

AMENDED IN ASSEMBLY APRIL 20, 2009

AMENDED IN ASSEMBLY APRIL 2, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 300

Introduced by Assembly Member Caballero

February 17, 2009

An act to amend, repeal, and add Section 66473.7 of the Government Code, and to amend, repeal, and add Section 10910 of the Water Code, relating to subdivision map approvals.

LEGISLATIVE COUNSEL'S DIGEST

AB 300, as amended, Caballero. Subdivisions: water supply.

(1) The Subdivision Map Act prohibits approval of a tentative map, or a parcel map for which a tentative map was not required, or a development agreement for a subdivision of property of more than 500 dwelling units, except as specified, including the design of the subdivision or the type of improvement, unless the legislative body of a city or county or the designated advisory agency provides written verification from the applicable public water system that a sufficient water supply is available or, in addition, a specified finding is made by the local agency that sufficient water supplies are, or will be, available prior to completion of the project.

This bill would require, until January 1, 2020, the public water system, or the local agency if there is no public water system, to review ~~and~~, verify for accuracy, *and approve*, as specified, the subdivider's water savings projections attributable to voluntary demand management measures, as defined. The public water agency would be authorized to collect fees necessary to provide the additional analysis of the voluntary

demand management measures. Water savings projections would be authorized to be calculated using the water savings projections adopted by the California Urban Water Conservation Council. Water savings projections for measures for which the California Urban Water Conservation Council does not have adopted findings would be required to be based on substantial evidence in the record and included in the water supply assessment adopted by the water supplier. If a project applicant proposes to use a new voluntary water reduction demand management measure that is not based on water savings projections adopted by the California Urban Water Conservation Council, the legislative body of a city or county or the advisory agency would be required to have the project applicant enter into an agreement with the water utility to implement and monitor the actual water savings over time, as specified. The public water system would be required to prepare a written report of the projected water demand versus the actual water use 5 years after the project has been fully developed, and to provide copies of the report to the project applicant, the city or county that approved the subdivision map, the California Urban Water Conservation Council, and the Department of Water Resources. The bill would also require, at the time of final inspection, that a manual providing directions to the owner or occupant on the proper use of water conservation devices and systems be placed in the dwelling. By adding to the duties of the public water system, this bill would impose a state-mandated local program.

(2) Existing law requires a city or county that determines a project, as defined, is subject to the California Environmental Quality Act to identify any public water system that may supply water for the project and to request those public water systems to prepare a specified water supply assessment. If no public water system is identified, the city or county is required to prepare the water supply assessment.

This bill would require, until January 1, 2020, if the project applicant elects to include voluntary demand management measures, any city, county, or public water system preparing a water supply assessment to reduce the projected water demand for the project to an amount below the current statutory, regulatory, and local-ordinance requirements based on the project applicant's voluntary water demand management measures, as defined. The bill would authorize the applicant to enter into an agreement with the public water system to mitigate water demand associated with a proposed subdivision by depositing funds in a Voluntary Water Demand Mitigation Fund, as defined. The fees paid

into the Voluntary Water Demand Mitigation Fund would be prohibited from exceeding the amount necessary to offset the actual or percentage of actual water demand impacts determined according to the agreement between the applicant and the public water system. The fees would be prohibited from exceeding the amount of all capacity charges and other water service fees applicable to the subdivision, and those capacity charges and other water service fees would be required to be reduced to the extent that contributions are made to the Voluntary Water Demand Mitigation Fund. The public water system would be required to expend all funds from the Voluntary Water Demand Mitigation Fund on water conservation measures that will reduce the projected demand associated with the subdivision, and would be prohibited from using any funds from the Water Conservation Mitigation Fund to supplant funding for water conservation programs required by existing law or paid for by existing customers through water rates and surcharges. The bill would require the public water system to choose water conservation measures that are the least expensive and most cost effective means to yield water. The bill would authorize expenditures from the fund to be made within the subdivision or elsewhere within the service area of the public water supplier, at its discretion. Water savings projections would be authorized to be calculated using the water savings projections adopted by the California Urban Water Conservation Council. Water savings projections for measures for which the California Urban Water Conservation Council does not have adopted findings would be required to be based on substantial evidence in the record and included in the water supply assessment adopted by the water supplier. If a project applicant proposes to use a new voluntary water reduction demand management measure that is not based on water savings projections adopted by the California Urban Water Conservation Council, the legislative body of a city or county or the advisory agency would be required to have the project applicant enter into an agreement with the water utility to implement and monitor the actual water savings over time, as specified. The public water system would be required to prepare a written report of the projected water demand versus the actual water use 5 years after the project has been fully developed. By adding to the duties of the public water system, this bill would impose a state-mandated local program.

(3) 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 no reimbursement is required by this act for a specified reason.

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. The Legislature finds and declares:
- 2 (a) Current law requires an assessment of how new land use
- 3 proposals will affect water supply without recognizing the potential
- 4 benefits of evolving voluntary water conservation measures.
- 5 (b) Water conservation measures beyond those already required
- 6 by state law should be encouraged by accounting for their use
- 7 when quantifying project water demand.
- 8 (c) The amount of water demand reductions should be confirmed
- 9 by the water agencies responsible for providing water service to
- 10 new development in a cooperative approach with project
- 11 proponents and local governments that ensures projected water
- 12 savings are achieved.
- 13 (d) Water agencies and local government should provide
- 14 flexibility and encourage the development and implementation of
- 15 innovative new water conservation technology, water use
- 16 efficiency, and water management techniques to meet customer
- 17 needs throughout the differing hydrologic regions of the state.
- 18 (e) Encouraging widespread use of voluntary water conservation
- 19 measures will assist water agencies and the state in documenting
- 20 the potential water savings from new water use efficiency projects
- 21 and programs in a manner that will promote successful water
- 22 conservation strategies and discourage ineffective ones.
- 23 (f) There have been numerous water use efficiency technological
- 24 and management developments related to landscape irrigation in
- 25 recent years, and this act will promote the adoption of approaches
- 26 that go beyond the state’s Model Landscape Ordinance.
- 27 (g) More efficient use of water statewide also will reduce the
- 28 energy necessary to pump, transport, and treat water with
- 29 potentially significant corresponding reductions in greenhouse gas
- 30 emissions.
- 31 SEC. 2. Section 66473.7 of the Government Code is amended
- 32 to read:

1 66473.7. (a) For the purposes of this section, the following
2 definitions apply:

3 (1) “Subdivision” means a proposed residential development
4 of more than 500 dwelling units, except that for a public water
5 system that has fewer than 5,000 service connections, “subdivision”
6 means any proposed residential development that would account
7 for an increase of 10 percent or more in the number of the public
8 water system’s existing service connections.

