regulations
14 pursuant to the Administrative Procedure Act (Chapter 3.5
15 (commencing with Section 11340) of Division 3 of Title 2) to
16 implement this section.

17 SEC. 6. Section 51191.4 of the Government Code is amended
18 to read:

19 51191.4. A deed or other instrument described in subdivision
20 (c) of Section 51190 shall not be effective until it has been accepted
21 or approved by resolution of the governing body of the ~~county or~~
22 ~~city or the Energy Commission~~ *city or county* accepts the deed or
23 instrument.

24 SEC. 7. Section 51191.5 of the Government Code is amended
25 to read:

26 51191.5. (a) During the term of the solar-use easement, the
27 ~~county, city, or Energy Commission~~ *city or county* shall not
28 approve any land use on land covered by a solar easement that is
29 inconsistent with the easement, and no building permit or
30 construction notice to proceed may be issued for any structure that
31 would violate the easement. The county or city shall seek, by
32 appropriate proceedings, an injunction against any threatened
33 construction or other development or activity on the land that
34 would violate the easement and shall seek a mandatory injunction
35 requiring the removal of any structure erected in violation of the
36 easement.

37 (b) Nothing in this chapter shall limit the power of the state or
38 any county, city, school district, or any other local public district,
39 agency, or entity, or any other person authorized by law, to acquire
40 land subject to a solar-use easement by eminent domain.

1 *SEC. 8. Section 51191.5.5 is added to the Government Code,*
2 *to read:*

3 51191.5.5. (a) *For the purposes of this section, the following*
4 *definitions shall apply:*

5 (1) *“Community benefits agreement” means an agreement that*
6 *provides specific benefits to the local community, including, but*
7 *not limited to, all of the following:*

8 (A) *Job creation and training programs for local residents.*

9 (B) *Use of local businesses and vendors.*

10 (C) *Financial contributions to community development projects*
11 *and programs.*

12 (2) *“Local community” means the city or county in which the*
13 *photovoltaic solar facility is located, including any other local*
14 *governmental agencies or community-based organizations located*
15 *within that city or county.*

16 (b) *A city or county may require, as a condition of entering into*
17 *a solar-use easement, that the photovoltaic solar facility enter into*
18 *a community benefits agreement with one or more local*
19 *communities.*

20 ~~SEC. 8:~~

21 *SEC. 9. Section 51192 of the Government Code is amended*
22 *to read:*

23 51192. (a) *A solar-use easement may be extinguished on all*
24 *or a portion of the parcel only by nonrenewal, termination, by*
25 *mutual consent, or by returning the land to its previous contract*
26 *pursuant to Article 3 (commencing with Section 51240) of Chapter*
27 *7.*

28 (b) *If the landowner desires in any year not to renew the*
29 *solar-use easement on all or a portion of the parcel, the landowner*
30 *shall serve written notice of nonrenewal of the easement upon the*
31 *other party at least 90 days in advance of the annual renewal date*
32 *of the solar-use easement. Unless written notice is served at least*
33 *90 days in advance of the renewal date, the solar-use easement*
34 *shall be considered valid and, as the case may be, renewed as*
35 *provided in Section 51191.2.*

36 (c) *A city or county may, at the end of the photovoltaic solar*
37 *facility’s operating life, serve notice of nonrenewal upon the other*
38 *party at least 90 days in advance of the annual renewal date of*
39 *the solar-use easement. Unless written notice is served at least 90*
40 *days in advance of the renewal date, the solar-use easement shall*

1 *be considered valid and, as the case may be, renewed as provided*
2 *in Section 51191.2.*

3 ~~SEC. 9.~~

4 *SEC. 10.* Section 51192.1 of the Government Code is amended
5 to read:

6 51192.1. In the case of a solar-use easement that is extinguished
7 because of a notice of nonrenewal by the landowner, due to
8 termination, or mutual consent, *or by the city or county pursuant*
9 *to subdivision (c) of Section 51192*, the landowner shall restore
10 the land that is subject to the easement to the conditions that existed
11 before the approval of the easement by the time the easement is
12 extinguished, and the suspension of the land conservation contract
13 shall terminate and the contract once again be in full force and
14 effect.

