

Introduced by Senator WolkFebruary 18, 2011

An act to amend Sections 65865.5, 65962, and 66474.5 of the Government Code, and to amend Section 9612 of the Water Code, relating to flood management.

LEGISLATIVE COUNSEL'S DIGEST

SB 845, as introduced, Wolk. Central Valley Flood Protection Plan: planning and land use.

(1) Existing law provides for the Central Valley Flood Protection Board with the authority to construct and maintain various flood control works.

Existing law requires the Department of Water Resources, by January 1, 2012, to prepare, and transmit to the board, the Central Valley Flood Protection Plan, which is a systemwide plan for the protection of specified lands protected by the facilities of the State Plan of Flood Control. The board is required to adopt the Central Valley Flood Protection Plan by July 1, 2012.

This bill would make technical, nonsubstantive changes to those requirements.

(2) Existing law requires each city and county within the Sacramento-San Joaquin Valley, within 24 months of the adoption of the Central Valley Flood Protection Plan, to amend its general plan to include specified data, policies, and implementation measures. The city or county is also required, within 36 months of the adoption of the Central Valley Flood Protection Plan, but not more than 12 months after the amendment of its general plan, to amend its zoning ordinance to be consistent with the general plan, as amended.

After the general plan amendments and zoning ordinance amendments have become effective, the city or county, unless it makes specified findings, is prohibited from entering into a development agreement for property that is located within a flood hazard zone, is prohibited from approving specified permits that would result in specified construction located within a flood hazard zone, and is required to deny approval of a tentative map, or a parcel map for which a tentative map was not required, for a subdivision located within the flood hazard zone.

This bill would make technical, nonsubstantive changes to the specified findings that a city or county may make for those purposes.

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 65865.5 of the Government Code is
2 amended to read:
3 65865.5. (a) Notwithstanding any other provision of law, after
4 the amendments required by Sections 65302.9 and 65860.1 have
5 become effective, the legislative body of a city or county within
6 the Sacramento-San Joaquin Valley shall not enter into a
7 development agreement for property that is located within a flood
8 hazard zone unless the city or county finds, based on substantial
9 evidence in the record, one of the following:
10 (1) The facilities of the State Plan of Flood Control or other
11 flood management facilities protect the property to the urban level
12 of flood protection in urban and urbanizing areas or the national
13 Federal Emergency Management Agency standard of flood
14 protection in nonurbanized areas.
15 (2) The city or county has imposed conditions on the
16 development agreement that will protect the property to the urban
17 level of flood protection in urban and urbanizing areas or the
18 national Federal Emergency Management Agency standard of
19 flood protection in nonurbanized areas.
20 (3) The local flood management agency has made adequate
21 progress on the construction of-a *the* flood protection system that
22 will result in flood protection equal to or greater than the urban
23 level of flood protection in urban or urbanizing areas or the national
24 Federal Emergency Management Agency standard of flood
25 protection in nonurbanized areas for property located within a

1 flood hazard zone, intended to be protected by the system. For
2 urban and urbanizing areas protected by project levees, the urban
3 level of flood protection shall be achieved by 2025.

4 (b) The effective date of amendments referred to in this section
5 shall be the date upon which the statutes of limitation specified in
6 subdivision (c) of Section 65009 have run or, if the amendments
7 and any associated environmental documents are challenged in
8 court, the validity of the amendments and any associated
9 environmental documents has been upheld in a final decision.

10 (c) This section does not change or diminish existing
11 requirements of local flood plain management laws, ordinances,
12 resolutions, or regulations necessary to local agency participation
13 in the national flood insurance program.

14 SEC. 2. Section 65962 of the Government Code is amended
15 to read:

16 65962. (a) Notwithstanding any other provision of law, after
17 the amendments required by Sections 65302.9 and 65860.1 have
18 become effective, each city and county within the Sacramento-San
19 Joaquin Valley shall not approve a discretionary permit or other
20 discretionary entitlement, or a ministerial permit that would result
21 in the construction of a new residence, for a project that is located
22 within a flood hazard zone unless the city or county finds, based
23 on substantial evidence in the record, one of the following:

24 (1) The facilities of the State Plan of Flood Control or other
25 flood management facilities protect the project to the urban level
26 of flood protection in urban and urbanizing areas or the national
27 Federal Emergency Management Agency standard of flood
28 protection in nonurbanized areas.