9 (2) “Sufficient water supply” means the total water supplies
10 available during normal, single-dry, and multiple-dry years within
11 a 20-year projection that will meet the projected demand associated
12 with the proposed subdivision, in addition to existing and planned
13 future uses, including, but not limited to, agricultural and industrial
14 uses. In determining “sufficient water supply,” all of the following
15 factors shall be considered:

16 (A) The availability of water supplies over a historical record
17 of at least 20 years.

18 (B) The applicability of an urban water shortage contingency
19 analysis prepared pursuant to Section 10632 of the Water Code
20 that includes actions to be undertaken by the public water system
21 in response to water supply shortages.

22 (C) The reduction in water supply allocated to a specific water
23 use sector pursuant to a resolution or ordinance adopted, or a
24 contract entered into, by the public water system, as long as that
25 resolution, ordinance, or contract does not conflict with Section
26 354 of the Water Code.

27 (D) The amount of water that the water supplier can reasonably
28 rely on receiving from other water supply projects, such as
29 conjunctive use, reclaimed water, water conservation, and water
30 transfer, including programs identified under federal, state, and
31 local water initiatives such as CALFED and Colorado River
32 tentative agreements, to the extent that these water supplies meet
33 the criteria of subdivision (d).

34 (3) “Public water system” means the water supplier that is, or
35 may become as a result of servicing the subdivision included in a
36 tentative map pursuant to subdivision (b), a public water system,
37 as defined in Section 10912 of the Water Code, that may supply
38 water for a subdivision.

39 (4) “Projected demand associated with the proposed subdivision”
40 means the anticipated water demand for the project, given current

1 statutory, regulatory, and local-ordinance requirements, reduced
2 by the amount of voluntary demand management measures.

3 (5) “Voluntary demand management measures” means water
4 use efficiency measures that are permanently fixed to residential,
5 commercial, industrial, or other real property that will reduce the
6 subdivision’s water demand below the applicable ~~statutory and~~
7 ~~regulatory~~ *statutory, regulatory, and local-ordinance* requirements
8 for water conservation, and may include, but are not limited to, all
9 of the following:

- 10 (A) Smart irrigation controllers.
- 11 (B) Waterless urinals.
- 12 (C) Ultralow flow and dual flow toilets.
- 13 (D) Recycled water facilities.
- 14 (E) Rainwater capture and reuse facilities.
- 15 (F) Any other measure that will prevent the waste of water or
16 promote the reasonable and efficient use and reuse of available
17 water supplies by the subdivision or the public.

18 (G) Voluntary mitigation measures may include, at the
19 applicant’s sole discretion, water demand mitigation measures
20 which minimize a percentage, as determined by the applicant, of
21 a project’s impact to the public water system. The applicant may
22 enter into an agreement with the public water system to mitigate
23 water demand associated with a proposed subdivision by depositing
24 funds into a Voluntary Water Demand Mitigation Fund. The fees
25 paid into the Voluntary Water Demand Mitigation Fund shall not
26 exceed an amount necessary to offset the actual or percentage of
27 actual water demand impacts agreed upon in the agreement between
28 the applicant and the public water system. The fees may not exceed
29 the amount of all capacity charges and other water service fees
30 applicable to the subdivision. All applicable capacity charges and
31 other water service fees shall be reduced to the extent that
32 contributions are made to the Voluntary Water Demand Mitigation
33 Fund. This section shall not be waived or modified by contractual
34 agreement, act, or omission of the parties. A tentative map that
35 includes a subdivision may not be disapproved due to the
36 applicant’s refusal to use voluntary mitigation measures.

37 (6) “Voluntary Water Demand Mitigation Fund” means the fund
38 used to finance water conservation and water supply augmentation
39 measures by the public water system that mitigate an agreed upon

1 percentage of the projected water demand impacts from the
2 subdivision, at the discretion of the applicant.

3 (b) (1) The legislative body of a city or county or the advisory
4 agency, to the extent that it is authorized by local ordinance to
5 approve, conditionally approve, or disapprove the tentative map,
6 shall include as a condition in any tentative map that includes a
7 subdivision a requirement that a sufficient water supply shall be
8 available. Proof of the availability of a sufficient water supply
9 shall be requested by the subdivision applicant or local agency, at
10 the discretion of the local agency, and shall be based on written
11 verification from the applicable public water system within 90
12 days of a request. The water savings projection attributable to
13 voluntary demand management measures shall be contained in the
14 written verification and ~~verified for accuracy~~ *shall be verified for*
15 *accuracy and approved* by the public water system, or, if there is
16 no public water system, the local agency. The public water agency
17 may collect fees necessary to provide additional analysis of
18 voluntary demand management measures required by this section,
19 pursuant to Section 66014.

20 (2) If the public water system fails to deliver the written
21 verification as required by this section, the local agency or any
22 other interested party may seek a writ of mandamus to compel the
23 public water system to comply.

24 (3) If the written verification provided by the applicable public
25 water system indicates that the public water system is unable to
26 provide a sufficient water supply that will meet the projected
27 demand associated with the proposed subdivision, then the local
28 agency may make a finding, after consideration of the written
29 verification by the applicable public water system, that additional
30 water supplies not accounted for by the public water system are,
31 or will be, available prior to completion of the subdivision that
32 will satisfy the requirements of this section. This finding shall be
33 made on the record and supported by substantial evidence.

34 (4) If the written verification is not provided by the public water
35 system, notwithstanding the local agency or other interested party
36 securing a writ of mandamus to compel compliance with this
37 section, then the local agency may make a finding that sufficient
38 water supplies are, or will be, available prior to completion of the
39 subdivision that will satisfy the requirements of this section. This

1 finding shall be made on the record and supported by substantial
2 evidence.