15 ~~SEC. 10.~~

16 *SEC. 11.* Section 51192.2 of the Government Code is repealed.

17 ~~SEC. 11.~~

18 *SEC. 12.* Section 51255.1 of the Government Code is repealed.

19 ~~SEC. 12.~~

20 *SEC. 13.* Section 51255.1 is added to the Government Code,
21 to read:

22 51255.1. (a) Notwithstanding any other provision of this
23 chapter, any agricultural land conservation contract effecting a
24 parcel or parcels of land that, upon review, are determined by the
25 Department of Conservation to be eligible to be placed in a
26 solar-use easement pursuant to Chapter 6.9 (commencing with
27 Section 51191) and for which a solar-use easement has been
28 entered into by ~~either the Energy Commission or a~~ local
29 government shall be suspended for the term of the solar use
30 easement. This suspension shall occur notwithstanding the prior
31 serving of a notice of nonrenewal.

32 (b) Nothing in this section limits the ability of the parties to a
33 contract to seek nonrenewal, or petition for cancellation or
34 termination of a contract pursuant to this chapter. This section is
35 provided in addition to, not in replacement of, other methods for
36 contract suspension, termination, Williamson Act compliance, or
37 a county or city finding that a solar facility is a compatible use
38 pursuant to this chapter.

1 ~~SEC. 13.~~

2 *SEC. 14.* Section 21080 of the Public Resources Code is
3 amended to read:

4 21080. (a) Except as otherwise provided in this division, this
5 division shall apply to discretionary projects proposed to be carried
6 out or approved by public agencies, including, but not limited to,
7 the enactment and amendment of zoning ordinances, the issuance
8 of zoning variances, the issuance of conditional use permits, and
9 the approval of tentative subdivision maps unless the project is
10 exempt from this division.

11 (b) This division does not apply to any of the following
12 activities:

13 (1) Ministerial projects proposed to be carried out or approved
14 by public agencies.

15 (2) Emergency repairs to public service facilities necessary to
16 maintain service.

17 (3) Projects undertaken, carried out, or approved by a public
18 agency to maintain, repair, restore, demolish, or replace property
19 or facilities damaged or destroyed as a result of a disaster in a
20 disaster-stricken area in which a state of emergency has been
21 proclaimed by the Governor pursuant to Chapter 7 (commencing
22 with Section 8550) of Division 1 of Title 2 of the Government
23 Code.

24 (4) Specific actions necessary to prevent or mitigate an
25 emergency.

26 (5) Projects that a public agency rejects or disapproves.

27 (6) Actions undertaken by a public agency relating to any
28 thermal powerplant site or facility, including the expenditure,
29 obligation, or encumbrance of funds by a public agency for
30 planning, engineering, or design purposes, or for the conditional
31 sale or purchase of equipment, fuel, water (except groundwater),
32 steam, or power for a thermal powerplant, if the powerplant site
33 and related facility will be the subject of an environmental impact
34 report, negative declaration, or other document, prepared pursuant
35 to a regulatory program certified pursuant to Section 21080.5,
36 which will be prepared by the State Energy Resources Conservation
37 and Development Commission, by the Public Utilities Commission,
38 or by the city or county in which the powerplant and related facility
39 would be located if the environmental impact report, negative

1 declaration, or document includes the environmental impact, if
2 any, of the action described in this paragraph.

3 (7) Activities or approvals necessary to the bidding for, hosting
4 or staging of, and funding or carrying out of, an Olympic Games
5 under the authority of the International Olympic Committee, except
6 for the construction of facilities necessary for the Olympic Games.

