

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2108

Introduced by Assembly Member Eggman

February 20, 2014

An act to amend Section 65962 of the Government Code, relating to flood management.

LEGISLATIVE COUNSEL'S DIGEST

AB 2108, as amended, Eggman. Sacramento-San Joaquin Valley: flood management.

Existing law requires each city and county within the Sacramento-San Joaquin Valley, within 24 months of July 2, 2013, to amend its general plan to include specified data, policies, and implementation measures. The city or county is also required, not more than 12 months after the amendment of its general plan, to amend its zoning ordinance to be consistent with the general plan, as amended.

Existing law prohibits, after the general plan amendments and zoning ordinance amendments have become effective, each city and county within the Sacramento-San Joaquin Valley from approving specified permits that would result in specified construction located within a flood hazard zone unless the city or county makes ~~one of 4~~ specified findings, *including, among others, that property in an undetermined risk area has met the urban level of flood protection based on substantial evidence in the record.*

~~This bill would make a technical, nonsubstantive change to this provision~~ *eliminate the requirement that the city or county make the finding described above, and would, instead, require the city or county*

to make a finding that the project is located in a developed area, as defined.

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 65962 of the Government Code is
2 amended to read:

3 65962. (a) Notwithstanding any other law, after the
4 amendments required by Sections 65302.9 and 65860.1 have
5 become effective, each city and county within the Sacramento-San
6 Joaquin Valley shall not approve a discretionary permit or other
7 discretionary entitlement, or a ministerial permit that would result
8 in the construction of a new residence, for any project that is
9 located within a flood hazard zone unless the city or county finds,
10 based on substantial evidence in the record, one of the following:

11 (1) The facilities of the State Plan of Flood Control or other
12 flood management facilities protect the project to the urban level
13 of flood protection in urban and urbanizing areas or the national
14 Federal Emergency Management Agency standard of flood
15 protection in nonurbanized areas.

16 (2) The city or county has imposed conditions on the permit or
17 discretionary entitlement that will protect the project to the urban
18 level of flood protection in urban and urbanizing areas or the
19 national Federal Emergency Management Agency standard of
20 flood protection in nonurbanized areas.

21 (3) The local flood management agency has made adequate
22 progress on the construction of a flood protection system which
23 will result in flood protection equal to or greater than the urban
24 level of flood protection in urban or urbanizing areas or the national
25 Federal Emergency Management Agency standard of flood
26 protection in nonurbanized areas for property located within a
27 flood hazard zone, intended to be protected by the system. For
28 urban and urbanizing areas protected by project levees, the urban
29 level of flood protection shall be achieved by 2025.

30 ~~(4) The property in an undetermined risk area has met the urban~~
31 ~~level of flood protection based on substantial evidence in the record~~
32 *project is located in a developed area as defined by Section 59.1*
33 *of Title 44 of the Code of Federal Regulations.*

1 (b) The effective date of amendments referred to in this section
2 shall be the date upon which the statutes of limitation specified in
3 subdivision (c) of Section 65009 have run or, if the amendments
4 and any associated environmental documents are challenged in
5 court, the validity of the amendments and any associated
6 environmental documents has been upheld in a final decision.

7 (c) This section does not change or diminish existing
8 requirements of local flood plain management laws, ordinances,
9 resolutions, or regulations necessary to local agency participation
10 in the national flood insurance program.