

AMENDED IN ASSEMBLY MARCH 29, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2651

Introduced by Assembly Member Gomez

February 19, 2016

An act to ~~amend Section 816.52 of the Civil Code, and to amend Sections 65302 and 65560 of the Government Code, relating to open-space lands, and declaring the urgency thereof, to take effect immediately.~~ *add Chapter 10.5 (commencing with Section 5845) to Division 5 of the Public Resources Code, relating to greenways, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2651, as amended, Gomez. ~~Greenway easements.~~ *Urban Water and Transportation Environmental Revitalization Grant Program.*

Existing law establishes various plans and programs intended to preserve, protect, and rehabilitate lands adjacent to rivers in the state.

This bill would require the Natural Resources Agency to establish and administer a grant program, known as the Urban Water and Transportation Environmental Revitalization Grant Program. The bill would require the program to provide grants for projects that develop greenways in areas that are adjacent to an urban creek in certain areas, and would require an entity that receives a grant under the program to provide a matching cost share. The bill would appropriate \$500,000,000 from the General Fund to the agency for purposes of the program and would prohibit more than 5% of these moneys from being used for administrative costs of the program.

~~(1) The Greenway Development and Sustainment Act applies to greenway easements certain creation and transfer provisions similar to~~

~~those of conversation easements. The act defines various terms for purposes of the act, including “greenway,” to mean certain types of travel corridors that, among other requirements, incorporate an array of amenities for users of the corridor and nearby communities, and “greenway easement” to mean a limitation in a deed, will, or other instrument for the purpose of developing greenways adjacent to urban waterways. The act provides that a recorded greenway easement constitutes an enforceable restriction for purposes of certain property tax provisions.~~

~~This bill would require a greenway to incorporate an array of amenities only within an urbanized area, as defined. The bill would include easements created for the purpose of preserving greenways adjacent to urban waterways as greenway easements. The bill would require greenway easements created for the purpose of developing greenways to be consistent with restoration efforts undertaken at the adjacent urban waterways at the time of the creation of the easement.~~

~~Because this bill, by revising these terms for purposes of the act and by expanding the definition of a greenway easement, would change the manner in which county assessors assess property for property taxation purposes, this bill would impose a state-mandated local program.~~

~~(2) The Planning and Zoning Law requires each city, county, and city and county to prepare and adopt a general plan that contains certain mandatory elements, including a land use element and an open-space element. Existing law includes greenways, as defined in the Greenway Development and Sustainment Act, in the definition of “open-space land” for the purposes of the open-space element.~~

~~This bill would instead specify that greenways be included in the land use element of a general plan.~~

~~By revising the contents of the mandatory elements of a general plan, 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

~~(4) This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$. Appropriation: ~~no~~ yes. Fiscal committee: yes.
State-mandated local program: ~~yes~~ no.

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

1 SECTION 1. Chapter 10.5 (commencing with Section 5845)
2 is added to Division 5 of the Public Resources Code, to read:

3
4 CHAPTER 10.5. URBAN WATER AND TRANSPORTATION
5 ENVIRONMENTAL REVITALIZATION GRANT PROGRAM
6

7 5845. (a) The Natural Resources Agency shall establish and
8 administer a grant program, to be known as the Urban Water and
9 Transportation Environmental Revitalization Grant Program. The
10 program shall provide grants for projects that develop greenways,
11 as defined in Section 816.52 of the Civil Code, in areas that are
12 adjacent to an urban creek, as defined in subdivision (e) of Section
13 7048 of the Water Code, and its tributaries, and that are within
14 the areas described in Division 22.8 (commencing with Section
15 32600) and Division 23 (commencing with Section 33000).

16 (b) An entity that receives a grant pursuant to this chapter shall
17 be required to provide a matching cost share.

18 SEC. 2. The sum of five hundred million dollars (\$500,000,000)
19 is hereby appropriated from the General Fund to the Natural
20 Resources Agency for purposes of Section 1 of this act. No more
21 than 5 percent of these moneys shall be used for administrative
22 costs of the grant program.

