

AMENDED IN SENATE JUNE 1, 2009
AMENDED IN SENATE APRIL 21, 2009
AMENDED IN SENATE APRIL 2, 2009

SENATE BILL

No. 505

Introduced by Senator Kehoe

February 26, 2009

An act to amend Sections 65302 and 65302.5 of, and to add Section 65040.7 to, the Government Code, and to add ~~Sections 21083.01 and 21096.5~~ *Section 21083.01* to the Public Resources Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 505, as amended, Kehoe. Local planning: fire hazard impacts.

(1) Existing law authorizes the Office of Planning and Research (OPR); to furnish information and technical and professional advice on the preparation, adoption, amendment, and implementation of specified plans, including general plans, when requested by a local or regional agency.

This bill would require OPR, on or before January 1, 2011, to update its "Fire Hazard Planning" document prepared as part of the General Plan Technical Advice Series and issued in November of 2003.

(2) The Planning and Zoning Law requires that a city or county general plan consist of various elements, including, among other things, land use, circulation, housing, open space, conservation, and safety elements, which are required to meet specified requirements. The safety element is for the protection of the community from unreasonable risks associated with, among other things, the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, dam

failure, and wild land and urban fires. The safety element includes requirements for state responsibility areas and very high fire hazard severity zones. ~~The procedures for adopting a safety element require that both the draft element or draft amendment to the safety element pursuant to a specified schedule and that an existing safety element pursuant to a specified schedule be submitted to the State Board of Forestry and Fire Protection and to local agencies that provide fire protection to territory in the city or county.~~

This bill would revise the safety element requirements for state responsibility areas and very high fire hazard severity zones, as specified, and require the safety element, ~~upon the next revision of the housing element on or after January 1, 2010, but no later than January 1, 2015, prior to January 1, 2015, and thereafter upon each revision of the housing element, to be reviewed and updated as needed to address the risk of fire for land classified as state responsibility areas and very high fire hazard severity zones. The bill would require the review to consider the advice contained within the most recent publication of the OPR's "Fire Hazard Planning" document and subsequent revisions. The procedures for adopting a safety element would include the Department of Forestry and Fire Protection as one of the specified agencies that both the draft element or draft amendment to the safety element is required to be submitted to pursuant to a specified schedule by a city or county and that an existing safety element be submitted to pursuant to a specified schedule.~~ By imposing new duties on local officials for the adoption of a general plan, the bill would create a state-mandated local program.

(3) The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA requires OPR to prepare and develop proposed guidelines for the implementation of CEQA by public agencies.

This bill would require OPR, on or after January 1, 2010, at the time of the next update of guidelines implementing CEQA, in cooperation with the Department of Forestry and Fire Protection, to prepare, develop, and transmit to the *Secretary of the Natural Resources Agency* ~~guidelines recommending changes recommended proposed changes or amendments~~ to the initial study checklist for the inclusion of questions related to fire

hazard impacts for projects located on lands in state responsibility areas, as defined, and on lands classified as very high fire hazard severity zones, as defined. The Natural Resources Agency would be required to certify and adopt ~~guidelines~~ *the recommended proposed changes or amendments* prepared and developed by the OPR in accordance with these provisions.

~~The bill would require a lead agency to consult with the Department of Forestry and Fire Protection, the State Board of Forestry and Fire Protection, and responsible agencies, and submit notices to the department and the board for specified projects located in state responsibility areas and very high fire hazard severity zones. Because this bill would impose new duties on local government with respect to consultation and notice requirements, the bill would create a state-mandated local program.~~

(4) 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. Section 65040.7 is added to the Government
2 Code, to read:

3 65040.7. On or before January 1, 2011, the Office of Planning
4 and Research shall update its “Fire Hazard Planning” document
5 prepared as part of the General Plan Technical Advice Series and
6 issued in November of 2003.

