

ASSEMBLY BILL

No. 183

Introduced by Assembly Member Dickinson

January 28, 2013

An act to add Section 29764.5 to the Public Resources Code, relating to the Sacramento-San Joaquin Delta.

LEGISLATIVE COUNSEL'S DIGEST

AB 183, as introduced, Dickinson. Delta Protection Commission: executive director: comprehensive long-term resource management plan: determination of consistency.

Existing law, the Johnston-Baker-Andal-Boatwright Delta Protection Act of 1992, requires the Delta Protection Commission to review and maintain a comprehensive long-term resource management plan for land uses within the primary zone, as defined, of the Delta. Existing law authorizes any person who is aggrieved by any action taken by a local government or other local agency in implementing the resource management plan to file an appeal with the commission, or for the commission to review, in the absence of an appeal by an aggrieved person, the action taken. Existing law requires the commission to review the action on the grounds that the action as to land located exclusively within the primary zone is inconsistent with the resource management plan, the approved portions of local government general plans that implement the resource management plan, or specified law. Existing law requires the appeal to be heard by the commission, as prescribed, unless the commission, either itself or by delegation to the executive director, determines that the issue raised on appeal is not within the commission's jurisdiction or does not raise an appealable issue.

This bill would require the executive director to determine a discretionary project located in the primary zone to be consistent with the resource management plan provided that the project satisfies at least 4 of 5 specified criteria.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 29764.5 is added to the Public Resources
2 Code, to read:

3 29764.5. The executive director, as described in Section 29755,
4 or his or her designee, shall determine a discretionary project
5 located in the primary zone, as defined in Section 29728, to be
6 consistent with the comprehensive long-term resource management
7 plan for land uses within the primary zone, adopted by the
8 commission pursuant to Section 29760, provided that the project
9 satisfies at least four of the following criteria:

10 (a) The project is consistent with the commission’s statutory
11 mission to protect, maintain, and enhance the overall quality of
12 the delta as described in Section 29702.

13 (b) The project is consistent with the economic development
14 strategies and recommendations outlined in the economic
15 sustainability plan adopted by the commission pursuant to Section
16 29759.

17 (c) The project complies with all local land use and zoning
18 provisions.

19 (d) As determined by the local land use agency or department,
20 the project is eligible for a categorical exemption pursuant to the
21 California Environmental Quality Act as described by Sections
22 15300 to 15332, inclusive, of Title 14 of the California Code of
23 Regulations.

24 (e) The project complies with all local drainage ordinances, and
25 flood plain management and levee encroachment requirements.

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