23 ~~SECTION 1. Section 816.52 of the Civil Code is amended to~~
24 ~~read:~~

25 ~~816.52. For purposes of this chapter, the following definitions~~
26 ~~apply:~~

27 ~~(a) (1) "Adjacent" means within 400 yards from the property~~
28 ~~boundary of an existing urban waterway.~~

29 ~~(2) This subdivision does not create a new authority to place or~~
30 ~~extend an easement on private property that is not part of a~~
31 ~~voluntary agreement.~~

- 1 (b) “Greenway” means a pedestrian and bicycle, nonmotorized
2 vehicle transportation, and recreational travel corridor that meets
3 the following requirements:
- 4 (1) Includes landscaping that improves rivers and streams,
5 provides flood protection benefits, and incorporates the significance
6 and value of natural, historical, and cultural resources, as
7 documented in the local agency’s applicable planning document,
8 including, but not limited to, a master plan, a general plan, or a
9 specific plan.
- 10 (2) Is separated and protected from shared roadways, is adjacent
11 to an urban waterway, and incorporates both ease of access to
12 nearby communities and an array of amenities within an urbanized
13 area and services for the users of the corridor and nearby
14 communities.
- 15 (3) Is located on public lands or private lands, or a combination
16 of public and private lands, where public access to those lands for
17 greenway purposes has been legally authorized by, or legally
18 obtained from, the fee owner of the land and, if applicable, the
19 operator of any facility or improvement located on the land,
20 through leases, easements, or other agreements entered into by the
21 fee owner and the operator of any affected facility or improvement
22 on the land.
- 23 (4) Reflects design standards regarding appropriate widths,
24 clearances, setbacks from obstructions, and centerlines protecting
25 directional travel, and other considerations, as appropriate, that
26 are applicable for each affected local agency, as documented in
27 the local agency’s applicable planning document, including, but
28 not limited to, a master plan, general plan, or specific plan.
- 29 (5) May incorporate appropriate lighting, public amenities within
30 an urbanized area, art, and other features that are consistent with
31 a local agency’s planning document, including, but not limited to,
32 a general plan, master plan, or specific plan.
- 33 (c) “Greenway easement” means any limitation in a deed, will,
34 or other instrument in the form of an easement, restriction,
35 covenant, or condition that is or has been executed by or on behalf
36 of the owner of the land subject to the easement and is binding
37 upon successive owners of that land, for either of the following
38 purposes:

1 ~~(1) Developing greenways adjacent to urban waterways~~
2 ~~consistent with restoration efforts undertaken at those waterways~~
3 ~~at the time of the creation of the easement, if any.~~

4 ~~(2) Preserving greenways adjacent to urban waterways.~~

5 ~~(d) “Local agency” means a city, county, or city and county.~~

6 ~~(e) “Urbanized area” has the same meaning as set forth in~~
7 ~~Section 21071 of the Public Resources Code.~~

8 ~~(f) “Urban waterway” means a creek, stream, or river that~~
9 ~~crosses (1) developed residential, commercial, or industrial~~
10 ~~property or (2) open space where the land use is designated as~~
11 ~~residential, commercial, or industrial, as referenced in a local~~
12 ~~agency’s planning document, including, but not limited to, a~~
13 ~~general plan, master plan, or specific general plan.~~

14 ~~SEC. 2. Section 65302 of the Government Code is amended~~
15 ~~to read:~~

16 ~~65302. The general plan shall consist of a statement of~~
17 ~~development policies and shall include a diagram or diagrams and~~
18 ~~text setting forth objectives, principles, standards, and plan~~
19 ~~proposals. The plan shall include the following elements:~~

20 ~~(a) A land use element that designates the proposed general~~
21 ~~distribution and general location and extent of the uses of the land~~
22 ~~for housing, business, industry, open space, including agriculture,~~
23 ~~natural resources, recreation, and enjoyment of scenic beauty,~~
24 ~~education, public buildings and grounds, solid and liquid waste~~
25 ~~disposal facilities, greenways, as defined in Section 816.52 of the~~
26 ~~Civil Code, and other categories of public and private uses of land.~~
27 ~~The location and designation of the extent of the uses of the land~~
28 ~~for public and private uses shall consider the identification of land~~
29 ~~and natural resources pursuant to paragraph (3) of subdivision (d).~~
30 ~~The land use element shall include a statement of the standards of~~
31 ~~population density and building intensity recommended for the~~
32 ~~various districts and other territory covered by the plan. The land~~
33 ~~use element shall identify and annually review those areas covered~~
34 ~~by the plan that are subject to flooding identified by flood plain~~
35 ~~mapping prepared by the Federal Emergency Management Agency~~
36 ~~(FEMA) or the Department of Water Resources. The land use~~
37 ~~element shall also do both of the following:~~

