



# Implementing California Flood Legislation into Local Land Use Planning: **A Handbook for Local Communities**

October 2010



California Department of Water Resources





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Division of Flood Management**

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**FloodSAFE California**

<http://www.water.ca.gov/floodsafe/>

In addition, the following agencies can be of assistance:

**Federal Emergency Management Agency (FEMA)**

<http://www.fema.gov/>

**California Geological Survey (CGS) of the Department of Conservation**

<http://www.conservation.ca.gov/>

**California Emergency Management Agency (Cal EMA)**

**Hazard Mitigation Branch**

<http://www.hazardmitigation.calema.ca.gov/>

**Governor's Office of Planning and Research (OPR)**

**State Clearinghouse & Planning**

<http://www.opr.ca.gov/>

**California Department of Housing and Community Development (HCD)**

**Division of Housing Policy Development**

<http://www.hcd.ca.gov/hpd/>

**Central Valley Flood Protection Board (CVFPB)**

**Encroachment Control & Land Use Section**

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# Executive Summary







# Executive Summary



*AB 162, SB 5, AB 70, and AB 156 were signed by Governor Schwarzenegger in 2007 adding to and amending State flood and land use management laws affecting cities' and counties' responsibilities related to local planning.*

The potential for flooding is a significant risk for many localities in California. Flood events can cause substantial economic, social, and environmental damage. In addition, many flood management practices can be costly and have considerable effects on the environment. One of the most effective ways to reduce the vulnerability to potential flooding is through careful land use planning that is fully informed by and reflective of applicable flood information and flood management practices. This Handbook supports the Department of Water Resources (DWR) FloodSAFE California initiative, which is a statewide initiative to improve public safety through an integrated approach to flood management.

Several bills were signed by Governor Schwarzenegger in 2007 adding to and amending State flood and land use management laws. These new laws are intended to improve local land use and other planning decisions by strengthening the link between land use and flood management. The laws contain requirements and considerations that outline a comprehensive approach to improving flood management at the State and local levels.

This Handbook includes the 2007 California flood risk management legislation affecting cities' and counties' responsibilities related to local planning requirements such as general plans, zoning ordinances, development agreements, tentative maps, and other actions. It does not address all flood management related legislation passed in 2007. For a complete summary of California flood legislation passed in 2007, refer to the 2007 California Flood Legislation Summary and Companion Reference issued by DWR at <http://www.water.ca.gov/legislation/2007-summary.pdf> and <http://www.water.ca.gov/legislation/2007-reference.pdf>.

## Handbook's Purpose

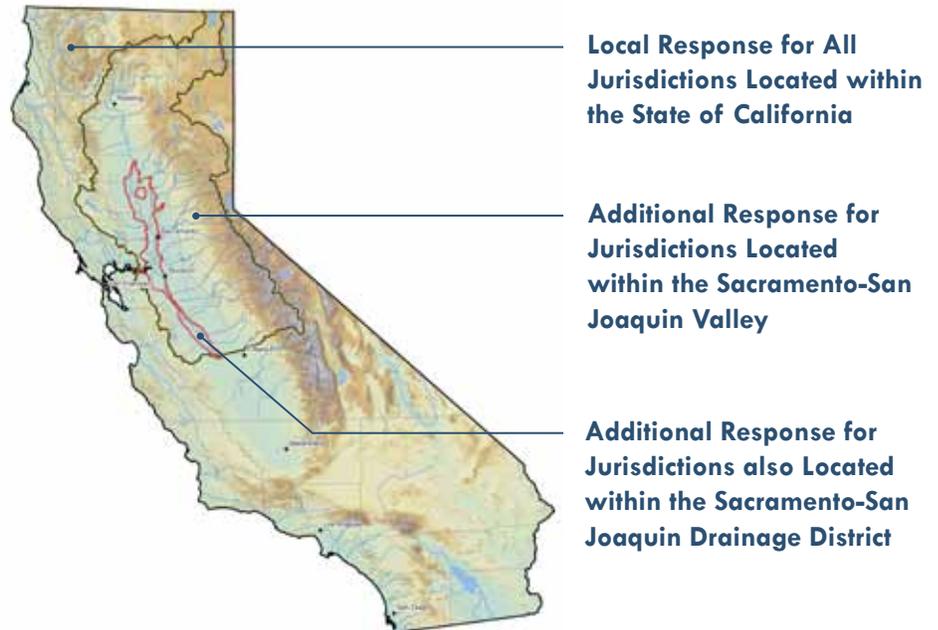
This Handbook is intended to assist cities, counties, and local agencies in complying with the provisions of the 2007 flood legislation related to local responsibility through:

1. Identifying new code requirements.
2. Noting additional factors and actions that jurisdictions should consider.
3. Highlighting the schedule for compliance.
4. Directing where jurisdictions can obtain more information and assistance.

## Executive Summary

Some of the requirements of the 2007 flood risk management legislation apply Statewide, with other additive provisions applicable to lands within the Sacramento-San Joaquin Valley (SSJV), and still others applicable to lands also within the Sacramento-San Joaquin Drainage District (SSJDD).

To reflect the geographic and additive nature of the legislation, this Handbook presents the new requirements in the following three key sections:



Because local conditions and solutions vary, the Handbook does not attempt to define specific policy or other solutions for compliance. Rather, it presents guidance and identifies resources to assist local jurisdictions in defining applicable flood information and in working with the appropriate agencies to develop locally relevant responses.



Responsible land use planning and flood risk management practices support the State's ongoing emphasis on sustainability by integrating natural systems with the built environment. A truly sustainable future depends upon a strong economy; healthy environment; safe, decent, and affordable housing; and the social well being of the State's residents. Local land use decisions that integrate flood risk management considerations contribute to a more sustainable California through reducing the economic, environmental, and social effects that can result from flooding.

## Summary of Requirements

The matrix on the following page provides a summary of the 2007 flood risk management legislative requirements by geographic region pertaining to local jurisdiction responsibilities.