7 (8) The establishment, modification, structuring, restructuring,
8 or approval of rates, tolls, fares, or other charges by public agencies
9 that the public agency finds are for the purpose of: (A) meeting
10 operating expenses, including employee wage rates and fringe
11 benefits; (B) purchasing or leasing supplies, equipment, or
12 materials; (C) meeting financial reserve needs and requirements;
13 (D) obtaining funds for capital projects necessary to maintain
14 service within existing service areas; or (E) obtaining funds
15 necessary to maintain those intracity transfers as are authorized
16 by city charter. The public agency shall incorporate written findings
17 in the record of any proceeding in which an exemption under this
18 paragraph is claimed setting forth with specificity the basis for the
19 claim of exemption.

20 (9) All classes of projects designated pursuant to Section 21084.

21 (10) A project for the institution or increase of passenger or
22 commuter services on rail or highway rights-of-way already in
23 use, including modernization of existing stations and parking
24 facilities. For purposes of this paragraph, “highway” has the same
25 meaning as defined in Section 360 of the Vehicle Code.

26 (11) A project for the institution or increase of passenger or
27 commuter service on high-occupancy vehicle lanes already in use,
28 including the modernization of existing stations and parking
29 facilities.

30 (12) Facility extensions not to exceed four miles in length that
31 are required for the transfer of passengers from or to exclusive
32 public mass transit guideway or busway public transit services.

33 (13) A project for the development of a regional transportation
34 improvement program, the state transportation improvement
35 program, or a congestion management program prepared pursuant
36 to Section 65089 of the Government Code.

37 (14) A project or portion of a project located in another state
38 that will be subject to environmental impact review pursuant to
39 the National Environmental Policy Act of 1969 (42 U.S.C. Sec.
40 4321 et seq.) or similar state laws of that state. Any emissions or

1 discharges that would have a significant effect on the environment
2 in this state are subject to this division.

3 (15) Projects undertaken by a local agency to implement a rule
4 or regulation imposed by a state agency, board, or commission
5 under a certified regulatory program pursuant to Section 21080.5.
6 Any site-specific effect of the project that was not analyzed as a
7 significant effect on the environment in the plan or other written
8 documentation required by Section 21080.5 is subject to this
9 division.

10 (16) Approval by the Department of Pesticide Regulation of a
11 pesticide emergency exemption pursuant to Section 136p of Title
12 7 of the United States Code.

13 (17) The entry into or recordation of a solar-use easement
14 pursuant to Chapter 6.9 (commencing with Section 51190) of Part
15 1 of Division 1 of Title 5 of the Government Code.

16 (c) If a lead agency determines that a proposed project, not
17 otherwise exempt from this division, would not have a significant
18 effect on the environment, the lead agency shall adopt a negative
19 declaration to that effect. The negative declaration shall be prepared
20 for the proposed project in either of the following circumstances:

21 (1) There is no substantial evidence, in light of the whole record
22 before the lead agency, that the project may have a significant
23 effect on the environment.

24 (2) An initial study identifies potentially significant effects on
25 the environment, but: (A) revisions in the project plans or proposals
26 made by, or agreed to by, the applicant before the proposed
27 negative declaration and initial study are released for public review
28 would avoid the effects or mitigate the effects to a point where
29 clearly no significant effect on the environment would occur; and
30 (B) there is no substantial evidence, in light of the whole record
31 before the lead agency, that the project, as revised, may have a
32 significant effect on the environment.

33 (d) If there is substantial evidence, in light of the whole record
34 before the lead agency, that the project may have a significant
35 effect on the environment, an environmental impact report shall
36 be prepared.

37 (e) (1) For purposes of this section and this division, substantial
38 evidence includes fact, a reasonable assumption predicated upon
39 fact, or expert opinion supported by fact.

1 (2) Substantial evidence is not argument, speculation,
2 unsubstantiated opinion or narrative, evidence that is clearly
3 inaccurate or erroneous, or evidence of social or economic impacts
4 that do not contribute to, or are not caused by, physical impacts
5 on the environment.