3 (5) Water savings projections may be calculated using the water
4 savings projections adopted by the California Urban Water
5 Conservation Council. Water savings projections for measures for
6 which the California Urban Water Conservation Council does not
7 have adopted findings shall be based on substantial evidence in
8 the record and included in the water supply assessment adopted
9 by the water supplier. If a project applicant proposes to use a new
10 voluntary water reduction demand management measure that is
11 not based on water savings projections adopted by the California
12 Urban Water Conservation Council, the legislative body of a city
13 or county or the advisory agency shall require the project applicant
14 to enter into an agreement with the water utility to implement and
15 monitor the actual water savings over time through conditions of
16 approval for the project, which may include the adoption of legally
17 enforceable mechanisms, including, but not limited to, inclusion
18 in covenants, conditions, and restrictions. The public water system
19 shall prepare a written report of the projected water demand versus
20 the actual water use five years after the project has been fully
21 developed. Copies of the report shall be provided to the project
22 applicant, the city or county that approved the subdivision map,
23 the California Urban Water Conservation Council, and the
24 Department of Water Resources. Additionally, at the time of final
25 inspection, a manual providing directions to the owner or occupant
26 on the proper use of water conservation devices and systems shall
27 be placed in the dwelling.

28 (c) The applicable public water system's written verification of
29 its ability or inability to provide a sufficient water supply that will
30 meet the projected demand associated with the proposed
31 subdivision as required by subdivision (b) shall be supported by
32 substantial evidence. The substantial evidence may include, but is
33 not limited to, any of the following:

34 (1) The public water system's most recently adopted urban water
35 management plan adopted pursuant to Part 2.6 (commencing with
36 Section 10610) of Division 6 of the Water Code.

37 (2) A water supply assessment that was completed pursuant to
38 Part 2.10 (commencing with Section 10910) of Division 6 of the
39 Water Code.

1 (3) Other information relating to the sufficiency of the water
2 supply that contains analytical information that is substantially
3 similar to the assessment required by Section 10635 of the Water
4 Code.

5 (d) When the written verification pursuant to subdivision (b)
6 relies on projected water supplies that are not currently available
7 to the public water system, to provide a sufficient water supply to
8 the subdivision, the written verification as to those projected water
9 supplies shall be based on all of the following elements, to the
10 extent each is applicable:

11 (1) Written contracts or other proof of valid rights to the
12 identified water supply that identify the terms and conditions under
13 which the water will be available to serve the proposed subdivision.

14 (2) Copies of a capital outlay program for financing the delivery
15 of a sufficient water supply that has been adopted by the applicable
16 governing body.

17 (3) Securing of applicable federal, state, and local permits for
18 construction of necessary infrastructure associated with supplying
19 a sufficient water supply.

20 (4) Any necessary regulatory approvals that are required in order
21 to be able to convey or deliver a sufficient water supply to the
22 subdivision.

23 (e) If there is no public water system, the local agency shall
24 make a written finding of sufficient water supply based on the
25 evidentiary requirements of subdivisions (b), (c), and (d) and
26 identify the mechanism for providing water to the subdivision.

27 (f) In making any findings or determinations under this section,
28 a local agency, or designated advisory agency, may work in
29 conjunction with the project applicant and the public water system
30 to secure water supplies sufficient to satisfy the demands of the
31 proposed subdivision. If the local agency secures water supplies
32 pursuant to this subdivision, which supplies are acceptable to and
33 approved by the governing body of the public water system as
34 suitable for delivery to customers, it shall work in conjunction
35 with the public water system to implement a plan to deliver that
36 water supply to satisfy the long-term demands of the proposed
37 subdivision.

38 (g) The written verification prepared under this section also
39 shall include a description, to the extent that data is reasonably
40 available based on published records maintained by federal and

1 state agencies, and public records of local agencies, of the
2 reasonably foreseeable impacts of the proposed subdivision on the
3 availability of water resources for agricultural and industrial uses
4 within the public water system's service area that are not currently
5 receiving water from the public water system but are utilizing the
6 same sources of water. To the extent that those reasonably
7 foreseeable impacts have previously been evaluated in a document
8 prepared pursuant to the California Environmental Quality Act
9 (Division 13 (commencing with Section 21000) of the Public
10 Resources Code) or the National Environmental Policy Act (P.L.
11 91-190) for the proposed subdivision, the public water system may
12 utilize that information in preparing the written verification.

13 (h) Where a water supply for a proposed subdivision includes
14 groundwater, the public water system serving the proposed
15 subdivision shall evaluate, based on substantial evidence, the extent
16 to which it or the landowner has the right to extract the additional
17 groundwater needed to supply the proposed subdivision. Nothing
18 in this subdivision is intended to modify state law with regard to
19 groundwater rights.

20 (i) This section shall not apply to any residential project
21 proposed for a site that is within an urbanized area and has been
22 previously developed for urban uses, or where the immediate
23 contiguous properties surrounding the residential project site are,
24 or previously have been, developed for urban uses, or housing
25 projects that are exclusively for very low and low-income
26 households.

27 (j) The determinations made pursuant to this section shall be
28 consistent with the obligation of a public water system to grant a
29 priority for the provision of available and future water resources
30 or services to proposed housing developments that help meet the
31 city's or county's share of the regional housing needs for lower
32 income households, pursuant to Section 65589.7.

33 (k) The County of San Diego shall be deemed to comply with
34 this section if the Office of Planning and Research determines that
35 all of the following conditions have been met:

36 (1) A regional growth management strategy that provides for a
37 comprehensive regional strategy and a coordinated economic
38 development and growth management program has been developed
39 pursuant to Proposition C as approved by the voters of the County
40 of San Diego in November 1988, which required the development

1 of a regional growth management plan and directed the
2 establishment of a regional planning and growth management
3 review board.

4 (2) Each public water system, as defined in Section 10912 of
5 the Water Code, within the County of San Diego has adopted an
6 urban water management plan pursuant to Part 2.6 (commencing
7 with Section 10610) of the Water Code.

8 (3) The approval or conditional approval of tentative maps for
9 subdivisions, as defined in this section, by the County of San Diego
10 and the cities within the county requires written communications
11 to be made by the public water system to the city or county, in a
12 format and with content that is substantially similar to the
13 requirements contained in this section, with regard to the
14 availability of a sufficient water supply, or the reliance on projected
15 water supplies to provide a sufficient water supply, for a proposed
16 subdivision.

17 (l) Nothing in this section shall preclude the legislative body of
18 a city or county, or the designated advisory agency, at the request
19 of the applicant, from making the determinations required in this
20 section earlier than required pursuant to subdivision (b).

21 (m) Nothing in this section shall be construed to create a right
22 or entitlement to water service or any specific level of water
23 service.

24 (n) Nothing in this section is intended to change existing law
25 concerning a public water system's obligation to provide water
26 service to its existing customers or to any potential future
27 customers.