2007 Flood Risk Management Legislation - Responsibility of Local Jurisdictions

Planning Documents and Tools	 State of California <sup>1</sup> Requirements	 Additional Sacramento-San Joaquin Valley <sup>2</sup> Requirements	 Additional Sacramento-San Joaquin Drainage District <sup>3</sup> Requirements
General Plan	--	<ul style="list-style-type: none"> <li>■ <b>Revise</b> applicable elements to include information, per Central Valley Flood Protection Plan</li> <li>■ <b>Prepare</b> goals, policies (objectives), and mitigation measures to protect from the risk of flooding, per Central Valley Flood Protection Plan</li> </ul>	<ul style="list-style-type: none"> <li>■ <b>Prior</b> to adoption or Amendment, <b>may refer</b> entire document to Central Valley Flood Protection Board</li> </ul>
General Plan Land Use Element	<ul style="list-style-type: none"> <li>■ <b>Identify</b> and <b>annually review</b> areas subject to flooding</li> <li>■ <b>Consider</b> location of natural resources used for groundwater recharge and stormwater management</li> </ul>	<ul style="list-style-type: none"> <li>■ <b>May be required</b>, see “general plan” above</li> </ul>	--
General Plan Conservation Element	<ul style="list-style-type: none"> <li>■ <b>Identify</b> areas that may accommodate floodwater for groundwater recharge and stormwater management</li> <li>■ In coordination with agencies, <b>develop</b> water resources section</li> </ul>	<ul style="list-style-type: none"> <li>■ <b>May be required</b>, see “general plan” above</li> </ul>	--

<sup>1</sup> All cities and counties.

<sup>2</sup> See Appendix A for a listing of cities and counties within the Sacramento-San Joaquin Valley.

<sup>3</sup> See Appendix B for a listing of cities and counties within the Sacramento-San Joaquin Drainage District.

# Executive Summary

## 2007 Flood Risk Management Legislation - Responsibility of Local Jurisdictions

Planning Documents and Tools	 State of California <sup>1</sup> Requirements	 Additional Sacramento-San Joaquin Valley <sup>2</sup> Requirements	 Additional Sacramento-San Joaquin Drainage District <sup>3</sup> Requirements
General Plan Safety Element	<ul style="list-style-type: none"> <li>■ <b>Identify and revise</b>, per new flood hazard information</li> <li>■ <b>Establish</b> goals, policies (objectives), and mitigation measures to protect from the risk of flooding</li> <li>■ <b>Allows</b> information in floodplain management ordinances to be used</li> </ul>	<ul style="list-style-type: none"> <li>■ <b>May be required</b>, see “general plan” above</li> </ul>	<ul style="list-style-type: none"> <li>■ <b>Prior</b> to preparation or revision, <b>consult</b> with Central Valley Flood Protection Board and other agencies</li> <li>■ <b>Prior</b> to adoption or Amendment, <b>submit</b> to Central Valley Flood Protection Board for review</li> </ul>
General Plan Housing Element & Regional Housing Needs Assessment	<ul style="list-style-type: none"> <li>■ <b>Consider and may exclude</b> land that is not adequately protected, to avoid the risk of flooding</li> </ul>	<ul style="list-style-type: none"> <li>■ <b>May be required</b>, see “general plan” row above</li> </ul>	--
Local Hazard Mitigation Plan	<ul style="list-style-type: none"> <li>■ <b>May adopt</b> safety element in conjunction with local hazard mitigation plan (financial benefits)</li> </ul>	--	--
Local Plan of Flood Protection	--	<ul style="list-style-type: none"> <li>■ <b>May prepare</b> according to Water Code guidelines</li> </ul>	--
Zoning Ordinance	--	<ul style="list-style-type: none"> <li>■ <b>Amend</b> for consistency, per amendments made to general plan, per Central Valley Flood Protection Plan</li> </ul>	--

<sup>1</sup> All cities and counties.

<sup>2</sup> See Appendix A for a listing of cities and counties within the Sacramento-San Joaquin Valley.

<sup>3</sup> See Appendix B for a listing of cities and counties within the Sacramento-San Joaquin Drainage District.



2007 Flood Risk Management Legislation - Responsibility of Local Jurisdictions

Planning Documents and Tools	 State of California <sup>1</sup> Requirements	 Additional Sacramento-San Joaquin Valley <sup>2</sup> Requirements	 Additional Sacramento-San Joaquin Drainage District <sup>3</sup> Requirements
Development Agreement	--	<ul style="list-style-type: none"> <li>■ <b>Cannot enter into</b> for any property within a flood hazard zone <b>unless</b> the adequacy of flood protection specific to the area has been demonstrated</li> </ul>	--
Discretionary Permit, Discretionary Entitlement, or Ministerial Permit	--	<ul style="list-style-type: none"> <li>■ <b>Cannot approve</b> for a project that would result in construction of a new residence within a flood hazard zone <b>unless</b> the adequacy of flood protection specific to the area has been demonstrated</li> </ul>	--
Tentative Map or Parcel Map	--	<ul style="list-style-type: none"> <li>■ <b>Cannot approve</b> for any subdivision within a flood hazard zone <b>unless</b> the adequacy of flood protection specific to the area has been demonstrated</li> </ul>	--
Levee Flood Protection Zone (LFPZ)	--	<ul style="list-style-type: none"> <li>■ Counties to <b>provide</b> list of property owners within a LFPZ</li> </ul>	--
Flood Emergency Plans	--	<ul style="list-style-type: none"> <li>■ <b>Develop</b> consistent with Central Valley Flood Protection Plan</li> <li>■ <b>Prior</b> to preparation, counties to collaborate with cities</li> </ul>	--

<sup>1</sup> All cities and counties.

<sup>2</sup> See Appendix A for a listing of cities and counties within the Sacramento-San Joaquin Valley.

<sup>3</sup> See Appendix B for a listing of cities and counties within the Sacramento-San Joaquin Drainage District.