38 ~~(1) Designate in a land use category that provides for timber~~
39 ~~production those parcels of real property zoned for timberland~~
40 ~~production pursuant to the California Timberland Productivity Act~~

1 of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1
2 of Division 1 of Title 5):

3 ~~(2) Consider the impact of new growth on military readiness~~
4 ~~activities carried out on military bases, installations, and operating~~
5 ~~and training areas, when proposing zoning ordinances or~~
6 ~~designating land uses covered by the general plan for land, or other~~
7 ~~territory adjacent to military facilities, or underlying designated~~
8 ~~military aviation routes and airspace.~~

9 ~~(A) In determining the impact of new growth on military~~
10 ~~readiness activities, information provided by military facilities~~
11 ~~shall be considered. Cities and counties shall address military~~
12 ~~impacts based on information from the military and other sources.~~

13 ~~(B) The following definitions govern this paragraph:~~

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

15 ~~(I) Training, support, and operations that prepare the men and~~
16 ~~women of the military for combat.~~

17 ~~(II) Operation, maintenance, and security of any military~~
18 ~~installation.~~

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

21 ~~(ii) “Military installation” means a base, camp, post, station,~~
22 ~~yard, center, homeport facility for any ship, or other activity under~~
23 ~~the jurisdiction of the United States Department of Defense as~~
24 ~~defined in paragraph (1) of subsection (g) of Section 2687 of Title~~
25 ~~10 of the United States Code.~~

26 ~~(b) (1) A circulation element consisting of the general location~~
27 ~~and extent of existing and proposed major thoroughfares,~~
28 ~~transportation routes, terminals, any military airports and ports,~~
29 ~~and other local public utilities and facilities, all correlated with the~~
30 ~~land use element of the plan.~~

31 ~~(2) (A) Commencing January 1, 2011, upon any substantive~~
32 ~~revision of the circulation element, the legislative body shall~~
33 ~~modify the circulation element to plan for a balanced, multimodal~~
34 ~~transportation network that meets the needs of all users of streets,~~
35 ~~roads, and highways for safe and convenient travel in a manner~~
36 ~~that is suitable to the rural, suburban, or urban context of the~~
37 ~~general plan.~~

38 ~~(B) For purposes of this paragraph, “users of streets, roads, and~~
39 ~~highways” mean bicyclists, children, persons with disabilities,~~

1 motorists, movers of commercial goods, pedestrians, users of public
2 transportation, and seniors.

3 ~~(e) A housing element as provided in Article 10.6 (commencing~~
4 ~~with Section 65580).~~

5 ~~(d) (1) A conservation element for the conservation,~~
6 ~~development, and utilization of natural resources including water~~
7 ~~and its hydraulic force, forests, soils, rivers and other waters,~~
8 ~~harbors, fisheries, wildlife, minerals, and other natural resources.~~

9 ~~The conservation element shall consider the effect of development~~
10 ~~within the jurisdiction, as described in the land use element, on~~
11 ~~natural resources located on public lands, including military~~
12 ~~installations. That portion of the conservation element including~~
13 ~~waters shall be developed in coordination with any countywide~~
14 ~~water agency and with all district and city agencies, including~~
15 ~~flood management, water conservation, or groundwater agencies~~
16 ~~that have developed, served, controlled, managed, or conserved~~
17 ~~water of any type for any purpose in the county or city for which~~
18 ~~the plan is prepared. Coordination shall include the discussion and~~
19 ~~evaluation of any water supply and demand information described~~
20 ~~in Section 65352.5, if that information has been submitted by the~~
21 ~~water agency to the city or county.~~