28 (o) Any action challenging the sufficiency of the public water
29 system's written verification of a sufficient water supply shall be
30 governed by Section 66499.37.

31 (p) (1) For purposes of a Voluntary Water Demand Mitigation
32 Fund held by a public water system, the public water system shall
33 be required to expend all funds from the Voluntary Water Demand
34 Mitigation Fund on water conservation measures that will reduce
35 the projected demand associated with the subdivision. Water
36 conservation measures shall be chosen that are the least expensive,
37 most cost-effective means to yield water. The expenditure may be
38 made within the subdivision or elsewhere within the service area
39 of the public water supplier, at its discretion.

1 (2) The public water system shall be prohibited from using funds
2 from the Water Conservation Mitigation Fund to supplant funding
3 for water conservation programs required by existing law or paid
4 for by existing customers through water rates and surcharges.

5 (q) This section shall remain in effect only until January 1, 2020,
6 and as of that date is repealed, unless a later enacted statute, that
7 is enacted before January 1, 2020, deletes or extends that date.

8 SEC. 3. Section 66473.7 is added to the Government Code, to
9 read:

10 66473.7. (a) For the purposes of this section, the following
11 definitions apply:

12 (1) "Subdivision" means a proposed residential development
13 of more than 500 dwelling units, except that for a public water
14 system that has fewer than 5,000 service connections, "subdivision"
15 means any proposed residential development that would account
16 for an increase of 10 percent or more in the number of the public
17 water system's existing service connections.

18 (2) "Sufficient water supply" means the total water supplies
19 available during normal, single-dry, and multiple-dry years within
20 a 20-year projection that will meet the projected demand associated
21 with the proposed subdivision, in addition to existing and planned
22 future uses, including, but not limited to, agricultural and industrial
23 uses. In determining "sufficient water supply," all of the following
24 factors shall be considered:

25 (A) The availability of water supplies over a historical record
26 of at least 20 years.

27 (B) The applicability of an urban water shortage contingency
28 analysis prepared pursuant to Section 10632 of the Water Code
29 that includes actions to be undertaken by the public water system
30 in response to water supply shortages.

31 (C) The reduction in water supply allocated to a specific water
32 use sector pursuant to a resolution or ordinance adopted, or a
33 contract entered into, by the public water system, as long as that
34 resolution, ordinance, or contract does not conflict with Section
35 354 of the Water Code.

36 (D) The amount of water that the water supplier can reasonably
37 rely on receiving from other water supply projects, such as
38 conjunctive use, reclaimed water, water conservation, and water
39 transfer, including programs identified under federal, state, and
40 local water initiatives such as CALFED and Colorado River

1 tentative agreements, to the extent that these water supplies meet
2 the criteria of subdivision (d).

3 (3) “Public water system” means the water supplier that is, or
4 may become as a result of servicing the subdivision included in a
5 tentative map pursuant to subdivision (b), a public water system,
6 as defined in Section 10912 of the Water Code, that may supply
7 water for a subdivision.

8 (b) (1) The legislative body of a city or county or the advisory
9 agency, to the extent that it is authorized by local ordinance to
10 approve, conditionally approve, or disapprove the tentative map,
11 shall include as a condition in any tentative map that includes a
12 subdivision a requirement that a sufficient water supply shall be
13 available. Proof of the availability of a sufficient water supply
14 shall be requested by the subdivision applicant or local agency, at
15 the discretion of the local agency, and shall be based on written
16 verification from the applicable public water system within 90
17 days of a request.

18 (2) If the public water system fails to deliver the written
19 verification as required by this section, the local agency or any
20 other interested party may seek a writ of mandamus to compel the
21 public water system to comply.

22 (3) If the written verification provided by the applicable public
23 water system indicates that the public water system is unable to
24 provide a sufficient water supply that will meet the projected
25 demand associated with the proposed subdivision, then the local
26 agency may make a finding, after consideration of the written
27 verification by the applicable public water system, that additional
28 water supplies not accounted for by the public water system are,
29 or will be, available prior to completion of the subdivision that
30 will satisfy the requirements of this section. This finding shall be
31 made on the record and supported by substantial evidence.

32 (4) If the written verification is not provided by the public water
33 system, notwithstanding the local agency or other interested party
34 securing a writ of mandamus to compel compliance with this
35 section, then the local agency may make a finding that sufficient
36 water supplies are, or will be, available prior to completion of the
37 subdivision that will satisfy the requirements of this section. This
38 finding shall be made on the record and supported by substantial
39 evidence.

1 (c) The applicable public water system's written verification of
2 its ability or inability to provide a sufficient water supply that will
3 meet the projected demand associated with the proposed
4 subdivision as required by subdivision (b) shall be supported by
5 substantial evidence. The substantial evidence may include, but is
6 not limited to, any of the following:

7 (1) The public water system's most recently adopted urban water
8 management plan adopted pursuant to Part 2.6 (commencing with
9 Section 10610) of Division 6 of the Water Code.

10 (2) A water supply assessment that was completed pursuant to
11 Part 2.10 (commencing with Section 10910) of Division 6 of the
12 Water Code.

13 (3) Other information relating to the sufficiency of the water
14 supply that contains analytical information that is substantially
15 similar to the assessment required by Section 10635 of the Water
16 Code.

17 (d) When the written verification pursuant to subdivision (b)
18 relies on projected water supplies that are not currently available
19 to the public water system, to provide a sufficient water supply to
20 the subdivision, the written verification as to those projected water
21 supplies shall be based on all of the following elements, to the
22 extent each is applicable:

23 (1) Written contracts or other proof of valid rights to the
24 identified water supply that identify the terms and conditions under
25 which the water will be available to serve the proposed subdivision.

26 (2) Copies of a capital outlay program for financing the delivery
27 of a sufficient water supply that has been adopted by the applicable
28 governing body.

29 (3) Securing of applicable federal, state, and local permits for
30 construction of necessary infrastructure associated with supplying
31 a sufficient water supply.

32 (4) Any necessary regulatory approvals that are required in order
33 to be able to convey or deliver a sufficient water supply to the
34 subdivision.

35 (e) If there is no public water system, the local agency shall
36 make a written finding of sufficient water supply based on the
37 evidentiary requirements of subdivisions (c) and (d) and identify
38 the mechanism for providing water to the subdivision.

