

**Introduced by Senators Galgiani and Cannella**  
(Principal coauthors: Assembly Members Eggman and Olsen)

January 28, 2014

---

---

An act to amend Section 65007 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 920, as introduced, Galgiani. Planning and zoning: flood protection.

The Planning and Zoning Law prohibits the legislative body of a city or county within the Sacramento-San Joaquin Valley, after specified general plan amendments have been made, and corresponding zoning ordinances adopted, from taking specified actions regarding property located within a flood hazard zone unless the city or county makes specified findings including, among other requirements, that the local flood management agency has made adequate progress on the construction of a flood protection system that will result in a specified level of flood protection in urban or urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas, as specified. That law defines adequate progress as meaning that, among other conditions being met, the total project scope, schedule, and cost of the completed flood protection system have been developed to meet the appropriate standard of protection and critical features of the flood protection system are under construction.

This bill would revise the definition of adequate progress to include the critical features of the flood protection system being planned and designed or under construction and the completion of a levee safety plan for those flood protection systems that are a part of the State Plan of Flood Control.

This bill would also require a local flood management agency’s annual report to the Central Valley Flood Protection Board on the efforts in working toward completion of the flood protection system to describe the agency’s compliance with specified conditions. By increasing the duties of local officials, this 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, 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 these statutory provisions.

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 65007 of the Government Code is  
2 amended to read:  
3 65007. As used in this title, the following terms have the  
4 following meanings, unless the context requires otherwise:  
5 (a) “Adequate progress” means all of the following:  
6 (1) The total project scope, schedule, and cost of the completed  
7 flood protection system have been developed to meet the  
8 appropriate standard of protection.  
9 (2) (A) Revenues that are sufficient to fund each year of the  
10 project schedule developed in paragraph (1) have been identified  
11 and, in any given year and consistent with that schedule, at least  
12 90 percent of the revenues scheduled to be received by that year  
13 have been appropriated and are currently being expended.  
14 (B) Notwithstanding subparagraph (A), for any year in which  
15 state funding is not appropriated consistent with an agreement  
16 between a state agency and a local flood management agency, the  
17 Central Valley Flood Protection Board may find that the local  
18 flood management agency is making adequate progress in working  
19 toward the completion of the flood protection system.  
20 (3) Critical features of the flood protection system are *either*  
21 *being planned and designed or are* under construction, and each

1 critical feature is progressing as indicated by the actual expenditure  
2 of the construction budget funds.

3 (4) The city or county has not been responsible for a significant  
4 delay in the completion of the system.

5 (5) *A levee safety plan has been completed pursuant to Section*  
6 *9650 of the Water Code for any portion of the flood protection*  
7 *system that is part of the State Plan of Flood Control.*

8 ~~(5)~~

9 (6) The local flood management agency shall provide the  
10 Department of Water Resources and the Central Valley Flood  
11 Protection Board with the information specified in this subdivision  
12 sufficient to determine substantial completion of the required flood  
13 protection. The local flood management agency shall annually  
14 report to the Central Valley Flood Protection Board on the efforts  
15 in working toward completion of the flood protection system. *This*  
16 *report shall describe the agency's compliance with paragraphs*  
17 *(1) to (5), inclusive.*

18 (b) "Central Valley Flood Protection Plan" has the same  
19 meaning as that set forth in Section 9612 of the Water Code.

20 (c) "Developed area" has the same meaning as that set forth in  
21 Section 59.1 of Title 44 of the Code of Federal Regulations.

22 (d) "Flood hazard zone" means an area subject to flooding that  
23 is delineated as either a special hazard area or an area of moderate  
24 hazard on an official flood insurance rate map issued by the Federal  
25 Emergency Management Agency. The identification of flood  
26 hazard zones does not imply that areas outside the flood hazard  
27 zones, or uses permitted within flood hazard zones, will be free  
28 from flooding or flood damage.

29 (e) "National Federal Emergency Management Agency standard  
30 of flood protection" means the level of flood protection that is  
31 necessary to withstand flooding that has a 1-in-100 chance of  
32 occurring in any given year using criteria developed by the Federal  
33 Emergency Management Agency for application in the National  
34 Flood Insurance Program.

35 (f) "Nonurbanized area" means a developed area or an area  
36 outside a developed area in which there are fewer than 10,000  
37 residents that is not an urbanizing area.

38 (g) "Project levee" means any levee that is part of the facilities  
39 of the State Plan of Flood Control.

1 (h) “Sacramento-San Joaquin Valley” means lands in the bed  
2 or along or near the banks of the Sacramento River or San Joaquin  
3 River, or their tributaries or connected therewith, or upon any land  
4 adjacent thereto, or within the overflow basins thereof, or upon  
5 land susceptible to overflow therefrom. The Sacramento-San  
6 Joaquin Valley does not include lands lying within the Tulare Lake  
7 basin, including the Kings River.

8 (i) “State Plan of Flood Control” has the same meaning as that  
9 set forth in subdivision (j) of Section 5096.805 of the Public  
10 Resources Code.

11 (j) “Tulare Lake basin” means the Tulare Lake Hydrologic  
12 Region as defined in the California Water Plan Update 2009,  
13 prepared by the Department of Water Resources pursuant to  
14 Chapter 1 (commencing with Section 10004) of Part 1.5 of Division  
15 6 of the Water Code.

16 (k) “Undetermined risk area” means an urban or urbanizing area  
17 within a moderate flood hazard zone, as delineated on an official  
18 flood insurance rate map issued by the Federal Emergency  
19 Management Agency, which has not been determined to have an  
20 urban level of protection.

21 (l) “Urban area” means a developed area in which there are  
22 10,000 residents or more.

23 (m) “Urbanizing area” means a developed area or an area outside  
24 a developed area that is planned or anticipated to have 10,000  
25 residents or more within the next 10 years.

26 (n) “Urban level of flood protection” means the level of  
27 protection that is necessary to withstand flooding that has a  
28 1-in-200 chance of occurring in any given year using criteria  
29 consistent with, or developed by, the Department of Water  
30 Resources. “Urban level of flood protection” shall not mean  
31 shallow flooding or flooding from local drainage that meets the  
32 criteria of the national Federal Emergency Management Agency  
33 standard of flood protection.

34 SEC. 2. If the Commission on State Mandates determines that  
35 this act contains costs mandated by the state, reimbursement to  
36 local agencies and school districts for those costs shall be made  
37 pursuant to Part 7 (commencing with Section 17500) of Division  
38 4 of Title 2 of the Government Code.

O