# Executive Summary

## 2007 Flood Risk Management Legislation - Responsibility of Local Jurisdictions

Planning Documents and Tools	 State of California <sup>1</sup> Requirements	 Additional Sacramento-San Joaquin Valley <sup>2</sup> Requirements	 Additional Sacramento-San Joaquin Drainage District <sup>3</sup> Requirements
Relocation Assistance	--	<ul style="list-style-type: none"> <li>Consistent with Central Valley Flood Protection Plan, <b>collaborate</b> with State and local flood management agencies <b>to provide</b> assistance</li> </ul>	--
Funding Mechanisms	--	<ul style="list-style-type: none"> <li>Consistent with Central Valley Flood Protection Plan, <b>collaborate</b> with State and local flood management agencies <b>to develop</b> mechanisms</li> </ul>	--
Flood Management Report of Information (Local Agency Reports)	--	<ul style="list-style-type: none"> <li><b>Prepare</b> and <b>annually submit</b> to DWR, those responsible for O&amp;M of a project levee or nonproject levee that also benefits land within the project levee boundary</li> </ul>	--
Safety Plan	--	<ul style="list-style-type: none"> <li><b>Prepare</b> jointly, city or county protected by a project levee, with the agency responsible for O&amp;M of the project levee</li> </ul>	--

<sup>1</sup> All cities and counties.

<sup>2</sup> See Appendix A for a listing of cities and counties within the Sacramento-San Joaquin Valley.

<sup>3</sup> See Appendix B for a listing of cities and counties within the Sacramento-San Joaquin Drainage District.



The matrix below provides an overview of the schedule for compliance (i.e., effective date) for implementing the 2007 California flood legislation into local land use planning efforts.

<b>2007 Flood Risk Management Legislation – Timeline for Implementation into Local Land Use Planning</b>			
<b>Schedule for Compliance</b>	<b>Planning Documents and Tools/Code Sections</b>	<b>Anticipated Action</b>	<b>Geographic Region</b>
January 1, 2007	Local Hazard Mitigation Plan/Government Code Sections 65302.6 and 8685.9	Cities and counties may adopt a Safety Element in conjunction with a Local Hazard Mitigation Plan (financial benefits)	
January 1, 2008	General Plan Land Use Element/Government Code Section 65302(a)	Cities and counties to identify and annually review areas subject to flooding	
	General Plan Housing Element – Regional Housing Needs Assessment/Government Code Section 65584.04 and 65584.06	COG, or HCD in non-COG areas, to consider and may exclude lands where FEMA or DWR has determined that the flood management infrastructure is not adequate to avoid the risk of flooding <sup>1</sup>	
	Local Flood Liability/Water Code Section 8307	Any new development approved by cities or counties may be subject to liability provisions, if the jurisdiction’s action to approve was unreasonable	
	General Plan/Government Code Section 65352	Cities and counties prior to adoption or amendment may submit to the Central Valley Flood Protection Board for review and comment	
	General Plan Safety Element/Government Code Section 65302(g)(5)	Cities and counties prior to preparation or revision must consult with the Central Valley Flood Protection Board	
	General Plan Safety Element/Government Code Section 65302.7	Cities and counties 90-days prior to adoption or amendment must submit to Central Valley Flood Protection Board for review and comment	

<sup>1</sup> It should be noted that implementation for COGs, or HCD in non-COG areas, will become applicable after January 1, 2008. New RHNA methodology processes will not be initiated until the fifth revision housing element update cycle begins, which is anticipated between 2010 and 2014.



## Executive Summary

### 2007 Flood Risk Management Legislation – Timeline for Implementation into Local Land Use Planning

Schedule for Compliance	Planning Documents and Tools/Code Sections	Anticipated Action	Geographic Region
After January 1, 2008, annually thereafter on or before September 30	Flood Management Report of Information (Local Agency Reports)/Water Code Section 9140	Local agencies responsible for the operation and maintenance of a project levee to submit a Report of Information to DWR for inclusion in periodic flood management reports relating to the project levee	
After January 1, 2008, within two years of the allocation or expenditure of State funds to update a project levee	Safety Plan/Water Code Section 9650	Local agencies responsible for the operation and maintenance of a project levee and any city or county protected by the project levee must enter into an agreement to adopt a Safety Plan	
On or after January 1, 2009, upon the next revision of the General Plan Housing Element <sup>2</sup>	General Plan Conservation Element/Government Code Section 65302(d)	Cities and counties to identify areas that may accommodate floodwater for groundwater recharge and stormwater management	
	General Plan Safety Element/Government Code Section 65302(g)	Cities and counties to identify and revise per new flood hazard information	
January 1, 2010	Funding Mechanisms/Water Code Section 9623	Cities and counties to collaborate with State and local flood management agencies to develop funding mechanisms to finance local flood protection responsibilities <sup>3</sup>	

<sup>2</sup> It should be noted that the COGs (and associated cities and counties) with fourth housing element update revision cycle due dates before January 1, 2009 include the Council of Fresno County Governments, Kern Council of Governments, Sacramento Area Council of Governments, Southern California Association of Governments, and San Diego Association of Governments. All other COGs (and associated cities and counties) in the State have fourth revision due dates after January 1, 2009 (i.e., June 30, 2009 or August 31, 2009).

<sup>3</sup> It should be noted that the legislation states this action should be consistent with the adoption of the Central Valley Flood Protection Plan (required by July 1, 2012), which falls after the statutory deadline for development of funding mechanisms. Therefore, cities and counties should consider participating in the development of the Central Valley Flood Protection Plan.



**2007 Flood Risk Management Legislation – Timeline for Implementation into Local Land Use Planning**

Schedule for Compliance	Planning Documents and Tools/Code Sections	Anticipated Action	Geographic Region
July 1, 2012	Central Valley Flood Protection Plan/Water Code Section 9612	Central Valley Flood Protection Board adoption	
Post CVFPP adoption	Local Plan of Flood Protection/Water Code Section 8201	Local agency may prepare according to Water Code guidelines	
	Relocation Assistance/Water Code Section 9622	Cities and counties to collaborate with State and local flood management agencies to provide relocation assistance for reducing flood risk to existing economically disadvantaged nonurbanized communities consistent with the adoption of the Central Valley Flood Protection Plan	
Within 24 months of CVFPP adoption	General Plan/Government Code Section 65302.9	Cities and counties to amend applicable elements to include information per Central Valley Flood Protection Plan	
	Flood Emergency Plans/Water Code Section 9621	Cities and counties to collaborate and develop plans consistent with the adoption of the Central Valley Flood Protection Plan	