39 (f) In making any findings or determinations under this section,
40 a local agency, or designated advisory agency, may work in

1 conjunction with the project applicant and the public water system
2 to secure water supplies sufficient to satisfy the demands of the
3 proposed subdivision. If the local agency secures water supplies
4 pursuant to this subdivision, which supplies are acceptable to and
5 approved by the governing body of the public water system as
6 suitable for delivery to customers, it shall work in conjunction
7 with the public water system to implement a plan to deliver that
8 water supply to satisfy the long-term demands of the proposed
9 subdivision.

10 (g) The written verification prepared under this section also
11 shall include a description, to the extent that data is reasonably
12 available based on published records maintained by federal and
13 state agencies, and public records of local agencies, of the
14 reasonably foreseeable impacts of the proposed subdivision on the
15 availability of water resources for agricultural and industrial uses
16 within the public water system's service area that are not currently
17 receiving water from the public water system but are utilizing the
18 same sources of water. To the extent that those reasonably
19 foreseeable impacts have previously been evaluated in a document
20 prepared pursuant to the California Environmental Quality Act
21 (Division 13 (commencing with Section 21000) of the Public
22 Resources Code) or the National Environmental Policy Act (P.L.
23 91-190) for the proposed subdivision, the public water system may
24 utilize that information in preparing the written verification.

25 (h) Where a water supply for a proposed subdivision includes
26 groundwater, the public water system serving the proposed
27 subdivision shall evaluate, based on substantial evidence, the extent
28 to which it or the landowner has the right to extract the additional
29 groundwater needed to supply the proposed subdivision. Nothing
30 in this subdivision is intended to modify state law with regard to
31 groundwater rights.

32 (i) This section shall not apply to any residential project
33 proposed for a site that is within an urbanized area and has been
34 previously developed for urban uses, or where the immediate
35 contiguous properties surrounding the residential project site are,
36 or previously have been, developed for urban uses, or housing
37 projects that are exclusively for very low and low-income
38 households.

39 (j) The determinations made pursuant to this section shall be
40 consistent with the obligation of a public water system to grant a

1 priority for the provision of available and future water resources
2 or services to proposed housing developments that help meet the
3 city’s or county’s share of the regional housing needs for lower
4 income households, pursuant to Section 65589.7.

5 (k) The County of San Diego shall be deemed to comply with
6 this section if the Office of Planning and Research determines that
7 all of the following conditions have been met:

8 (1) A regional growth management strategy that provides for a
9 comprehensive regional strategy and a coordinated economic
10 development and growth management program has been developed
11 pursuant to Proposition C as approved by the voters of the County
12 of San Diego in November 1988, which required the development
13 of a regional growth management plan and directed the
14 establishment of a regional planning and growth management
15 review board.

16 (2) Each public water system, as defined in Section 10912 of
17 the Water Code, within the County of San Diego has adopted an
18 urban water management plan pursuant to Part 2.6 (commencing
19 with Section 10610) of the Water Code.

20 (3) The approval or conditional approval of tentative maps for
21 subdivisions, as defined in this section, by the County of San Diego
22 and the cities within the county requires written communications
23 to be made by the public water system to the city or county, in a
24 format and with content that is substantially similar to the
25 requirements contained in this section, with regard to the
26 availability of a sufficient water supply, or the reliance on projected
27 water supplies to provide a sufficient water supply, for a proposed
28 subdivision.

29 (l) Nothing in this section shall preclude the legislative body of
30 a city or county, or the designated advisory agency, at the request
31 of the applicant, from making the determinations required in this
32 section earlier than required pursuant to subdivision (b).

33 (m) Nothing in this section shall be construed to create a right
34 or entitlement to water service or any specific level of water
35 service.

36 (n) Nothing in this section is intended to change existing law
37 concerning a public water system’s obligation to provide water
38 service to its existing customers or to any potential future
39 customers.

1 (o) Any action challenging the sufficiency of the public water
2 system's written verification of a sufficient water supply shall be
3 governed by Section 66499.37.

4 (p) This section shall become operative on January 1, 2020.

5 SEC. 4. Section 10910 of the Water Code is amended to read:

6 10910. (a) Any city or county that determines that a project,
7 as defined in Section 10912, is subject to the California
8 Environmental Quality Act (Division 13 (commencing with Section
9 21000) of the Public Resources Code) under Section 21080 of the
10 Public Resources Code shall comply with this part.

11 (b) The city or county, at the time that it determines whether an
12 environmental impact report, a negative declaration, or a mitigated
13 negative declaration is required for any project subject to the
14 California Environmental Quality Act pursuant to Section 21080.1
15 of the Public Resources Code, shall identify any water system that
16 is, or may become as a result of supplying water to the project
17 identified pursuant to this subdivision, a public water system, as
18 defined in Section 10912, that may supply water for the project.
19 If the city or county is not able to identify any public water system
20 that may supply water for the project, the city or county shall
21 prepare the water assessment required by this part after consulting
22 with any entity serving domestic water supplies whose service
23 area includes the project site, the local agency formation
24 commission, and any public water system adjacent to the project
25 site.

26 (c) (1) The city or county, at the time it makes the determination
27 required under Section 21080.1 of the Public Resources Code,
28 shall request each public water system identified pursuant to
29 subdivision (b) to determine whether the projected water demand
30 associated with a proposed project was included as part of the most
31 recently adopted urban water management plan adopted pursuant
32 to Part 2.6 (commencing with Section 10610).

33 (2) If the projected water demand associated with the proposed
34 project was accounted for in the most recently adopted urban water
35 management plan, the public water system may incorporate the
36 requested information from the urban water management plan in
37 preparing the elements of the assessment required to comply with
38 subdivisions (d), (e), (f), and (g).

39 (3) If the projected water demand associated with the proposed
40 project was not accounted for in the most recently adopted urban

1 water management plan, or the public water system has no urban
2 water management plan, the water supply assessment for the project
3 shall include a discussion with regard to whether the public water
4 system's total projected water supplies available during normal,
5 single dry, and multiple dry water years during a 20-year projection
6 will meet the projected water demand associated with the proposed
7 project, in addition to the public water system's existing and
8 planned future uses, including agricultural and manufacturing uses.

9 (4) If the city or county is required to comply with this part
10 pursuant to subdivision (b), the water supply assessment for the
11 project shall include a discussion with regard to whether the total
12 projected water supplies, determined to be available by the city or
13 county for the project during normal, single dry, and multiple dry
14 water years during a 20-year projection, will meet the projected
15 water demand associated with the proposed project, in addition to
16 existing and planned future uses, including agricultural and
17 manufacturing uses.