7 SEC. 2. Section 65302 of the Government Code is amended
8 to read:

9 65302. The general plan shall consist of a statement of
10 development policies and shall include a diagram or diagrams and
11 text setting forth objectives, principles, standards, and plan
12 proposals. The plan shall include the following elements:

13 (a) A land use element that designates the proposed general
14 distribution and general location and extent of the uses of the land
15 for housing, business, industry, open space, including agriculture,
16 natural resources, recreation, and enjoyment of scenic beauty,

1 education, public buildings and grounds, solid and liquid waste
2 disposal facilities, and other categories of public and private uses
3 of land. The location and designation of the extent of the uses of
4 the land for public and private uses shall consider the identification
5 of land and natural resources pursuant to paragraph (3) of
6 subdivision (d). The land use element shall include a statement of
7 the standards of population density and building intensity
8 recommended for the various districts and other territory covered
9 by the plan. The land use element shall identify and annually
10 review those areas covered by the plan that are subject to flooding
11 identified by flood plain mapping prepared by the Federal
12 Emergency Management Agency (FEMA) or the Department of
13 Water Resources. The land use element shall also do both of the
14 following:

15 (1) Designate in a land use category that provides for timber
16 production those parcels of real property zoned for timberland
17 production pursuant to the California Timberland Productivity Act
18 of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1
19 of Division 1 of Title 5).

20 (2) Consider the impact of new growth on military readiness
21 activities carried out on military bases, installations, and operating
22 and training areas, when proposing zoning ordinances or
23 designating land uses covered by the general plan for land, or other
24 territory adjacent to military facilities, or underlying designated
25 military aviation routes and airspace.

26 (A) In determining the impact of new growth on military
27 readiness activities, information provided by military facilities
28 shall be considered. Cities and counties shall address military
29 impacts based on information from the military and other sources.

30 (B) The following definitions govern this paragraph:

31 (i) “Military readiness activities” mean all of the following:

32 (I) Training, support, and operations that prepare the men and
33 women of the military for combat.

34 (II) Operation, maintenance, and security of any military
35 installation.

36 (III) Testing of military equipment, vehicles, weapons, and
37 sensors for proper operation or suitability for combat use.

38 (ii) “Military installation” means a base, camp, post, station,
39 yard, center, homeport facility for any ship, or other activity under
40 the jurisdiction of the United States Department of Defense as

1 defined in paragraph (1) of subsection (e) of Section 2687 of Title
2 10 of the United States Code.

3 (b) (1) A circulation element consisting of the general location
4 and extent of existing and proposed major thoroughfares,
5 transportation routes, terminals, any military airports and ports,
6 and other local public utilities and facilities, all correlated with the
7 land use element of the plan.

8 (2) (A) Commencing January 1, 2011, upon any substantive
9 revision of the circulation element, the legislative body shall
10 modify the circulation element to plan for a balanced, multimodal
11 transportation network that meets the needs of all users of streets,
12 roads, and highways for safe and convenient travel in a manner
13 that is suitable to the rural, suburban, or urban context of the
14 general plan.

15 (B) For purposes of this paragraph, “users of streets, roads, and
16 highways” means bicyclists, children, persons with disabilities,
17 motorists, movers of commercial goods, pedestrians, users of public
18 transportation, and seniors.

19 (c) A housing element as provided in Article 10.6 (commencing
20 with Section 65580).

21 (d) (1) A conservation element for the conservation,
22 development, and utilization of natural resources including water
23 and its hydraulic force, forests, soils, rivers and other waters,
24 harbors, fisheries, wildlife, minerals, and other natural resources.
25 The conservation element shall consider the effect of development
26 within the jurisdiction, as described in the land use element, on
27 natural resources located on public lands, including military
28 installations. That portion of the conservation element including
29 waters shall be developed in coordination with any countywide
30 water agency and with all district and city agencies, including
31 flood management, water conservation, or groundwater agencies
32 that have developed, served, controlled, managed, or conserved
33 water of any type for any purpose in the county or city for which
34 the plan is prepared. Coordination shall include the discussion and
35 evaluation of any water supply and demand information described
36 in Section 65352.5, if that information has been submitted by the
37 water agency to the city or county.

