

AMENDED IN SENATE AUGUST 30, 2014

AMENDED IN SENATE AUGUST 22, 2014

AMENDED IN ASSEMBLY MAY 24, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 125**

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**Introduced by Assembly Member Eggman**  
*(Coauthor: Assembly Member Logue)*  
*(Coauthor: Senator Nielsen)*

January 14, 2013

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An act to amend Section 65962 of the Government Code, relating to ~~land use~~, *water*, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 125, as amended, Eggman. ~~Planning and land use: Sacramento-San Joaquin Valley. Water: floods.~~

Existing law prohibits a city or county within the Sacramento-San Joaquin Valley from approving a discretionary permit or other discretionary entitlement, or a ministerial permit that would result in the construction of a new residence, for a project that is located within a flood hazard zone, unless the city or county finds, based on substantial evidence in the record, that certain criteria is met.

This bill would prohibit a city or county within the Sacramento-San Joaquin Valley from approving a discretionary permit or entitlement that would result in the construction of a new building or construction that would result in an increase in allowed occupancy for an existing building for a project that is located within a flood hazard zone unless

the city or county finds that the construction meets the criteria referenced above.

*Existing law authorizes the Department of Water Resources to administer funding, from various sources, for flood risk reduction projects.*

*This bill would authorize the Department of Water Resources to provide reimbursement to funding recipients that execute a funding agreement under the Urban Flood Risk Reduction Projects program for expenditures associated with continued funding of a project initiated under the Early Implementation Project program and incurred after July 1, 2014, and before the execution of the funding agreement, but no later than July 1, 2015.*

This bill would make legislative findings and declarations as to the necessity of a special statute for the Sacramento-San Joaquin Valley.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . 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 65962 of the Government Code is  
 2 amended to read:  
 3 65962. (a) Notwithstanding any other law, after the  
 4 amendments required by Sections 65302.9 and 65860.1 have  
 5 become effective, each city and county within the Sacramento-San  
 6 Joaquin Valley shall not approve a discretionary permit or other  
 7 discretionary entitlement that would result in the construction of  
 8 a new building or construction that would result in an increase in  
 9 allowed occupancy for an existing building, or a ministerial permit  
 10 that would result in the construction of a new residence, for a  
 11 project that is located within a flood hazard zone unless the city  
 12 or county finds, based on substantial evidence in the record, one  
 13 of the following:  
 14 (1) The facilities of the State Plan of Flood Control or other  
 15 flood management facilities protect the project to the urban level  
 16 of flood protection in urban and urbanizing areas or the national  
 17 Federal Emergency Management Agency standard of flood  
 18 protection in nonurbanized areas.

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

6 (3) The local flood management agency has made adequate  
7 progress on the construction of a flood protection system which  
8 will result in flood protection equal to or greater than the urban  
9 level of flood protection in urban or urbanizing areas or the national  
10 Federal Emergency Management Agency standard of flood  
11 protection in nonurbanized areas for property located within a  
12 flood hazard zone, intended to be protected by the system. For  
13 urban and urbanizing areas protected by project levees, the urban  
14 level of flood protection shall be achieved by 2025.

15 (4) The property in an undetermined risk area has met the urban  
16 level of flood protection based on substantial evidence in the  
17 record.

18 (b) The effective date of amendments referred to in this section  
19 shall be the date upon which the statutes of limitation specified in  
20 subdivision (c) of Section 65009 have run or, if the amendments  
21 and any associated environmental documents are challenged in  
22 court, the validity of the amendments and any associated  
23 environmental documents has been upheld in a final decision.

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

28 *SEC. 2. Notwithstanding any other provision of law, the*  
29 *Department of Water Resources may provide reimbursement to*  
30 *funding recipients that execute a funding agreement under the*  
31 *Urban Flood Risk Reduction Projects program for any expenditure*  
32 *associated with continued funding of a project initiated under the*  
33 *Early Implementation Project program and incurred after July 1,*  
34 *2014, and before execution of the funding agreement, but no later*  
35 *than July 1, 2015.*

36 ~~SEC. 2.~~

37 *SEC. 3. The Legislature finds and declares that that, with*  
38 *respect to Section 1 of this act, a special law is necessary and that*  
39 *a general law cannot be made applicable within the meaning of*  
40 *Section 16 of Article IV of the California Constitution because of*

1 the unique land use planning considerations relative to flood hazard  
2 zones in the Sacramento-San Joaquin Valley.

3 ~~SEC. 3.~~

4 *SEC. 4.* This act is an urgency statute necessary for the  
5 immediate preservation of the public peace, health, or safety within  
6 the meaning of Article IV of the Constitution and shall go into  
7 immediate effect. The facts constituting the necessity are:

8 In order to proceed with the reconstruction or remodel of  
9 buildings in downtown Stockton that are a public ~~hazard~~, *hazard*  
10 *and provide for early reimbursement for funding recipients to*  
11 *expedite urban flood risk reduction projects*, it is necessary that  
12 the bill take effect immediately.

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