18 (5) If an applicant elects to include voluntary demand
19 management measures, the projected water demand shall be
20 reduced for the project to an amount below the current statutory,
21 regulatory, and local-ordinance requirements, based on the project
22 applicant's voluntary water demand management measures. The
23 public water system, or, if there is no public water system, the
24 local agency, shall quantify the reduction of anticipated water
25 demand attributable to the voluntary demand management
26 measures. For purposes of this section, "voluntary water demand
27 management measures" means water use efficiency measures that
28 exceed ~~current statutory and regulatory~~ *statutory, regulatory, and*
29 *local-ordinance* requirements, and that are permanently fixed to
30 residential, commercial, industrial, or other real property that will
31 reduce projected water demand, and may include, but are not
32 limited to, all of the following:

- 33 (A) Smart irrigation controllers.
- 34 (B) Waterless urinals.
- 35 (C) Ultralow flow and dual flow toilets.
- 36 (D) Recycled water facilities.
- 37 (E) Rainwater capture and reuse facilities.
- 38 (F) Any other measure that will prevent the waste of water or
39 promote the reasonable and efficient use and reuse of available
40 water supplies by the subdivision or the public.

1 (G) Voluntary mitigation measures may include, at the
2 applicant's sole discretion, water demand mitigation measures that
3 reduce a project's impact to the public water system, as determined
4 by the applicant. The applicant may enter into an agreement with
5 the public water system to mitigate water demand associated with
6 a proposed subdivision by depositing funds into a Voluntary Water
7 Demand Mitigation Fund. The fees paid into the Voluntary Water
8 Demand Mitigation Fund shall not exceed an amount necessary
9 to offset the actual or percentage of actual water demand impacts
10 agreed upon in the agreement between the applicant and the public
11 water system. The fees may not exceed the amount of all capacity
12 charges and other water service fees applicable to the subdivision.
13 All applicable capacity charges and other water service fees shall
14 not be waived or modified by contractual agreement, act, or
15 omission of the parties. A project may not be disapproved due to
16 the applicant's refusal to use voluntary mitigation measures.

17 (6) "Voluntary Water Demand Mitigation Fund" means the fund
18 used to finance water conservation and water supply augmentation
19 measures by the public water system that mitigate an agreed upon
20 percentage of the projected water demand impacts from the
21 subdivision, at the discretion of the applicant.

22 (7) Water savings projections may be calculated using the water
23 savings projections adopted by the California Urban Water
24 Conservation Council. Water savings projections for measures for
25 which the California Urban Water Conservation Council does not
26 have adopted findings shall be based on substantial evidence in
27 the record and included in the water supply assessment adopted
28 by the water supplier. If a project applicant proposes to use a new
29 voluntary water reduction demand management measure that is
30 not based on water savings projections adopted by the California
31 Urban Water Conservation Council, the legislative body of a city
32 or county or the advisory agency shall require the project applicant
33 to enter into an agreement with the water utility to implement and
34 monitor the actual water savings over time through conditions of
35 approval for the project, which may include the adoption of legally
36 enforceable mechanisms including, but not limited to, inclusion in
37 covenants, conditions, and restrictions. The public water system
38 shall prepare a written report of the projected water demand versus
39 the actual water use five years after the project has been fully
40 developed. Copies of the report shall be provided to the project

1 applicant, the city or county that approved the subdivision map,
2 the California Urban Water Conservation Council, and the
3 Department of Water Resources. Additionally, at the time of final
4 inspection, a manual providing directions to the owner or occupant
5 on the proper use of water conservation devices and systems shall
6 be placed in the dwelling.

7 (d) (1) The assessment required by this section shall include
8 an identification of any existing water supply entitlements, water
9 rights, or water service contracts relevant to the identified water
10 supply for the proposed project, and a description of the quantities
11 of water received in prior years by the public water system, or the
12 city or county if either is required to comply with this part pursuant
13 to subdivision (b), under the existing water supply entitlements,
14 water rights, or water service contracts.

15 (2) An identification of existing water supply entitlements, water
16 rights, or water service contracts held by the public water system,
17 or the city or county if either is required to comply with this part
18 pursuant to subdivision (b), shall be demonstrated by providing
19 information related to all of the following:

20 (A) Written contracts or other proof of entitlement to an
21 identified water supply.

22 (B) Copies of a capital outlay program for financing the delivery
23 of a water supply that has been adopted by the public water system.

24 (C) Federal, state, and local permits for construction of necessary
25 infrastructure associated with delivering the water supply.

26 (D) Any necessary regulatory approvals that are required in
27 order to be able to convey or deliver the water supply.

28 (e) If no water has been received in prior years by the public
29 water system, or the city or county if either is required to comply
30 with this part pursuant to subdivision (b), under the existing water
31 supply entitlements, water rights, or water service contracts, the
32 public water system, or the city or county if either is required to
33 comply with this part pursuant to subdivision (b), shall also include
34 in its water supply assessment pursuant to subdivision (c), an
35 identification of the other public water systems or water service
36 contractholders that receive a water supply or have existing water
37 supply entitlements, water rights, or water service contracts, to the
38 same source of water as the public water system, or the city or
39 county if either is required to comply with this part pursuant to

1 subdivision (b), has identified as a source of water supply within
2 its water supply assessments.

3 (f) If a water supply for a proposed project includes
4 groundwater, the following additional information shall be included
5 in the water supply assessment:

6 (1) A review of any information contained in the urban water
7 management plan relevant to the identified water supply for the
8 proposed project.

9 (2) A description of any groundwater basin or basins from which
10 the proposed project will be supplied. For those basins for which
11 a court or the board has adjudicated the rights to pump
12 groundwater, a copy of the order or decree adopted by the court
13 or the board and a description of the amount of groundwater the
14 public water system, or the city or county if either is required to
15 comply with this part pursuant to subdivision (b), has the legal
16 right to pump under the order or decree. For basins that have not
17 been adjudicated, information as to whether the department has
18 identified the basin or basins as overdrafted or has projected that
19 the basin will become overdrafted if present management
20 conditions continue, in the most current bulletin of the department
21 that characterizes the condition of the groundwater basin, and a
22 detailed description by the public water system, or the city or
23 county if either is required to comply with this part pursuant to
24 subdivision (b), of the efforts being undertaken in the basin or
25 basins to eliminate the long-term overdraft condition.