38 (2) The conservation element may also cover all of the
39 following:

40 (A) The reclamation of land and waters.

1 (B) Prevention and control of the pollution of streams and other
2 waters.

3 (C) Regulation of the use of land in stream channels and other
4 areas required for the accomplishment of the conservation plan.

5 (D) Prevention, control, and correction of the erosion of soils,
6 beaches, and shores.

7 (E) Protection of watersheds.

8 (F) The location, quantity and quality of the rock, sand and
9 gravel resources.

10 (3) Upon the next revision of the housing element on or after
11 January 1, 2009, the conservation element shall identify rivers,
12 creeks, streams, flood corridors, riparian habitats, and land that
13 may accommodate floodwater for purposes of groundwater
14 recharge and stormwater management.

15 (e) An open-space element as provided in Article 10.5
16 (commencing with Section 65560).

17 (f) (1) A noise element that shall identify and appraise noise
18 problems in the community. The noise element shall recognize the
19 guidelines established by the Office of Noise Control and shall
20 analyze and quantify, to the extent practicable, as determined by
21 the legislative body, current and projected noise levels for all of
22 the following sources:

23 (A) Highways and freeways.

24 (B) Primary arterials and major local streets.

25 (C) Passenger and freight on-line railroad operations and ground
26 rapid transit systems.

27 (D) Commercial, general aviation, heliport, helistop, and military
28 airport operations, aircraft overflights, jet engine test stands, and
29 all other ground facilities and maintenance functions related to
30 airport operation.

31 (E) Local industrial plants, including, but not limited to, railroad
32 classification yards.

33 (F) Other ground stationary noise sources, including, but not
34 limited to, military installations, identified by local agencies as
35 contributing to the community noise environment.

36 (2) Noise contours shall be shown for all of these sources and
37 stated in terms of community noise equivalent level (CNEL) or
38 day-night average level (L_{dn}). The noise contours shall be prepared
39 on the basis of noise monitoring or following generally accepted

1 noise modeling techniques for the various sources identified in
2 paragraphs (1) to (6), inclusive.

3 (3) The noise contours shall be used as a guide for establishing
4 a pattern of land uses in the land use element that minimizes the
5 exposure of community residents to excessive noise.

6 (4) The noise element shall include implementation measures
7 and possible solutions that address existing and foreseeable noise
8 problems, if any. The adopted noise element shall serve as a
9 guideline for compliance with the state's noise insulation standards.

10 (g) (1) A safety element for the protection of the community
11 from any unreasonable risks associated with the effects of
12 seismically induced surface rupture, ground shaking, ground
13 failure, tsunami, seiche, and dam failure; slope instability leading
14 to mudslides and landslides; subsidence; liquefaction; and other
15 seismic hazards identified pursuant to Chapter 7.8 (commencing
16 with Section 2690) of Division 2 of the Public Resources Code,
17 and other geologic hazards known to the legislative body; flooding;
18 and wild land and urban fires. The safety element shall include
19 mapping of known seismic and other geologic hazards. It shall
20 also address evacuation routes, military installations, peakload
21 water supply requirements, and minimum road widths and
22 clearances around structures, as those items relate to identified fire
23 and geologic hazards.

24 (2) The safety element, upon the next revision of the housing
25 element on or after January 1, 2009, shall also do the following:

26 (A) Identify information regarding flood hazards, including,
27 but not limited to, the following:

28 (i) Flood hazard zones. As used in this subdivision, "flood
29 hazard zone" means an area subject to flooding that is delineated
30 as either a special hazard area or an area of moderate or minimal
31 hazard on an official flood insurance rate map issued by the Federal
32 Emergency Management Agency. The identification of a flood
33 hazard zone does not imply that areas outside the flood hazard
34 zones or uses permitted within flood hazard zones will be free
35 from flooding or flood damage.