6 (f) As a result of the public review process for a mitigated
7 negative declaration, including administrative decisions and public
8 hearings, the lead agency may conclude that certain mitigation
9 measures identified pursuant to paragraph (2) of subdivision (c)
10 are infeasible or otherwise undesirable. In those circumstances,
11 the lead agency, before approving the project, may delete those
12 mitigation measures and substitute for them other mitigation
13 measures that the lead agency finds, after holding a public hearing
14 on the matter, are equivalent or more effective in mitigating
15 significant effects on the environment to a less than significant
16 level and that do not cause any potentially significant effect on the
17 environment. If those new mitigation measures are made conditions
18 of project approval or are otherwise made part of the project
19 approval, the deletion of the former measures and the substitution
20 of the new mitigation measures shall not constitute an action or
21 circumstance requiring recirculation of the mitigated negative
22 declaration.

23 (g) This section does not preclude a project applicant or any
24 other person from challenging, in an administrative or judicial
25 proceeding, the legality of a condition of project approval imposed
26 by the lead agency. If, however, any condition of project approval
27 set aside by either an administrative body or court was necessary
28 to avoid or lessen the likelihood of the occurrence of a significant
29 effect on the environment, the lead agency's approval of the
30 negative declaration and project shall be invalid and a new
31 environmental review process shall be conducted before the project
32 can be reapproved, unless the lead agency substitutes a new
33 condition that the lead agency finds, after holding a public hearing
34 on the matter, is equivalent to, or more effective in, lessening or
35 avoiding significant effects on the environment and that does not
36 cause any potentially significant effect on the environment.

O

AMENDED IN SENATE MARCH 26, 2025

SENATE BILL**No. 777****Introduced by Senator Richardson**

February 21, 2025

An act to amend the heading of Chapter 7 (commencing with Section 8825) of *Part 3 of Division 8 of*, ~~to add Section 8749 to~~, and to add Chapter 6 (commencing with Section 8800) to Part 3 of Division 8 of, the Health and Safety Code, relating to cemeteries.

LEGISLATIVE COUNSEL'S DIGEST

SB 777, as amended, Richardson. Abandoned endowment care cemeteries: ~~county~~ *local agency* possession and responsibility.

Existing law, the Cemetery and Funeral Act, establishes the Cemetery and Funeral Bureau within the Department of Consumer Affairs and sets forth its powers and duties relating to the licensure and regulation of, among others, cemeteries and cemetery authorities, which includes cemetery associations, corporations sole, limited liability companies, and other persons owning or controlling cemetery lands or property. Existing law authorizes a cemetery authority that maintains a cemetery to place its cemetery under endowment care and to establish, maintain, and operate an endowment care fund. Ninety days following the cancellation, surrender, or revocation of a certificate of authority, existing law gives the bureau title to any endowment care funds of a cemetery authority and possession of all necessary books, records, property, real and personal, and assets, and requires the bureau to act as conservator over the management of the endowment care funds.

This bill would ~~make the~~ *require a local agency formation commission for the county in which an abandoned endowment care cemetery is located to identify a local agency to be responsible for the care,*

maintenance, and embellishment of the ~~cemetery~~; *cemetery, as specified.* The bill would vest fee title of the cemetery in the ~~county~~; *local agency* and would restrict the ~~county's local agency's~~ use of the property to *uses consistent with cemetery purposes, and would exempt the county from various provisions related to the care of active cemeteries.* *purposes.* The bill would give the ~~county~~ *local agency* title to any endowment care funds of the prior cemetery authority held by the bureau, and would require the ~~county~~ *local agency* to take possession of all necessary books, records, real property, personal property, and assets of the fund. The bill would require the assets to be liquidated, and the proceeds placed in a special fund ~~within the county treasury~~ to be expended on care, maintenance, or embellishment of the abandoned endowment care cemetery. The bill would define an abandoned endowment care cemetery and would make conforming changes. *By imposing additional duties on local agencies, this 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 the statutory provisions noted above.