22 ~~(2) The conservation element may also cover all of the~~
23 ~~following:~~

24 ~~(A) The reclamation of land and waters.~~

25 ~~(B) Prevention and control of the pollution of streams and other~~
26 ~~waters.~~

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

29 ~~(D) Prevention, control, and correction of the erosion of soils,~~
30 ~~beaches, and shores.~~

31 ~~(E) Protection of watersheds.~~

32 ~~(F) The location, quantity and quality of the rock, sand, and~~
33 ~~gravel resources.~~

34 ~~(3) Upon the next revision of the housing element on or after~~
35 ~~January 1, 2009, the conservation element shall identify rivers,~~
36 ~~creeks, streams, flood corridors, riparian habitats, and land that~~
37 ~~may accommodate floodwater for purposes of groundwater~~
38 ~~recharge and stormwater management.~~

39 ~~(e) An open-space element as provided in Article 10.5~~
40 ~~(commencing with Section 65560).~~

1 ~~(f) (1) A noise element that shall identify and appraise noise~~
2 ~~problems in the community. The noise element shall analyze and~~
3 ~~quantify, to the extent practicable, as determined by the legislative~~
4 ~~body, current and projected noise levels for all of the following~~
5 ~~sources:~~
6 ~~(A) Highways and freeways.~~
7 ~~(B) Primary arterials and major local streets.~~
8 ~~(C) Passenger and freight online railroad operations and ground~~
9 ~~rapid transit systems.~~
10 ~~(D) Commercial, general aviation, heliport, helistop, and military~~
11 ~~airport operations, aircraft overflights, jet engine test stands, and~~
12 ~~all other ground facilities and maintenance functions related to~~
13 ~~airport operation.~~
14 ~~(E) Local industrial plants, including, but not limited to, railroad~~
15 ~~classification yards.~~
16 ~~(F) Other ground stationary noise sources, including, but not~~
17 ~~limited to, military installations, identified by local agencies as~~
18 ~~contributing to the community noise environment.~~
19 ~~(2) Noise contours shall be shown for all of these sources and~~
20 ~~stated in terms of community noise equivalent level (CNEL) or~~
21 ~~day-night average sound level (L_{dn}). The noise contours shall be~~
22 ~~prepared on the basis of noise monitoring or following generally~~
23 ~~accepted noise modeling techniques for the various sources~~
24 ~~identified in paragraphs (1) to (6), inclusive.~~
25 ~~(3) The noise contours shall be used as a guide for establishing~~
26 ~~a pattern of land uses in the land use element that minimizes the~~
27 ~~exposure of community residents to excessive noise.~~
28 ~~(4) The noise element shall include implementation measures~~
29 ~~and possible solutions that address existing and foreseeable noise~~
30 ~~problems, if any. The adopted noise element shall serve as a~~
31 ~~guideline for compliance with the state's noise insulation standards.~~
32 ~~(g) (1) A safety element for the protection of the community~~
33 ~~from any unreasonable risks associated with the effects of~~
34 ~~seismically induced surface rupture, ground shaking, ground~~
35 ~~failure, tsunami, seiche, and dam failure; slope instability leading~~
36 ~~to mudslides and landslides; subsidence; liquefaction; and other~~
37 ~~seismic hazards identified pursuant to Chapter 7.8 (commencing~~
38 ~~with Section 2690) of Division 2 of the Public Resources Code,~~
39 ~~and other geologic hazards known to the legislative body; flooding;~~
40 ~~and wildland and urban fires. The safety element shall include~~

1 mapping of known seismic and other geologic hazards. It shall
2 also address evacuation routes, military installations, peakload
3 water supply requirements, and minimum road widths and
4 clearances around structures, as those items relate to identified fire
5 and geologic hazards.