36 (ii) National Flood Insurance Program maps published by
37 FEMA.

38 (iii) Information about flood hazards that is available from the
39 United States Army Corps of Engineers.

- 1 (iv) Designated floodway maps that are available from the
- 2 Central Valley Flood Protection Board.
- 3 (v) Dam failure inundation maps prepared pursuant to Section
- 4 8589.5 that are available from the Office of Emergency Services.
- 5 (vi) Awareness Floodplain Mapping Program maps and 200-year
- 6 flood plain maps that are or may be available from, or accepted
- 7 by, the Department of Water Resources.
- 8 (vii) Maps of levee protection zones.
- 9 (viii) Areas subject to inundation in the event of the failure of
- 10 project or nonproject levees or floodwalls.
- 11 (ix) Historical data on flooding, including locally prepared maps
- 12 of areas that are subject to flooding, areas that are vulnerable to
- 13 flooding after wildfires, and sites that have been repeatedly
- 14 damaged by flooding.
- 15 (x) Existing and planned development in flood hazard zones,
- 16 including structures, roads, utilities, and essential public facilities.
- 17 (xi) Local, state, and federal agencies with responsibility for
- 18 flood protection, including special districts and local offices of
- 19 emergency services.
- 20 (B) Establish a set of comprehensive goals, policies, and
- 21 objectives based on the information identified pursuant to
- 22 subparagraph (A), for the protection of the community from the
- 23 unreasonable risks of flooding, including, but not limited to:
- 24 (i) Avoiding or minimizing the risks of flooding to new
- 25 development.
- 26 (ii) Evaluating whether new development should be located in
- 27 flood hazard zones, and identifying construction methods or other
- 28 methods to minimize damage if new development is located in
- 29 flood hazard zones.
- 30 (iii) Maintaining the structural and operational integrity of
- 31 essential public facilities during flooding.
- 32 (iv) Locating, when feasible, new essential public facilities
- 33 outside of flood hazard zones, including hospitals and health care
- 34 facilities, emergency shelters, fire stations, emergency command
- 35 centers, and emergency communications facilities or identifying
- 36 construction methods or other methods to minimize damage if
- 37 these facilities are located in flood hazard zones.
- 38 (v) Establishing cooperative working relationships among public
- 39 agencies with responsibility for flood protection.

(C) Establish a set of feasible implementation measures designed to carry out the goals, policies, and objectives established pursuant to subparagraph (B).

(3) ~~For~~ *Prior to January 1, 2015, and thereafter upon each revision of the housing element made pursuant to Section 65588, the safety element shall be reviewed and updated as needed to address the risk of fire for land classified as state responsibility areas, as defined in Section 4102 of the Public Resources Code, and land classified as very high fire hazard severity zones, as defined in Section 51177, the safety element, upon the next revision of the housing element on or after January 1, 2010, but no later than January 1, 2015, shall 51177. This review shall consider the advice included in the most recent publication of “Fire Hazard Planning” (Office of Planning and Research, General Plan Technical Advice Series, November 2003) and subsequent revisions, Series) and shall also include all of the following:*

(A) Information regarding fire hazards, including, but not limited to, all of the following:

(i) Fire hazard severity zone maps available from the Department of Forestry and Fire Protection.

(ii) Historical data on wildfires, including maps prepared by local agencies displaying areas that have been historically subject to wildfires.

(iii) Information about wildfire hazard areas that may be available from the United States Geological Survey.

(iv) General location and distribution of existing and planned development in very high fire hazard severity zones, including structures, roads, utilities, and essential public facilities.

(v) Local, state, and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services.