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. Section 8749 is added to the Health and Safety~~
- 2 ~~Code, to read:~~
- 3 ~~8749. This article shall not apply to a county that takes title to~~
- 4 ~~an abandoned endowment care cemetery pursuant to Chapter 6~~
- 5 ~~(commencing with Section 8800).~~
- 6 ~~SEC. 2.~~
- 7 ~~SECTION 1.~~ Chapter 6 (commencing with Section 8800) is
- 8 added to Part 3 of Division 8 of the Health and Safety Code, to
- 9 read:

1 CHAPTER 6. ABANDONMENT OF ENDOWMENT CARE CEMETERIES

2
3 8800. For purposes of this chapter, “abandoned endowment
4 care cemetery” means a cemetery for which an endowment care
5 fund was maintained, that was formerly licensed by the bureau,
6 and for which the certificate of authority has been canceled,
7 surrendered, or revoked and ownership has not been transferred
8 pursuant to Section 8585 within one year of the cancellation,
9 surrender, or revocation.

10 8801. (a) Upon the expiration of the one-year period described
11 in Section 8800, ~~fee title of an abandoned care cemetery shall vest~~
12 ~~in the county in which the cemetery is located and shall be recorded~~
13 ~~with the county.~~ *the bureau shall notify the local agency formation*
14 *commission for the county in which the abandoned endowment*
15 *care cemetery is located that there is an abandoned endowment*
16 *care cemetery in that county.*

17 (b) *No later than 30 days following the notification from the*
18 *bureau described in subdivision (a), the local agency formation*
19 *commission shall commence proceedings to identify a local agency*
20 *take over the care, maintenance, and embellishment of the*
21 *abandoned endowment care cemetery. The local agency formation*
22 *commission shall complete its proceedings and identify the*
23 *receiving local agency within six months of receiving the*
24 *notification from the bureau.*

25 (c) *Upon completion of the proceeding described in subdivision*
26 *(b), fee title of an abandoned endowment care cemetery shall vest*
27 *in, and be recorded with, the local agency identified by the local*
28 *agency formation commission.*

29 ~~(b)~~

30 (d) ~~Any county~~ *local agency* acquiring fee title to a cemetery
31 pursuant to this section shall be responsible for the care,
32 maintenance, and embellishment of the abandoned endowment
33 care cemetery, and shall only use the property for *uses consistent*
34 *with cemetery purposes.*

35 8802. (a) Upon the transfer of title described in Section 8801,
36 ~~the county~~ *local agency* shall also take title of any endowment
37 care funds of the prior cemetery authority held by the bureau
38 pursuant to Section 7613.11 of the Business and Professions Code,
39 and shall take possession of all necessary books, records, real
40 property, personal property, and assets of the fund.

1 (b) The assets of the fund described in subdivision (a) shall be
 2 liquidated, and the proceeds shall be placed in a special fund within
 3 the county treasury. *fund*. The moneys within the special fund shall
 4 only be expended on care, maintenance, or embellishment of the
 5 abandoned endowment care cemetery. *cemetery acquired by the*
 6 *local agency pursuant to this chapter and for which the endowment*
 7 *care funds were maintained.*

8 8803. A county local agency that acquires title to an abandoned
 9 endowment care cemetery shall keep a record of, and honor, all
 10 remaining contracts for burial executed by the prior cemetery
 11 authority.

12 ~~SEC. 3.~~

13 SEC. 2. The heading of Chapter 7 (commencing with Section
 14 8825) of Part 3 of Division 8 of the Health and Safety Code is
 15 amended to read:

16
 17 CHAPTER 7. ABANDONED NONENDOWMENT CARE CEMETERIES

18

19 ~~SEC. 4.~~

20 SEC. 3. If the Commission on State Mandates determines that
 21 this act contains costs mandated by the state, reimbursement to
 22 local agencies and school districts for those costs shall be made
 23 pursuant to Part 7 (commencing with Section 17500) of Division
 24 4 of Title 2 of the Government Code.