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

8 (A) ~~Identify information regarding flood hazards, including,~~
9 ~~but not limited to, the following:~~

10 (i) ~~Flood hazard zones. As used in this subdivision, “flood~~
11 ~~hazard zone” means an area subject to flooding that is delineated~~
12 ~~as either a special hazard area or an area of moderate or minimal~~
13 ~~hazard on an official flood insurance rate map issued by the Federal~~
14 ~~Emergency Management Agency (FEMA). The identification of~~
15 ~~a flood hazard zone does not imply that areas outside the flood~~
16 ~~hazard zones or uses permitted within flood hazard zones will be~~
17 ~~free from flooding or flood damage.~~

18 (ii) ~~National Flood Insurance Program maps published by~~
19 ~~FEMA.~~

20 (iii) ~~Information about flood hazards that is available from the~~
21 ~~United States Army Corps of Engineers.~~

22 (iv) ~~Designated floodway maps that are available from the~~
23 ~~Central Valley Flood Protection Board.~~

24 (v) ~~Dam failure inundation maps prepared pursuant to Section~~
25 ~~8589.5 that are available from the Office of Emergency Services.~~

26 (vi) ~~Awareness Floodplain Mapping Program maps and 200-year~~
27 ~~flood plain maps that are or may be available from, or accepted~~
28 ~~by, the Department of Water Resources.~~

29 (vii) ~~Maps of levee protection zones.~~

30 (viii) ~~Areas subject to inundation in the event of the failure of~~
31 ~~project or nonproject levees or floodwalls.~~

32 (ix) ~~Historical data on flooding, including locally prepared maps~~
33 ~~of areas that are subject to flooding, areas that are vulnerable to~~
34 ~~flooding after wildfires, and sites that have been repeatedly~~
35 ~~damaged by flooding.~~

36 (x) ~~Existing and planned development in flood hazard zones,~~
37 ~~including structures, roads, utilities, and essential public facilities.~~

38 (xi) ~~Local, state, and federal agencies with responsibility for~~
39 ~~flood protection, including special districts and local offices of~~
40 ~~emergency services.~~

- 1 ~~(B) Establish a set of comprehensive goals, policies, and~~
2 ~~objectives based on the information identified pursuant to~~
3 ~~subparagraph (A), for the protection of the community from the~~
4 ~~unreasonable risks of flooding, including, but not limited to:~~
5 ~~(i) Avoiding or minimizing the risks of flooding to new~~
6 ~~development.~~
7 ~~(ii) Evaluating whether new development should be located in~~
8 ~~flood hazard zones, and identifying construction methods or other~~
9 ~~methods to minimize damage if new development is located in~~
10 ~~flood hazard zones.~~
11 ~~(iii) Maintaining the structural and operational integrity of~~
12 ~~essential public facilities during flooding.~~
13 ~~(iv) Locating, when feasible, new essential public facilities~~
14 ~~outside of flood hazard zones, including hospitals and health care~~
15 ~~facilities, emergency shelters, fire stations, emergency command~~
16 ~~centers, and emergency communications facilities or identifying~~
17 ~~construction methods or other methods to minimize damage if~~
18 ~~these facilities are located in flood hazard zones.~~
19 ~~(v) Establishing cooperative working relationships among public~~
20 ~~agencies with responsibility for flood protection.~~
21 ~~(C) Establish a set of feasible implementation measures designed~~
22 ~~to carry out the goals, policies, and objectives established pursuant~~
23 ~~to subparagraph (B).~~
24 ~~(3) Upon the next revision of the housing element on or after~~
25 ~~January 1, 2014, the safety element shall be reviewed and updated~~
26 ~~as necessary to address the risk of fire for land classified as state~~
27 ~~responsibility areas, as defined in Section 4102 of the Public~~
28 ~~Resources Code, and land classified as very high fire hazard~~
29 ~~severity zones, as defined in Section 51177. This review shall~~
30 ~~consider the advice included in the Office of Planning and~~
31 ~~Research's most recent publication of "Fire Hazard Planning,~~
32 ~~General Plan Technical Advice Series" and shall also include all~~
33 ~~of the following:~~
34 ~~(A) Information regarding fire hazards, including, but not limited~~
35 ~~to, all of the following:~~
36 ~~(i) Fire hazard severity zone maps available from the Department~~
37 ~~of Forestry and Fire Protection.~~
38 ~~(ii) Any historical data on wildfires available from local agencies~~
39 ~~or a reference to where the data can be found.~~