(B) Establish a set of goals, policies, and objectives based on the information identified pursuant to subparagraph (A) for the protection of the community from the unreasonable risk of wildfire, including, but not limited to, all of the following:

(i) *Avoiding or minimizing the unreasonable risks of wildfire to new development.*

~~(i)~~

(ii) Identifying construction design or methods, including fire resistive construction materials, fuels management methods, or

1 other methods, to minimize damage if new development is located
2 in a state responsibility area or in a very high fire hazard severity
3 zone.

4 ~~(ii) Supporting appropriate siting, access, fuels management,~~
5 ~~and fire resistive construction materials.~~

6 (iii) Locating, when feasible, new essential public facilities
7 outside of high fire risk areas, including, but not limited to,
8 hospitals and health care facilities, emergency shelters, emergency
9 command centers, and emergency communications facilities, or
10 identifying construction methods or other methods to minimize
11 damage if these facilities are located in a state responsibility area
12 or very high fire hazard severity zone.

13 (iv) Working cooperatively with public agencies with
14 responsibility for fire protection.

15 (C) Establish a set of feasible implementation measures designed
16 to carry out the goals, policies, and objectives established pursuant
17 to subparagraph (B).

18 (4) After the initial revision of the safety element pursuant to
19 paragraphs (2) and (3), upon each revision of the housing element,
20 the planning agency shall review and, if necessary, revise the safety
21 element to identify new information that was not available during
22 the previous revision of the safety element.

23 (5) Cities and counties that have flood plain management
24 ordinances that have been approved by FEMA that substantially
25 comply with this section, or have substantially equivalent
26 provisions to this subdivision in their general plans, may use that
27 information in the safety element to comply with this subdivision,
28 and shall summarize and incorporate by reference into the safety
29 element the other general plan provisions or the flood plain
30 ordinance, specifically showing how each requirement of this
31 subdivision has been met.

32 (6) Prior to the periodic review of its general plan and prior to
33 preparing or revising its safety element, each city and county shall
34 consult the California Geological Survey of the Department of
35 Conservation, the Central Valley Flood Protection Board, if the
36 city or county is located within the boundaries of the Sacramento
37 and San Joaquin Drainage District, as set forth in Section 8501 of
38 the Water Code, and the Office of Emergency Services for the
39 purpose of including information known by and available to the
40 department, the office, and the board required by this subdivision.

1 (7) To the extent that a county's safety element is sufficiently
2 detailed and contains appropriate policies and programs for
3 adoption by a city, a city may adopt that portion of the county's
4 safety element that pertains to the city's planning area in
5 satisfaction of the requirement imposed by this subdivision.

6 SEC. 3. Section 65302.5 of the Government Code is amended
7 to read:

8 65302.5. (a) At least 45 days prior to adoption or amendment
9 of the safety element, each county and city shall submit to the
10 California Geological Survey of the Department of Conservation
11 one copy of a draft of the safety element or amendment and any
12 technical studies used for developing the safety element. The
13 division may review drafts submitted to it to determine whether
14 they incorporate known seismic and other geologic hazard
15 information, and report its findings to the planning agency within
16 30 days of receipt of the draft of the safety element or amendment
17 pursuant to this subdivision. The legislative body shall consider
18 the division's findings prior to final adoption of the safety element
19 or amendment unless the division's findings are not available
20 within the above prescribed time limits or unless the division has
21 indicated to the city or county that the division will not review the
22 safety element. If the division's findings are not available within
23 those prescribed time limits, the legislative body may take the
24 division's findings into consideration at the time it considers future
25 amendments to the safety element. Each county and city shall
26 provide the division with a copy of its adopted safety element or
27 amendments. The division may review adopted safety elements
28 or amendments and report its findings. All findings made by the
29 division shall be advisory to the planning agency and legislative
30 body.