29 (2) The city or county has imposed conditions on the permit or
30 discretionary entitlement that will protect the project to the urban
31 level of flood protection in urban and urbanizing areas or the
32 national Federal Emergency Management Agency standard of
33 flood protection in nonurbanized areas.

34 (3) The local flood management agency has made adequate
35 progress on the construction of *a the* flood protection system ~~which~~
36 *that* will result in flood protection equal to or greater than the urban
37 level of flood protection in urban or urbanizing areas or the national
38 Federal Emergency Management Agency standard of flood
39 protection in nonurbanized areas for property located within a
40 flood hazard zone, intended to be protected by the system. For

1 urban and urbanizing areas protected by project levees, the urban
2 level of flood protection shall be achieved by 2025.

3 (b) The effective date of amendments referred to in this section
4 shall be the date upon which the statutes of limitation specified in
5 subdivision (c) of Section 65009 have run or, if the amendments
6 and any associated environmental documents are challenged in
7 court, the validity of the amendments and any associated
8 environmental documents has been upheld in a final decision.

9 (c) This section does not change or diminish existing
10 requirements of local flood plain management laws, ordinances,
11 resolutions, or regulations necessary to local agency participation
12 in the national flood insurance program.

13 SEC. 3. Section 66474.5 of the Government Code is amended
14 to read:

15 66474.5. (a) Notwithstanding any other provision of law, after
16 the amendments required by Sections 65302.9 and 65860.1 have
17 become effective, the legislative body of each city and county
18 within the Sacramento-San Joaquin Valley shall deny approval of
19 a tentative map, or a parcel map for which a tentative map was not
20 required, for a subdivision that is located within a flood hazard
21 zone unless the city or county finds, based on substantial evidence
22 in the record, one of the following:

23 (1) The facilities of the State Plan of Flood Control or other
24 flood management facilities protect the subdivision to the urban
25 level of flood protection in urban and urbanizing areas or the
26 national Federal Emergency Management Agency standard of
27 flood protection in nonurbanized areas.

28 (2) The city or county has imposed conditions on the subdivision
29 that will protect the project to the urban level of flood protection
30 in urban and urbanizing areas or the national Federal Emergency
31 Management Agency standard of flood protection in nonurbanized
32 areas.

33 (3) The local flood management agency has made adequate
34 progress on the construction of ~~a~~ *the* flood protection system ~~which~~
35 *that* will result in flood protection equal to or greater than the urban
36 level of flood protection in urban or urbanizing areas or the national
37 Federal Emergency Management Agency standard of flood
38 protection in nonurbanized areas for property located within a
39 flood hazard zone, intended to be protected by the system. For

1 urban and urbanizing areas protected by project levees, the urban
2 level of flood protection shall be achieved by 2025.

3 (b) The effective date of amendments referred to in this section
4 shall be the date upon which the statutes of limitation specified in
5 subdivision (c) of Section 65009 have run or, if the amendments
6 and any associated environmental documents are challenged in
7 court, the validity of the amendments and any associated
8 environmental documents has been upheld in a final decision.

9 (c) This section does not change or diminish existing
10 requirements of local flood plain management laws, ordinances,
11 resolutions, or regulations necessary to local agency participation
12 in the national flood insurance program.

13 SEC. 4. Section 9612 of the Water Code is amended to read:

14 9612. (a) The department shall prepare, and the board shall
15 adopt, ~~a~~ *the* plan identified as the Central Valley Flood Protection
16 Plan in accordance with this part.

17 (b) No later than January 1, 2012, the department shall prepare
18 the Central Valley Flood Protection Plan in accordance with this
19 part, and shall transmit the plan to the board, ~~which~~. *The board*
20 shall adopt the plan no later than July 1, 2012.

21 (c) The board shall hold at least two hearings to receive
22 comments on the proposed plan. At least one hearing shall be held
23 in the Sacramento Valley and at least one hearing shall be held in
24 the San Joaquin Valley. The board shall also accept comments in
25 writing with regard to the proposed plan.

26 (d) The board may make changes to the proposed plan to resolve
27 issues raised in the hearings or to respond to comments received
28 by the board. The board shall publish its proposed changes to the
29 proposed plan at least two weeks before adopting the plan.

30 (e) The plan shall be updated in subsequent years ending in 2
31 and 7.

32 (f) The department or the board may appoint one or more
33 advisory committees to assist in the preparation of the plan. If the
34 department or the board appoints one or more advisory committees,
35 the advisory committee or committees shall include representation
36 by interested organizations.