

ASSEMBLY BILL

No. 1088

Introduced by Assembly Member Muratsuchi

February 22, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1088, as introduced, Muratsuchi. Planning and Zoning Law.

The Planning and Zoning Law requires a city or county general plan to include specified mandatory elements, including a land use element that designates the proposed general distribution and general location and extent of the uses of the land for various purposes and a conservation element that considers, among other things, the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands. The land use element is required to identify areas that are subject to flooding, and the conservation element may also cover, among other things, flood control.

This bill would make a technical, nonsubstantive change to a provision of the Planning and Zoning Law.

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

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

- 1 SECTION 1. Section 65007 of the Government Code is
- 2 amended to read:
- 3 65007. As used in this title, the following terms have the
- 4 following meanings, unless the context requires otherwise:

1 (a) “Adequate progress” means all of the following:

2 (1) The total project scope, schedule, and cost of the completed
3 flood protection system have been developed to meet the
4 appropriate standard of protection.

5 (2) (A) Revenues that are sufficient to fund each year of the
6 project schedule developed in paragraph (1) have been identified
7 and, in any given year and consistent with that schedule, at least
8 90 percent of the revenues scheduled to be received by that year
9 have been appropriated and are currently being expended.

10 (B) Notwithstanding subparagraph (A), for any year in which
11 state funding is not appropriated consistent with an agreement
12 between a state agency and a local flood management agency, the
13 Central Valley Flood Protection Board may find that the local
14 flood management agency is making adequate progress in working
15 toward the completion of the flood protection system.

16 (3) Critical features of the flood protection system are under
17 construction, and each critical feature is progressing as indicated
18 by the actual expenditure of the construction budget funds.

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

21 (5) The local flood management agency shall provide the
22 Department of Water Resources and the Central Valley Flood
23 Protection Board with the information specified in this subdivision
24 sufficient to determine substantial completion of the required flood
25 protection. The local flood management agency shall annually
26 report to the Central Valley Flood Protection Board on the efforts
27 in working toward completion of the flood protection system.

28 (b) “Central Valley Flood Protection Plan” has the same
29 meaning as that set forth in Section 9612 of the Water Code.

30 (c) “Developed area” has the same meaning as that set forth in
31 Section 59.1 of Title 44 of the Code of Federal Regulations.

32 (d) “Flood hazard zone” means an area subject to flooding that
33 is delineated as either a special hazard area or an area of moderate
34 hazard on an official flood insurance rate map issued by the Federal
35 Emergency Management Agency. The identification of flood
36 hazard zones does not imply that areas outside the flood hazard
37 zones, or uses permitted within flood hazard zones, will be free
38 from flooding or flood damage.

39 (e) “National Federal Emergency Management Agency standard
40 of flood protection” means the level of flood protection that is

1 necessary to withstand flooding that has a 1-in-100 chance of
2 occurring in any given year using criteria developed by the Federal
3 Emergency Management Agency for application in the National
4 Flood Insurance Program.

5 (f) “Nonurbanized area” means a developed area or an area
6 outside a developed area in which there are fewer than 10,000
7 residents that is not an urbanizing area.

8 (g) “Project levee” means ~~any~~ a levee that is part of the facilities
9 of the State Plan of Flood Control.

10 (h) “Sacramento-San Joaquin Valley” means lands in the bed
11 or along or near the banks of the Sacramento River or San Joaquin
12 River, or their tributaries or connected therewith, or upon any land
13 adjacent thereto, or within the overflow basins thereof, or upon
14 land susceptible to overflow therefrom. The Sacramento-San
15 Joaquin Valley does not include lands lying within the Tulare Lake
16 basin, including the Kings River.

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

20 (j) “Tulare Lake basin” means the Tulare Lake Hydrologic
21 Region as defined in the California Water Plan Update 2009,
22 prepared by the Department of Water Resources pursuant to
23 Chapter 1 (commencing with Section 10004) of Part 1.5 of Division
24 6 of the Water Code.

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

30 (l) “Urban area” means a developed area in which there are
31 10,000 residents or more.

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

35 (n) “Urban level of flood protection” means the level of
36 protection that is necessary to withstand flooding that has a
37 1-in-200 chance of occurring in any given year using criteria
38 consistent with, or developed by, the Department of Water
39 Resources. “Urban level of flood protection” shall not mean
40 shallow flooding or flooding from local drainage that meets the

- 1 criteria of the national Federal Emergency Management Agency
- 2 standard of flood protection.

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