31 (b) (1) The draft element of or draft amendment to the safety
32 element of a county or a city's general plan shall be submitted to
33 ~~the Department of Forestry and Fire Protection, the State Board~~
34 ~~of Forestry and Fire Protection, and to the State Board of Forestry~~
35 ~~and Fire Protection~~ and every local agency that provides fire
36 protection to territory in the city or county at least 90 days prior
37 to either of the following:

38 (A) The adoption or amendment to the safety element of its
39 general plan for each county that contains state responsibility areas.

1 (B) The adoption or amendment to the safety element of its
2 general plan for each city or county that contains a very high fire
3 hazard severity zone as defined pursuant to subdivision (b) of
4 Section 51177.

5 (2) A county that contains state responsibility areas and a city
6 or county that contains a very high fire hazard severity zone as
7 defined pursuant to subdivision (b) of Section 51177 shall submit
8 for review the safety element of its general plan to ~~the Department~~
9 ~~of Forestry and Fire Protection~~, the State Board of Forestry and
10 Fire Protection, ~~and to~~ and every local agency that provides fire
11 protection to territory in the city or county in accordance with the
12 following dates, as specified, unless the local government submitted
13 the element within five years prior to that date:

14 (A) Local governments within the regional jurisdiction of the
15 San Diego Association of Governments: December 31, 2010.

16 (B) Local governments within the regional jurisdiction of the
17 Southern California Association of Governments: December 31,
18 2011.

19 (C) Local governments within the regional jurisdiction of the
20 Association of Bay Area Governments: December 31, 2012.

21 (D) Local governments within the regional jurisdiction of the
22 Council of Fresno County Governments, the Kern County Council
23 of Governments, and the Sacramento Area Council of
24 Governments: June 30, 2013.

25 (E) Local governments within the regional jurisdiction of the
26 Association of Monterey Bay Area Governments: December 31,
27 2014.

28 (F) All other local governments: December 31, 2015.

29 (3) ~~The Department of Forestry and Fire Protection and the~~
30 ~~State Board of Forestry and Fire Protection shall, and a local~~
31 ~~agency may, review the draft or an existing safety element and~~
32 ~~report its written recommendations to the planning agency within~~
33 ~~60 days of its receipt of the draft or existing safety element. The~~
34 ~~Department of Forestry and Fire Protection, the State Board of~~
35 ~~Forestry and Fire Protection, and the local agency shall review the~~
36 ~~draft or existing safety element within 60 days of its receipt and~~
37 ~~may offer written recommendations for changes to the draft or~~
38 ~~existing safety element regarding both of the following:~~

39 (A) Uses of land and policies in state responsibility areas and
40 very high fire hazard severity zones that will protect life, property,

1 and natural resources from unreasonable risks associated with
2 wildland fires.

3 (B) Methods and strategies for wildland fire risk reduction and
4 prevention within state responsibility areas and very high hazard
5 severity zones.

6 (4) Prior to the adoption of its draft element or draft amendment,
7 the board of supervisors of the county or the city council of a city
8 shall consider the recommendations ~~made by the Department of~~
9 ~~Forestry and Fire Protection, if any, made by the State Board of~~
10 ~~Forestry and Fire Protection, and any local agency that provides~~
11 ~~fire protection to territory in the city or county. If the board of~~
12 ~~supervisors or city council determines not to accept all or some of~~
13 ~~the recommendations, if any, made by the Department of Forestry~~
14 ~~and Fire Protection, State Board of Forestry and Fire Protection,~~
15 ~~or State Board of Forestry and Fire Protection or local agency,~~
16 the board of supervisors or city council shall communicate in
17 writing to the ~~Department of Forestry and Fire Protection, the State~~
18 ~~Board of Forestry and Fire Protection, or to the local agency,~~
19 *Protection or the local public agency* its reasons for not accepting
20 the recommendations.