26 (3) A detailed description and analysis of the amount and
27 location of groundwater pumped by the public water system, or
28 the city or county if either is required to comply with this part
29 pursuant to subdivision (b), for the past five years from any
30 groundwater basin from which the proposed project will be
31 supplied. The description and analysis shall be based on
32 information that is reasonably available, including, but not limited
33 to, historic use records.

34 (4) A detailed description and analysis of the amount and
35 location of groundwater that is projected to be pumped by the
36 public water system, or the city or county if either is required to
37 comply with this part pursuant to subdivision (b), from any basin
38 from which the proposed project will be supplied. The description
39 and analysis shall be based on information that is reasonably
40 available, including, but not limited to, historic use records.

1 (5) An analysis of the sufficiency of the groundwater from the
2 basin or basins from which the proposed project will be supplied
3 to meet the projected water demand associated with the proposed
4 project. A water supply assessment shall not be required to include
5 the information required by this paragraph if the public water
6 system determines, as part of the review required by paragraph
7 (1), that the sufficiency of groundwater necessary to meet the initial
8 and projected water demand associated with the project was
9 addressed in the description and analysis required by paragraph
10 (4) of subdivision (b) of Section 10631.

11 (g) (1) Subject to paragraph (2), the governing body of each
12 public water system shall submit the assessment to the city or
13 county not later than 90 days from the date on which the request
14 was received. The governing body of each public water system,
15 or the city or county if either is required to comply with this act
16 pursuant to subdivision (b), shall approve the assessment prepared
17 pursuant to this section at a regular or special meeting.

18 (2) Prior to the expiration of the 90-day period, if the public
19 water system intends to request an extension of time to prepare
20 and adopt the assessment, the public water system shall meet with
21 the city or county to request an extension of time, which shall not
22 exceed 30 days, to prepare and adopt the assessment.

23 (3) If the public water system fails to request an extension of
24 time, or fails to submit the assessment notwithstanding the
25 extension of time granted pursuant to paragraph (2), the city or
26 county may seek a writ of mandamus to compel the governing
27 body of the public water system to comply with the requirements
28 of this part relating to the submission of the water supply
29 assessment.

30 (h) Notwithstanding any other provision of this part, if a project
31 has been the subject of a water supply assessment that complies
32 with the requirements of this part, no additional water supply
33 assessment shall be required for subsequent projects that were part
34 of a larger project for which a water supply assessment was
35 completed and that has complied with the requirements of this part
36 and for which the public water system, or the city or county if
37 either is required to comply with this part pursuant to subdivision
38 (b), has concluded that its water supplies are sufficient to meet the
39 projected water demand associated with the proposed project, in
40 addition to the existing and planned future uses, including, but not

1 limited to, agricultural and industrial uses, unless one or more of
2 the following changes occurs:

3 (1) Changes in the project that result in a substantial increase
4 in water demand for the project.

5 (2) Changes in the circumstances or conditions substantially
6 affecting the ability of the public water system, or the city or county
7 if either is required to comply with this part pursuant to subdivision
8 (b), to provide a sufficient supply of water for the project.

9 (3) Significant new information becomes available which was
10 not known and could not have been known at the time when the
11 assessment was prepared.

12 (i) (1) For purposes of a Voluntary Water Demand Mitigation
13 Fund held by a public water system, the public water system shall
14 be required to expend all funds from the Voluntary Water Demand
15 Mitigation Fund on water conservation measures that will reduce
16 the projected demand associated with the subdivision. Water
17 conservation measures shall be chosen that are the least expensive,
18 most cost effective means to yield water. The expenditures may
19 be made within the subdivision or elsewhere within the service
20 area of the public water supplier at its discretion.

21 (2) The public water system shall be prohibited from using funds
22 from the Water Conservation Mitigation Fund to supplant funding
23 for water conservation programs required by existing law or paid
24 for by existing customers through water rates and surcharges.

25 (j) This section shall remain in effect only until January 1, 2020,
26 and as of that date is repealed, unless a later enacted statute, that
27 is enacted before January 1, 2020, deletes or extends that date.

28 SEC. 5. Section 10910 is added to the Water Code, to read:

29 10910. (a) Any city or county that determines that a project,
30 as defined in Section 10912, is subject to the California
31 Environmental Quality Act (Division 13 (commencing with Section
32 21000) of the Public Resources Code) under Section 21080 of the
33 Public Resources Code shall comply with this part.

34 (b) The city or county, at the time that it determines whether an
35 environmental impact report, a negative declaration, or a mitigated
36 negative declaration is required for any project subject to the
37 California Environmental Quality Act pursuant to Section 21080.1
38 of the Public Resources Code, shall identify any water system that
39 is, or may become as a result of supplying water to the project
40 identified pursuant to this subdivision, a public water system, as

1 defined in Section 10912, that may supply water for the project.
2 If the city or county is not able to identify any public water system
3 that may supply water for the project, the city or county shall
4 prepare the water assessment required by this part after consulting
5 with any entity serving domestic water supplies whose service
6 area includes the project site, the local agency formation
7 commission, and any public water system adjacent to the project
8 site.

9 (c) (1) The city or county, at the time it makes the determination
10 required under Section 21080.1 of the Public Resources Code,
11 shall request each public water system identified pursuant to
12 subdivision (b) to determine whether the projected water demand
13 associated with a proposed project was included as part of the most
14 recently adopted urban water management plan adopted pursuant
15 to Part 2.6 (commencing with Section 10610).

16 (2) If the projected water demand associated with the proposed
17 project was accounted for in the most recently adopted urban water
18 management plan, the public water system may incorporate the
19 requested information from the urban water management plan in
20 preparing the elements of the assessment required to comply with
21 subdivisions (d), (e), (f), and (g).

22 (3) If the projected water demand associated with the proposed
23 project was not accounted for in the most recently adopted urban
24 water management plan, or the public water system has no urban
25 water management plan, the water supply assessment for the project
26 shall include a discussion with regard to whether the public water
27 system's total projected water supplies available during normal,
28 single dry, and multiple dry water years during a 20-year projection
29 will meet the projected water demand associated with the proposed
30 project, in addition to the public water system's existing and
31 planned future uses, including agricultural and manufacturing uses.