# Executive Summary



## 2007 Flood Risk Management Legislation – Timeline for Implementation into Local Land Use Planning

Schedule for Compliance	Planning Documents and Tools/Code Sections	Anticipated Action	Geographic Region
Within 36 months of CVFPP adoption	Zoning Ordinance/ Government Code Section 65860.1	Cities and counties to amend for consistency per amendments made to the General Plan per Central Valley Flood Protection Plan	
Post CVFPP adoption and amendments to the General Plan and Zoning Ordinance	Development Agreements/ Government Code Section 65865.5	Cannot enter into for any property within a flood hazard zone unless the adequacy of flood protection specific to the area has been demonstrated	
	Discretionary Permits, Discretionary Entitlements or Ministerial Permits/ Government Code Section 65962	Cannot approve for a project that would result in the construction of a new residence within a flood hazard zone unless the adequacy of flood protection specific to the area has been demonstrated	
	Tentative Maps or Parcel Maps/ Government Code Section 66474.5	Cannot approve for any subdivision within a flood hazard zone unless the adequacy of flood protection specific to the area has been demonstrated	
2025	Urban Level of Flood Protection/ Water Code Section 9602	Achieve urban level of flood protection for urban and urbanizing areas protected by project levees (i.e., 200-year)	



# Introduction

# 1.0







## Introduction

The Department of Water Resources (DWR) launched FloodSAFE California in 2006. FloodSAFE California is a multifaceted statewide initiative to improve public safety through integrated flood management. The Vision of FloodSAFE is:

*A sustainable integrated flood management and emergency response system throughout California that improves public safety, protects and enhances environmental and cultural resources, and supports economic growth by reducing the probability of destructive floods, promoting beneficial floodplain processes, and lowering the damages caused by flooding.*

FloodSAFE includes four major categories of actions, as illustrated below:




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*This Handbook supports the FloodSAFE initiative to inform and assist the public.*

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This Handbook supports the FloodSAFE initiative to inform and assist the public. The Handbook provides information and is a resource to assist cities and counties on how to respond to the requirements of the 2007 California flood legislation related to local planning responsibilities, which necessitates the consideration of flood risk management in local land use and other decision making processes. DWR is committed to providing leadership and cooperation with local jurisdictions and state agencies in complying with flood risk management legislation and promoting integrated and sustainable flood management programs.

Although the majority of the State legislation covered in this Handbook was chartered in 2007, there are two government code sections included that were chartered in 2006 as part of Assembly Bill 2140. For ease of discussion, the Handbook refers to the above flood and land use management law as part of the 2007 legislation.

## 1.0 Introduction

### 1.1 Background

The occurrence of flooding in California is an increasing safety, economic, and environmental concern. Severe flood damage has occurred periodically in the State in past decades, and smaller localized flooding occurs on an annual basis. The development of areas that are susceptible to potential flooding exposes people and property to flood risk that affects personal safety and economic stability. Potential flood damage to homes, businesses, industries, and infrastructure can be devastating in terms of personal loss and the costs of repairs and replacement of damaged properties. For these reasons, flood management in California, particularly within the Central Valley, is not only important but critical to the State's well being and success.



Recognizing the significance of this issue, Governor Schwarzenegger signed several flood and land use management bills into law in 2007. These new laws strengthen the link between local land use decisions and regional flood management. The intent is to improve local planning decisions within flood prone areas by facilitating coordination between land use and flood risk management agencies, ensuring local planning decisions are based on accurate and up to date flood management information, and supporting local decisions that are reflective of Statewide and regional flood management plans and objectives.

Table 1 identifies the specific legislation addressed in this Handbook. The focus is on 2007 flood legislation that affects cities' and counties' responsibilities related to local land use planning requirements. Table 1 correlates Assembly and Senate Bill numbers with the relevant California Government and Water Code sections and identifies the geographic region of applicability for each section. Collectively, these bills and the Government and Water Code sections contain requirements and considerations that outline a comprehensive approach to improving flood management at the State and local levels. Full text excerpts of the code sections referred to in this Handbook are provided in Appendix E or for a complete listing of California codes, refer to <http://www.leginfo.ca.gov/calaw.html>.

### 1.2 Handbook Geography and Organization

As is reflected in Table 1, the applicability of recent flood risk management legislation in California varies depending upon where a city or county is located. There are provisions that are applicable to all jurisdictions within the State. Others are additive and apply only to unique geographic regions; specifically lands within the Sacramento-San Joaquin Valley (SSJV) and lands within the Sacramento-San Joaquin Drainage District



**Table 1: 2007 California Flood Legislation Affecting Local Responsibilities and Correlating Government Code and Water Code Sections**

Bill Number	Code/Section	Area of Applicability
Assembly Bill 162	Government Code 65302	 State of California
	Government Code 65303.4	
	Government Codes 65584.04	
	Government Codes 65584.06	 Sacramento-San Joaquin Drainage District
	Government Code 65302(g)(5)	
	Government Code 65302.7	
Senate Bill 5	Government Code 65352	 Sacramento-San Joaquin Valley
	Government Code 65302.9	
	Government Code 65860.1	
	Government Code 65865.5	
	Government Code 65962	
	Government Code 66474.5	
	Water Codes 8200	
	Water Codes 8201	
	Water Code 9600	
	Water Code 9601	
	Water Code 9602	
Water Code 9612		
Water Code 9621		
Water Code 9622		
Water Code 9623		
Assembly Bill 70	Water Code 8307	 Sacramento-San Joaquin Valley
Assembly Bill 2140 <sup>1</sup>	Government Code 65302.6	 State of California
	Government Code 8685.9	
Assembly Bill 156	Water Code 9121(c)	 Sacramento-San Joaquin Valley
	Water Code 9140	
	Water Code 9650	

<sup>1</sup>Passed by the State Legislature in 2006, and was effective on January 1, 2007.

# 1.0 Introduction

(SSJDD). It should be noted that the legislation discussed in this Handbook is relevant to all general law and chartered cities, counties, and local governments within the State.