21 (5) If the ~~Department of Forestry and Fire Protection, the State~~
22 ~~Board of Forestry and Fire Protection, Protection's~~ or local
23 agency's recommendations are not available within the time limits
24 required by this section, the board of supervisors or city council
25 may act without those recommendations. The board of supervisors
26 or city council shall take the recommendations into consideration
27 at the next time it considers amendments to the safety element.

28 SEC. 4. Section 21083.01 is added to the Public Resources
29 Code, to read:

30 21083.01. (a) On or after January 1, 2010, at the time of the
31 ~~next update of the guidelines implementing this division review~~
32 ~~of the guidelines prepared and developed to implement this division~~
33 ~~pursuant to subdivision (f) of Section 21083, the Office of Planning~~
34 ~~and Research, in cooperation with the Department of Forestry and~~
35 ~~Fire Protection, shall prepare, develop, and transmit to the Natural~~
36 ~~Resources Agency, guidelines recommending changes to the initial~~
37 ~~study checklist of the guidelines implementing to the Secretary of~~
38 ~~the Natural Resources Agency recommended proposed changes~~
39 ~~or amendments to the initial study of the guidelines implementing~~
40 this division for the inclusion of questions related to fire hazard

1 impacts for projects located on lands classified as state
2 responsibility areas, as defined in Section 4102, and on lands
3 classified as very high fire hazard severity zones, as defined in
4 subdivision (i) of Section 51177 of the Government Code.

5 (b) Upon receipt and review, the Natural Resources Agency
6 shall certify and adopt ~~guidelines~~ *the recommended proposed*
7 *changes or amendments* prepared and developed by the Office of
8 Planning and Research pursuant to subdivision (a).

9 ~~SEC. 5. Section 21096.5 is added to the Public Resources Code,~~
10 ~~to read:~~

11 ~~21096.5. (a) A lead agency shall consult with the Department~~
12 ~~of Forestry and Fire Protection and the State Board of Forestry~~
13 ~~and Fire Protection for projects identified pursuant to subdivision~~
14 ~~(c) that are located within a state responsibility area, as defined in~~
15 ~~Section 4102, or a very high fire hazard severity zone, as defined~~
16 ~~in subdivision (i) of Section 51177 of the Government Code.~~
17 ~~Consultation shall be conducted in the same manner as for~~
18 ~~responsible agencies pursuant to this division, including Sections~~
19 ~~21080.3, 21080.4, 21104, and 21153.~~

20 ~~(b) A lead agency shall submit notices, as required by Sections~~
21 ~~21080.4 and 21092, to the Department of Forestry and Fire~~
22 ~~Protection and the State Board of Forestry and Fire Protection for~~
23 ~~projects identified pursuant to subdivision (c) that are located~~
24 ~~within a state responsibility area, as defined in Section 4102, or a~~
25 ~~very high fire hazard severity zone, as defined in subdivision (i)~~
26 ~~of Section 51177 of the Government Code.~~

27 ~~(c) Projects that are subject to the requirements of this section~~
28 ~~are all of the following:~~

29 ~~(1) Development agreements pursuant to Article 2.5~~
30 ~~(commencing with Section 65864) of Chapter 4 of Division 1 of~~
31 ~~Title 7 of the Government Code.~~

32 ~~(2) Tentative maps and vesting tentative maps pursuant to the~~
33 ~~Subdivision Map Act (Division 2 (commencing with Section~~
34 ~~66410) of Title 7 of the Government Code).~~

35 ~~(3) Projects of sufficient statewide, regional, or areawide~~
36 ~~environmental significance, as determined pursuant to subdivision~~
37 ~~(d) of Section 21083.~~

38 ~~SEC. 6:~~

39 ~~SEC. 5. No reimbursement is required by this act pursuant to~~
40 ~~Section 6 of Article XIII B of the California Constitution because~~

- 1 a local agency or school district has the authority to levy service
- 2 charges, fees, or assessments sufficient to pay for the program or
- 3 level of service mandated by this act, within the meaning of Section
- 4 17556 of the Government Code.

O