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

3 ~~(iv) General location and distribution of existing and planned~~
4 ~~uses of land in very high fire hazard severity zones and in state~~
5 ~~responsibility areas, including structures, roads, utilities, and~~
6 ~~essential public facilities. The location and distribution of planned~~
7 ~~uses of land shall not require defensible space compliance measures~~
8 ~~required by state law or local ordinance to occur on publicly owned~~
9 ~~lands or open space designations of homeowner associations.~~

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

13 ~~(B) A set of goals, policies, and objectives based on the~~
14 ~~information identified pursuant to subparagraph (A) for the~~
15 ~~protection of the community from the unreasonable risk of wildfire.~~

16 ~~(C) A set of feasible implementation measures designed to carry~~
17 ~~out the goals, policies, and objectives based on the information~~
18 ~~identified pursuant to subparagraph (B) including, but not limited~~
19 ~~to, all of the following:~~

20 ~~(i) Avoiding or minimizing the wildfire hazards associated with~~
21 ~~new uses of land.~~

22 ~~(ii) Locating, when feasible, new essential public facilities~~
23 ~~outside of high fire risk areas, including, but not limited to,~~
24 ~~hospitals and health care facilities, emergency shelters, emergency~~
25 ~~command centers, and emergency communications facilities, or~~
26 ~~identifying construction methods or other methods to minimize~~
27 ~~damage if these facilities are located in a state responsibility area~~
28 ~~or very high fire hazard severity zone.~~

29 ~~(iii) Designing adequate infrastructure if a new development is~~
30 ~~located in a state responsibility area or in a very high fire hazard~~
31 ~~severity zone, including safe access for emergency response~~
32 ~~vehicles, visible street signs, and water supplies for structural fire~~
33 ~~suppression.~~

34 ~~(iv) Working cooperatively with public agencies with~~
35 ~~responsibility for fire protection.~~

36 ~~(D) If a city or county has adopted a fire safety plan or document~~
37 ~~separate from the general plan, an attachment of, or reference to,~~
38 ~~a city or county's adopted fire safety plan or document that fulfills~~
39 ~~commensurate goals and objectives and contains information~~
40 ~~required pursuant to this paragraph.~~

1 ~~(4) Upon the next revision of a local hazard mitigation plan,~~
2 ~~adopted in accordance with the federal Disaster Mitigation Act of~~
3 ~~2000 (Public Law 106-390), on or after January 1, 2017, or, if a~~
4 ~~local jurisdiction has not adopted a local hazard mitigation plan,~~
5 ~~beginning on or before January 1, 2022, the safety element shall~~
6 ~~be reviewed and updated as necessary to address climate adaptation~~
7 ~~and resiliency strategies applicable to the city or county. This~~
8 ~~review shall consider advice provided in the Office of Planning~~
9 ~~and Research's General Plan Guidelines and shall include all of~~
10 ~~the following:~~

11 ~~(A) (i) A vulnerability assessment that identifies the risks that~~
12 ~~climate change poses to the local jurisdiction and the geographic~~
13 ~~areas at risk from climate change impacts, including, but not limited~~
14 ~~to, an assessment of how climate change may affect the risks~~
15 ~~addressed pursuant to paragraphs (2) and (3).~~

16 ~~(ii) Information that may be available from federal, state,~~
17 ~~regional, and local agencies that will assist in developing the~~
18 ~~vulnerability assessment and the adaptation policies and strategies~~
19 ~~required pursuant to subparagraph (B), including, but not limited~~
20 ~~to, all of the following:~~

21 ~~(I) Information from the Internet-based Cal-Adapt tool.~~

22 ~~(II) Information from the most recent version of the California~~
23 ~~Adaptation Planning Guide.~~

24 ~~(III) Information from local agencies on the types of assets,~~
25 ~~resources, and populations that will be sensitive to various climate~~
26 ~~change exposures.~~

27 ~~(IV) Information from local agencies on their current ability to~~
28 ~~deal with the impacts of climate change.~~

29 ~~(V) Historical data on natural events and hazards, including~~
30 ~~locally prepared maps of areas subject to previous risk, areas that~~
31 ~~are vulnerable, and sites that have been repeatedly damaged.~~

32 ~~(VI) Existing and planned development in identified at-risk~~
33 ~~areas, including structures, roads, utilities, and essential public~~
34 ~~facilities.~~