This Handbook includes an Introduction (Section 1.0), three subsequent sections to assist in the identification of the new legislative requirements for each of the three geographic regions (Sections 2.0, 3.0, and 4.0), a glossary of definitions that are relevant to this Handbook (Section 5.0), and appendices. The following illustrates the organization of this Handbook:

<b>Section 1.0</b>		Introduction
<b>Section 2.0</b>		Local Response for All Jurisdictions Located within the State of California
<b>Section 3.0</b>		Additional Response for Jurisdictions Located within the Sacramento-San Joaquin Valley
<b>Section 4.0</b>		Additional Response for Jurisdictions also Located within the Sacramento-San Joaquin Drainage District
<b>Section 5.0</b>		Definitions
<b>Appendix A</b>		Cities and Counties Located within the Sacramento-San Joaquin Valley
<b>Appendix B</b>		Cities and Counties Located within the Sacramento-San Joaquin Drainage District
<b>Appendix C</b>		General Plan Safety Element Review Crosswalk, or checklist of requirements, for cities and counties located within the Sacramento-San Joaquin Drainage District to complete when preparing and submitting General Plan Safety Elements to the Central Valley Flood Protection Board. The Review Crosswalk is also a tool the Board will utilize when reviewing Safety Elements.
<b>Appendix D</b>		Flood Risk Management Matrix of Overlapping Requirements & Suggested Actions for certain documents and plans.
<b>Appendix E</b>		Applicable California Government Code and Water Code Sections referenced in this Handbook.



## 1.3 Guide to Using this Handbook

The focus of this Handbook is upon identifying how the 2007 flood legislation related to local responsibilities affects cities and counties in implementing planning documents and tools such as general plans, zoning ordinances, development agreements, subdivision maps, and discretionary and ministerial actions. This Handbook presents general guidance, identifies informational resources to help cities and counties develop locally relevant responses through obtaining applicable flood information, and notes appropriate agencies that can offer assistance.

This Handbook does not attempt to define specific policy or other solutions for compliance related to local responsibilities and implementation of the 2007 flood legislation. This Handbook also does not address all flood management related legislation passed in 2007, including those requirements related to the State's responsibilities. For other flood related legislation passed in 2007, refer to the *2007 California Flood Legislation Summary and Companion Reference* issued by DWR. Copies of these documents can be found at <http://www.water.ca.gov/legislation/2007-summary.pdf> and <http://www.water.ca.gov/legislation/2007-reference.pdf>. For a complete listing of California codes, including the two government code sections in Table 1 that were chartered in 2006 (Assembly Bill 2140), refer to <http://www.leginfo.ca.gov/calaw.html>.



*The focus of this Handbook is upon identifying how the 2007 flood legislation affects local jurisdictions.*

### 1.3.1 Depending on Where My Jurisdiction is Located, How do I Know Which Requirements Apply?

The overlapping and additive nature of the legislative requirements is geographically illustrated on Figure 1 and summarized according to the particular Government and Water Code sections on Figure 2. All local jurisdictions located within the State of California are required to comply with the requirements in Government and Water Code sections described in detail in Section 2.0.

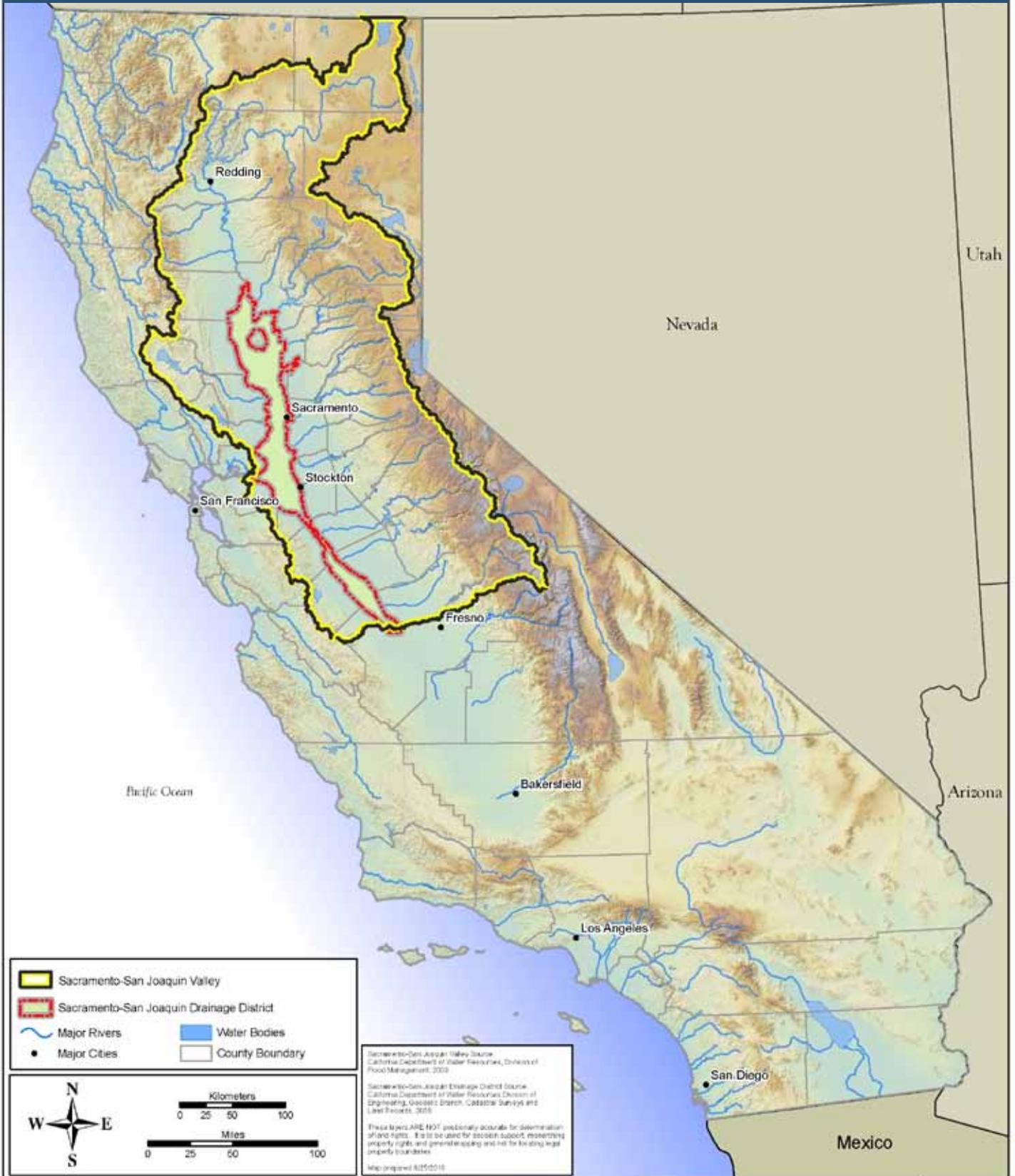
Local jurisdictions located within the SSJV boundary are required to comply with those requirements applicable Statewide (Section 2.0) as well as those additional requirements specific to the SSJV (Section 3.0).