32 (4) If the city or county is required to comply with this part
33 pursuant to subdivision (b), the water supply assessment for the
34 project shall include a discussion with regard to whether the total
35 projected water supplies, determined to be available by the city or
36 county for the project during normal, single dry, and multiple dry
37 water years during a 20-year projection, will meet the projected
38 water demand associated with the proposed project, in addition to
39 existing and planned future uses, including agricultural and
40 manufacturing uses.

1 (d) (1) The assessment required by this section shall include
2 an identification of any existing water supply entitlements, water
3 rights, or water service contracts relevant to the identified water
4 supply for the proposed project, and a description of the quantities
5 of water received in prior years by the public water system, or the
6 city or county if either is required to comply with this part pursuant
7 to subdivision (b), under the existing water supply entitlements,
8 water rights, or water service contracts.

9 (2) An identification of existing water supply entitlements, water
10 rights, or water service contracts held by the public water system,
11 or the city or county if either is required to comply with this part
12 pursuant to subdivision (b), shall be demonstrated by providing
13 information related to all of the following:

14 (A) Written contracts or other proof of entitlement to an
15 identified water supply.

16 (B) Copies of a capital outlay program for financing the delivery
17 of a water supply that has been adopted by the public water system.

18 (C) Federal, state, and local permits for construction of necessary
19 infrastructure associated with delivering the water supply.

20 (D) Any necessary regulatory approvals that are required in
21 order to be able to convey or deliver the water supply.

22 (e) If no water has been received in prior years by the public
23 water system, or the city or county if either is required to comply
24 with this part pursuant to subdivision (b), under the existing water
25 supply entitlements, water rights, or water service contracts, the
26 public water system, or the city or county if either is required to
27 comply with this part pursuant to subdivision (b), shall also include
28 in its water supply assessment pursuant to subdivision (c), an
29 identification of the other public water systems or water service
30 contractholders that receive a water supply or have existing water
31 supply entitlements, water rights, or water service contracts, to the
32 same source of water as the public water system, or the city or
33 county if either is required to comply with this part pursuant to
34 subdivision (b), has identified as a source of water supply within
35 its water supply assessments.

36 (f) If a water supply for a proposed project includes
37 groundwater, the following additional information shall be included
38 in the water supply assessment:

1 (1) A review of any information contained in the urban water
2 management plan relevant to the identified water supply for the
3 proposed project.

4 (2) A description of any groundwater basin or basins from which
5 the proposed project will be supplied. For those basins for which
6 a court or the board has adjudicated the rights to pump
7 groundwater, a copy of the order or decree adopted by the court
8 or the board and a description of the amount of groundwater the
9 public water system, or the city or county if either is required to
10 comply with this part pursuant to subdivision (b), has the legal
11 right to pump under the order or decree. For basins that have not
12 been adjudicated, information as to whether the department has
13 identified the basin or basins as overdrafted or has projected that
14 the basin will become overdrafted if present management
15 conditions continue, in the most current bulletin of the department
16 that characterizes the condition of the groundwater basin, and a
17 detailed description by the public water system, or the city or
18 county if either is required to comply with this part pursuant to
19 subdivision (b), of the efforts being undertaken in the basin or
20 basins to eliminate the long-term overdraft condition.

21 (3) A detailed description and analysis of the amount and
22 location of groundwater pumped by the public water system, or
23 the city or county if either is required to comply with this part
24 pursuant to subdivision (b), for the past five years from any
25 groundwater basin from which the proposed project will be
26 supplied. The description and analysis shall be based on
27 information that is reasonably available, including, but not limited
28 to, historic use records.

29 (4) A detailed description and analysis of the amount and
30 location of groundwater that is projected to be pumped by the
31 public water system, or the city or county if either is required to
32 comply with this part pursuant to subdivision (b), from any basin
33 from which the proposed project will be supplied. The description
34 and analysis shall be based on information that is reasonably
35 available, including, but not limited to, historic use records.

36 (5) An analysis of the sufficiency of the groundwater from the
37 basin or basins from which the proposed project will be supplied
38 to meet the projected water demand associated with the proposed
39 project. A water supply assessment shall not be required to include
40 the information required by this paragraph if the public water

1 system determines, as part of the review required by paragraph
2 (1), that the sufficiency of groundwater necessary to meet the initial
3 and projected water demand associated with the project was
4 addressed in the description and analysis required by paragraph
5 (4) of subdivision (b) of Section 10631.

6 (g) (1) Subject to paragraph (2), the governing body of each
7 public water system shall submit the assessment to the city or
8 county not later than 90 days from the date on which the request
9 was received. The governing body of each public water system,
10 or the city or county if either is required to comply with this act
11 pursuant to subdivision (b), shall approve the assessment prepared
12 pursuant to this section at a regular or special meeting.

13 (2) Prior to the expiration of the 90-day period, if the public
14 water system intends to request an extension of time to prepare
15 and adopt the assessment, the public water system shall meet with
16 the city or county to request an extension of time, which shall not
17 exceed 30 days, to prepare and adopt the assessment.

18 (3) If the public water system fails to request an extension of
19 time, or fails to submit the assessment notwithstanding the
20 extension of time granted pursuant to paragraph (2), the city or
21 county may seek a writ of mandamus to compel the governing
22 body of the public water system to comply with the requirements
23 of this part relating to the submission of the water supply
24 assessment.

25 (h) Notwithstanding any other provision of this part, if a project
26 has been the subject of a water supply assessment that complies
27 with the requirements of this part, no additional water supply
28 assessment shall be required for subsequent projects that were part
29 of a larger project for which a water supply assessment was
30 completed and that has complied with the requirements of this part
31 and for which the public water system, or the city or county if
32 either is required to comply with this part pursuant to subdivision
33 (b), has concluded that its water supplies are sufficient to meet the
34 projected water demand associated with the proposed project, in
35 addition to the existing and planned future uses, including, but not
36 limited to, agricultural and industrial uses, unless one or more of
37 the following changes occurs:

38 (1) Changes in the project that result in a substantial increase
39 in water demand for the project.

1 (2) Changes in the circumstances or conditions substantially
2 affecting the ability of the public water system, or the city or county
3 if either is required to comply with this part pursuant to subdivision
4 (b), to provide a sufficient supply of water for the project.

5 (3) Significant new information becomes available which was
6 not known and could not have been known at the time when the
7 assessment was prepared.

8 (i) This section shall become operative on January 1, 2020.

9 SEC. 6. No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 a local agency or school district has the authority to levy service
12 charges, fees, or assessments sufficient to pay for the program or
13 level of service mandated by this act, within the meaning of Section
14 17556 of the Government Code.