35 ~~(VII) Federal, state, regional, and local agencies with~~
36 ~~responsibility for the protection of public health and safety and~~
37 ~~the environment, including special districts and local offices of~~
38 ~~emergency services.~~

1 ~~(B) A set of adaptation and resilience goals, policies, and~~
2 ~~objectives based on the information specified in subparagraph (A)~~
3 ~~for the protection of the community.~~

4 ~~(C) A set of feasible implementation measures designed to carry~~
5 ~~out the goals, policies, and objectives identified pursuant to~~
6 ~~subparagraph (B) including, but not limited to, all of the following:~~

7 ~~(i) Feasible methods to avoid or minimize climate change~~
8 ~~impacts associated with new uses of land.~~

9 ~~(ii) The location, when feasible, of new essential public facilities~~
10 ~~outside of at-risk areas, including, but not limited to, hospitals and~~
11 ~~health care facilities, emergency shelters, emergency command~~
12 ~~centers, and emergency communications facilities, or identifying~~
13 ~~construction methods or other methods to minimize damage if~~
14 ~~these facilities are located in at-risk areas.~~

15 ~~(iii) The designation of adequate and feasible infrastructure~~
16 ~~located in an at-risk area.~~

17 ~~(iv) Guidelines for working cooperatively with relevant local,~~
18 ~~regional, state, and federal agencies.~~

19 ~~(v) The identification of natural infrastructure that may be used~~
20 ~~in adaptation projects, where feasible. Where feasible, the plan~~
21 ~~shall use existing natural features and ecosystem processes, or the~~
22 ~~restoration of natural features and ecosystem processes, when~~
23 ~~developing alternatives for consideration. For the purposes of this~~
24 ~~clause, “natural infrastructure” means the preservation or~~
25 ~~restoration of ecological systems, or utilization of engineered~~
26 ~~systems that use ecological processes, to increase resiliency to~~
27 ~~climate change, manage other environmental hazards, or both.~~
28 ~~This may include, but is not limited to, floodplain and wetlands~~
29 ~~restoration or preservation, combining levees with restored natural~~
30 ~~systems to reduce flood risk, and urban tree planting to mitigate~~
31 ~~high heat days.~~

32 ~~(D) (i) If a city or county has adopted the local hazard~~
33 ~~mitigation plan, or other climate adaptation plan or document that~~
34 ~~fulfills commensurate goals and objectives and contains the~~
35 ~~information required pursuant to this paragraph, separate from the~~
36 ~~general plan, an attachment of, or reference to, the local hazard~~
37 ~~mitigation plan or other climate adaptation plan or document.~~

38 ~~(ii) Cities or counties that have an adopted hazard mitigation~~
39 ~~plan, or other climate adaptation plan or document that substantially~~
40 ~~complies with this section, or have substantially equivalent~~

1 provisions to this subdivision in their general plans, may use that
2 information in the safety element to comply with this subdivision,
3 and shall summarize and incorporate by reference into the safety
4 element the other general plan provisions, climate adaptation plan
5 or document, specifically showing how each requirement of this
6 subdivision has been met.

7 ~~(5) After the initial revision of the safety element pursuant to~~
8 ~~paragraphs (2), (3), and (4) upon each revision of the housing~~
9 ~~element, the planning agency shall review and, if necessary, revise~~
10 ~~the safety element to identify new information that was not~~
11 ~~available during the previous revision of the safety element.~~

12 ~~(6) Cities and counties that have flood plain management~~
13 ~~ordinances that have been approved by FEMA that substantially~~
14 ~~comply with this section, or have substantially equivalent~~
15 ~~provisions to this subdivision in their general plans, may use that~~
16 ~~information in the safety element to comply with this subdivision,~~
17 ~~and shall summarize and incorporate by reference into the safety~~
18 ~~element the other general plan provisions or the flood plain~~
19 ~~ordinance, specifically showing how each requirement of this~~
20 ~~subdivision has been met.~~