Local jurisdictions located within the SSJDD boundary are required to comply with those requirements applicable Statewide (Section 2.0), those requirements applicable to the SSJV (Section 3.0), and those additional requirements specific to the SSJDD (Section 4.0).

*For clarification, if a county, city, or parcel of land is partially within the SSJV then the Government Code and Water Code sections described in Section 3.0 apply, but only to the extent of the land that is actually located within the SSJV boundary. Likewise, if a county, city, or parcel of land is partially within the SSJDD then the Government Code sections described in Section 4.0 apply, but only to the extent of the land that is actually located within the SSJDD boundary.*

# 1.0 Introduction

### FIGURE 1: GEOGRAPHIC REGIONS





**FIGURE 2: SUMMARY OF CODE SECTIONS BY GEOGRAPHIC REGION**

If your jurisdiction is located within

***California...***



...then the following Government Code sections affect your jurisdiction...

- |                         |                          |
|-------------------------|--------------------------|
| Government Code 65302   | Government Code 65584.04 |
| Government Code 65302.6 | Government Code 65584.06 |
| Government Code 65303.4 | Government Code 8685.9   |

If your jurisdiction is located within the

***Sacramento-San Joaquin Valley...***



...then you are subject to Statewide requirements, and the following additional Government Code and Water Code sections affect your jurisdiction...

- |                         |                    |                 |
|-------------------------|--------------------|-----------------|
| Government Code 65302.9 | Water Code 8201    | Water Code 9602 |
| Government Code 65860.1 | Water Code 8307    | Water Code 9612 |
| Government Code 65865.5 | Water Code 9121(c) | Water Code 9621 |
| Government Code 65962   | Water Code 9140    | Water Code 9622 |
| Government Code 66474.5 | Water Code 9600    | Water Code 9623 |
| Water Code 8200         | Water Code 9601    | Water Code 9650 |

If your jurisdiction is located within the

***Sacramento-San Joaquin Drainage District...***



...then you are subject to Statewide requirements, Sacramento-San Joaquin Valley requirements, and the following additional Government Code sections affect your jurisdiction...

- |                             |                       |
|-----------------------------|-----------------------|
| Government Code 65302(g)(5) | Government Code 65352 |
| Government Code 65302.7     |                       |

## 1.0 Introduction

### 1.3.2 How do I Analyze the Requirements that Apply to My Jurisdiction?

Sections 2.0, 3.0, and 4.0 of this Handbook are organized by the applicable Government and Water Code sections and are further divided into the following four descriptive parts that help the reader navigate the new requirements:

#### **Cities and Counties Are Now Required To...**

- Describes the requirements of each code section(s), often times quoting the specific code language for reference.

#### **Cities and Counties Should Consider...**

- Offers practical resource guidance and implementation actions to consider.

#### **Cities and Counties Must Comply By...**

- Provides the effective date, or the date on which the code section takes effect. Additional compliance dates may be required by other related State law requirements. For some code sections the reality of implementing the required action may not become applicable until sometime after the effective date.

#### **Obtain More Information Here...**

- Includes resources and assistance on how and where to access additional information, including links to agency websites.

It should be noted that some of the legislation passed in 2007 is discretionary, not mandatory, and in those instances the reader will notice the four parts described above use the language “may” in place of “required.”



## 1.4 The Department of Water Resources' Role

DWR's Division of Flood Management administers programs aimed at reducing the loss of life and damage to property due to the threat of flooding by partnering with local, regional, state, tribal, and federal officials to create sustainable, integrated flood management and emergency response systems throughout California.



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*It is the mission of DWR “to manage the water resources of California, in cooperation with other agencies, to benefit the State’s people, and to protect, restore, and enhance the natural and human environments.”*

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A key role of DWR and its Division of Flood Management is to coordinate with and provide assistance to local jurisdictions in addressing flood risk management issues. For example, Government Code Section 65303.4 specifically encourages DWR, and now the Central Valley Flood Protection Board as a result of the 2007 legislation, to “develop site design and planning policies to assist local agencies which request help in implementing the general plan guidelines for meeting flood control objectives and other land management needs.”

The Division of Flood Management’s coordination extends to other agencies to further assist local jurisdictions in cooperatively addressing the relevant flood risk management legislation. The following agencies were consulted during the preparation of this Handbook:

- Federal Emergency Management Agency (FEMA)
- California Geological Survey (CGS) of the Department of Conservation
- California Emergency Management Agency (Cal EMA)

# 1.0 Introduction

- Governor's Office of Planning and Research (OPR)
- California Department of Housing and Community Development (HCD)
- Central Valley Flood Protection Board (CVFPB)

*For purposes of this Handbook, DWR's responsibility is advisory and limited to providing assistance and acting as a resource to cities and counties.*

For purposes of this Handbook, DWR's responsibility is advisory and limited to providing assistance and acting as a resource to cities and counties as they pursue compliance with the provisions of the 2007 flood legislation. Some of the legislation specifically names DWR as the source for assistance with obtaining flood risk information, including, but not limited to Government Code Sections 65302, 65584.04, and 65302.9 and Water Code Section 9650.



This Handbook includes information and identifies helpful resources on how local governments can comply with the 2007 legislation that affects local land use planning. In particular, DWR can offer constructive assistance to local jurisdictions with the review and interpretation of its floodplain mapping programs and can act as a source of information for other DWR flood management activities such as flood forecasting, flood operations, flood emergency response, levee repairs and projects, and floodplain management.

For further information and assistance regarding this Handbook and with implementing the 2007 State flood risk management legislation, please contact DWR at:

### Division of Flood Management

<http://www.water.ca.gov/floodmgmt/>

This Handbook can be  
downloaded at:

### Implementing California Flood Legislation into Local Land Use Planning Handbook Project website

<http://www.water.ca.gov/localfloodriskplanning/>



**Local Response for all Jurisdictions Located  
within the State of California**

**2.0**







All local governments located within the State of California (Figure 3) are required to comply with portions of the new flood risk management requirements included within the Government Code. Typical local **planning documents and tools** that are affected by these requirements are outlined in Figure 4, and listed below with a reference to the section of this Handbook where the information can be found:

- General Plan Land Use Element (Section 2.1.1)
- General Plan Conservation Element (Section 2.1.2)
- General Plan Safety Element (Section 2.1.3)
- General Plan Housing Element and Regional Housing Needs Assessment (Section 2.2.1)
- Local Hazard Mitigation Plan (Section 2.3.1)

An overview of the Government Code sections that affect jurisdictions within the State are summarized in Table 2.



## Local Response for All Jurisdictions Located within the State of California



# 2.0 State of California

**FIGURE 3: STATE OF CALIFORNIA**





**FIGURE 4: STATE OF CALIFORNIA AFFECTED PLANNING DOCUMENTS AND TOOLS**

If your jurisdiction is located within *California...*  
 ...then the following Government Code sections affect your...

**GENERAL PLAN  
 LAND USE ELEMENT**

See Section 2.1  
 Government Code Section  
 65302 (a)

- Identify and annually review those areas that are subject to flooding
- Consider the location of resources that are used for groundwater recharge and stormwater management

**GENERAL PLAN  
 CONSERVATION ELEMENT**

See Section 2.1  
 Government Code Section  
 65302 (d)

- Identify areas that may accommodate floodwater for purposes of groundwater recharge and stormwater management

**GENERAL PLAN  
 SAFETY ELEMENT**

See Section 2.1  
 Government Code Section  
 65302 (g)

- Identify flood hazard information
- Establish goals, policies, objectives, and feasible implementation measures to protect communities from unreasonable risk of flooding
- Allow information in floodplain management ordinances to be used

**GENERAL PLAN  
 HOUSING ELEMENT**

See Section 2.2  
 Government Code Sections  
 65584.04 and 65584.06

- Require that methodology for allocating regional housing needs to consider that available lands suitable for urban development may exclude lands where FEMA or DWR has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding

**OTHER PLANNING  
 DOCUMENT**

See Section 2.3  
 Government Code Sections  
 65302.6 and 8685.9

- Allow the adoption of a **local hazard mitigation plan** in conjunction with the safety element

# 2.0 State of California

**Table 2: Overview of Codes Applicable to Local Jurisdictions in the State of California<sup>1</sup>**

Code/Section	Overview of Requirements	Affected Planning Documents and Tools	Schedule for Compliance	Section Reference	
				Discussion and Page Number(s)	Code Excerpt
Government Code 65302	<p>Cities and counties are required to amend the land use, conservation, and safety elements of the general plan to consider and address flood risks.</p> <ul style="list-style-type: none"> <li>Identify and annually review those areas subject to flooding. Consider the location of water and natural resources that are used for the purposes of groundwater recharge and stormwater management.</li> <li>Identify areas that may accommodate floodwater for the purposes of groundwater recharge and stormwater management. Water resources section must be developed in coordination with applicable flood management, water conservation and groundwater agencies.</li> <li>Identify flood hazard information and establish goals, policies, objectives, and feasible mitigation measures to protect communities from unreasonable risk of flooding. Review, and if necessary, revise the safety element to identify new flood hazard information.</li> <li>Allow floodplain management ordinances that have been approved by FEMA to be used in the safety element to comply.</li> </ul>	General Plan  Land Use Element  Conservation Element  Safety Element	Land Use Element – January 1, 2008  Conservation Element – upon the next revision of the Housing Element on, or after, January 1, 2009 <sup>2</sup>  Safety Element (Section 65302(g) (2) and (3) – upon the next revision of the Housing Element on, or after, January 1, 2009 <sup>2</sup>  Safety Element (Section 65302(g)(4)) – January 1, 2008	Section 2.1 Page 26	Appendix E

<sup>1</sup> All cities and counties.  
<sup>2</sup> It should be noted that the COGs (and associated cities and counties) with fourth housing element update revision cycle due dates before January 1, 2009 include the Council of Fresno County Governments, Kern Council of Governments, Sacramento Area Council of Governments, Southern California Association of Governments, and San Diego Association of Governments. All other COGs (and associated cities and counties) in the State have fourth revision due dates after January 1, 2009 (i.e., June 30, 2009 or August 31, 2009).



**Table 2: Overview of Codes Applicable to Local Jurisdictions in the State of California<sup>1</sup>**

Code/Section	Overview of Requirements	Affected Planning Documents and Tools	Schedule for Compliance	Section Reference	
				Discussion and Page Number(s)	Code Excerpt
Government Codes 65584.04 and 65584.06	The Council of Governments or the Department of Housing and Community Development in non-Council of Governments areas, when developing the methodology for distributing the existing and projected regional housing need to cities and counties, are required to factor in that the available land suitable for urban development may exclude lands where FEMA or DWR has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.	General Plan Housing Element	January 1, 2008 <sup>3</sup>	Section 2.2 Page 40	Appendix E
Government Code 65302.6	Authorizes, but does not require, cities and counties to adopt a local hazard mitigation plan specified in the Federal Disaster Mitigation Act of 2000 in conjunction with the safety element of the general plan.	General Plan Safety Element, Local Hazard Mitigation Plan	Upon revision, or adoption, of the Safety Element or Local Hazard Mitigation Plan after January 1, 2007 <sup>4</sup>	Section 2.3 Page 43	Appendix E
Government Code 8685.9	Prohibits the State share for any eligible project under the California Disaster Assistance Act from exceeding 75% of total State eligible costs unless the local agency is located within a city, county, or city and county that has adopted a local hazard mitigation plan in accordance with the Federal Disaster Mitigation Act of 2000 as part of the safety element of its general plan. In other words, the Legislature may provide for a State share of local costs that exceeds 75% of total State eligible costs if the local agency has an adopted local hazard mitigation plan.	Local Hazard Mitigation Plan	After January 1, 2007 <sup>4</sup>	Section 2.3 Page 43	Appendix E



<sup>1</sup> All cities and counties.  
<sup>3</sup> It should be noted that implementation for COGs, or HCD in non-COG areas, will become applicable after January 1, 2008. New RHNA methodology processes will not be initiated until the fifth revision housing element update cycle begins, which is anticipated in 2010 or 2011.  
<sup>4</sup> The changes to Government Code Sections 65302.6 and 8685.9 chartered in 2006, and was effective on January 1, 2007.