21 ~~(7) Prior to the periodic review of its general plan and prior to~~
22 ~~preparing or revising its safety element, each city and county shall~~
23 ~~consult the California Geological Survey of the Department of~~
24 ~~Conservation, the Central Valley Flood Protection Board, if the~~
25 ~~city or county is located within the boundaries of the Sacramento~~
26 ~~and San Joaquin Drainage District, as set forth in Section 8501 of~~
27 ~~the Water Code, and the Office of Emergency Services for the~~
28 ~~purpose of including information known by and available to the~~
29 ~~department, the agency, and the board required by this subdivision.~~

30 ~~(8) To the extent that a county's safety element is sufficiently~~
31 ~~detailed and contains appropriate policies and programs for~~
32 ~~adoption by a city, a city may adopt that portion of the county's~~
33 ~~safety element that pertains to the city's planning area in~~
34 ~~satisfaction of the requirement imposed by this subdivision.~~

35 ~~SEC. 3. Section 65560 of the Government Code is amended~~
36 ~~to read:~~

37 ~~65560. (a) "Local open-space plan" is the open-space element~~
38 ~~of a county or city general plan adopted by the board or council,~~
39 ~~either as the local open-space plan or as the interim local~~
40 ~~open-space plan adopted pursuant to Section 65563.~~

1 (b) “Open-space land” is any parcel or area of land or water that
2 is essentially unimproved and devoted to an open-space use as
3 defined in this section, and that is designated on a local, regional,
4 or state open-space plan as any of the following:

5 (1) Open space for the preservation of natural resources
6 including, but not limited to, areas required for the preservation
7 of plant and animal life, including habitat for fish and wildlife
8 species; areas required for ecologic and other scientific study
9 purposes; rivers, streams, bays, and estuaries; and coastal beaches,
10 lakeshores, banks of rivers and streams, and watershed lands.

11 (2) Open space used for the managed production of resources,
12 including, but not limited to, forest lands, rangeland, agricultural
13 lands, and areas of economic importance for the production of
14 food or fiber; areas required for recharge of groundwater basins;
15 bays, estuaries, marshes, rivers, and streams that are important for
16 the management of commercial fisheries; and areas containing
17 major mineral deposits, including those in short supply.

18 (3) Open space for outdoor recreation, including, but not limited
19 to, areas of outstanding scenic, historic, and cultural value; areas
20 particularly suited for park and recreation purposes, including
21 access to lakeshores, beaches, and rivers and streams; and areas
22 that serve as links between major recreation and open-space
23 reservations, including utility easements, banks of rivers and
24 streams, trails, and scenic highway corridors.

25 (4) Open space for public health and safety, including, but not
26 limited to, areas that require special management or regulation
27 because of hazardous or special conditions such as earthquake
28 fault zones, unstable soil areas, flood plains, watersheds, areas
29 presenting high fire risks, areas required for the protection of water
30 quality and water reservoirs, and areas required for the protection
31 and enhancement of air quality.

32 (5) Open space in support of the mission of military installations
33 that comprises areas adjacent to military installations, military
34 training routes, and underlying restricted airspace that can provide
35 additional buffer zones to military activities and complement the
36 resource values of the military lands.

37 (6) Open space for the protection of places, features, and objects
38 described in Sections 5097.9 and 5097.993 of the Public Resources
39 Code.

1 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
2 ~~Section 6 of Article XIII B of the California Constitution for certain~~
3 ~~costs because a local agency or school district has the authority to~~
4 ~~levy service charges, fees, or assessments sufficient to pay for the~~
5 ~~program or level of service mandated by this act, within the~~
6 ~~meaning of Section 17556 of the Government Code.~~

7 ~~However, if the Commission on State Mandates determines that~~
8 ~~this act contains other costs mandated by the state, reimbursement~~
9 ~~to local agencies and school districts for those costs shall be made~~
10 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
11 ~~4 of Title 2 of the Government Code.~~

12 ~~SEC. 5. This act is an urgency statute necessary for the~~
13 ~~immediate preservation of the public peace, health, or safety within~~
14 ~~the meaning of Article IV of the Constitution and shall go into~~
15 ~~immediate effect. The facts constituting the necessity are:~~

16 ~~In order to timely facilitate the orderly and efficient~~
17 ~~implementation of Chapter 639 of the Statutes of 2015, it is~~
18 ~~necessary that this act take effect immediately.~~