## 2.0 State of California



*DWR consults with OPR on flood risk management in relation to the California General Plan Guidelines. DWR can provide assistance and act as a bridge between flood hazard management and local land use planning.*

### 2.1 Government Code Section 65302

2007 State legislation has amended Government Code Section 65302 to now require cities and counties located within the State to review the land use, conservation, and safety elements of the general plan “for the consideration of flood hazards, flooding, and floodplains” to address flood risks.

It is important to note that any amendments to the land use, conservation, and safety elements, based on the requirements of Government Code Section 65302, will require a review of other general plan elements for internal consistency, including the housing element. Internal consistency is a fundamental requirement of the general plan under Government Code Section 65300.5, and guidance on how to meet this requirement is provided in the Governor’s Office of Planning and Research (OPR) California General Plan Guidelines (<http://www.opr.ca.gov/index.php?a=planning/gpg.html>). If inconsistencies are identified, amendments to other general plan elements may be required. If an amendment to the housing element is made, cities and counties are to submit the amended housing element to the California Department of Housing and Community Development (HCD) for review, as required under Government Code Section 65585. If cities and counties are interested in coordination and technical assistance with their housing element updates, consultation with HCD is suggested (<http://www.hcd.ca.gov/hpd/>).

In addition, OPR has three references relating to planning and general plan preparation that may be helpful for cities and counties. First, the General Plan Guidelines contains a section with recommendations on how cities and counties can adopt optional elements within the general plan including a flood management element, which encompasses both floodwater management and floodplain management with discussions at the individual community level and the regional level. OPR’s guidelines are equally useful in situations where a city or county has unilaterally included flood management in its general plan and where an individual jurisdiction’s flood management element is a part of a larger regional strategy to be implemented by more than one agency. Second, OPR’s Planner’s Book of Lists contains listings of optional elements adopted by cities and counties, survey questions about various topics related to planning, and contact information for local planning departments and regional governments. For the most current version of OPR’s General Plan Guidelines and Planner’s Book of Lists, go to their publications and forms page at <http://www.opr.ca.gov/index.php?a=planning/publications.html>. And lastly, Senate Bill 18 (2004) requires cities and counties to contact and consult with California Native American tribes prior to amending or adopting a general plan or specific plan or when designating land as



open space. The intent of Senate Bill 18 is to provide California Native American tribes an opportunity to participate in local land use planning decisions at an early stage in the process for the purpose of protecting traditional tribal cultural places. OPR's supplement to the General Plan Guidelines entitled Tribal Consultation Guidelines (<http://www.opr.ca.gov/index.php?a=programs/tribal.html>) provides advisory guidance to cities and counties in accordance with the statutory consultation and noticing requirements of Senate Bill 18.

### 2.1.1 General Plan Land Use Element

*The California General Plan Guidelines state “the land use element functions as a guide to planners, the general public, and decision makers as to the ultimate pattern of development for the city or county at build-out. The land use element has a pivotal role in zoning, subdivision, and public works decisions. The element’s objectives and policies provide a long-range context for those short term actions.”*



Prior to the new flood risk management requirements outlined within Government Code Section 65302, existing State law required the land use element of a general plan to identify those areas subject to flooding.

#### Cities and Counties Are Now Required To...

Government Code Section 65302(a) now requires cities and counties in the State to **annually review** the land use element within “those areas covered by the plan that are subject to flooding identified by floodplain mapping prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources.”

FEMA’s floodplain mapping includes:

- Flood Insurance Rate Maps (FIRM)
- Digital Flood Insurance Rate Maps (DFIRM)



*See Section 2.1.2 for further requirements associated with general plan conservation elements and the identification of areas that may accommodate floodwater for purposes of groundwater recharge and stormwater management.*



## 2.0 State of California

DWR's floodplain mapping includes:

- Awareness Floodplain Maps
- Best Available Mapping (BAM)
- Levee Flood Protection Zones (LFPZ) Maps
- Central Valley Floodplain Evaluation and Delineation (CVFED) Maps
- Alluvial Fan Floodplain Evaluation and Delineation (AFFED) Maps

The review of the land use element entails a local jurisdiction assessing floodplain mapping, groundwater recharge, and/or stormwater management information and determining if any of the information is new and/or differs from what is included in the existing general plan land use element. If the new data is different, then the existing general plan's background information, maps, goals, policies, and implementation measures, as well as the land use diagram may need to be amended.

Additionally, it should be noted that the location and designation of land uses in a general plan conservation element now "need to consider the identification of land and natural resources" that are used "for purposes of groundwater recharge and stormwater management." See Section 2.1.2 of this Handbook for more information on general plan conservation element requirements.

### **Cities and Counties Should Consider...**

- Areas within a mapped floodplain (utilizing the most applicable floodplain mapping information, depending on the geographic location) for lower intensity land uses. General plan land use element policies that require minimization or avoidance of flood risks to new development in flood prone areas should be included or, if necessary, strengthened. These policies should be closely coordinated with corresponding policies in the conservation and safety elements. If future development is considered for flood prone areas, appropriate flood risk management strategies should be implemented. Avoidance of flood hazards should be considered for floodplains with deep flooding (depths greater than three feet), urban and urbanizing areas that require 200-year level of protection in the SSJV, and floodplain maps prepared by FEMA.



- Using the existing general plan annual progress reporting mechanism to comply with Government Code Section 65302(a), which now requires annual review of the land use element for those areas that are subject to flooding as identified by FEMA or DWR floodplain mapping. Current Government Code Section 65400 requires cities and counties to provide an annual report to their legislative body (i.e., city council or board of supervisors), OPR, and HCD on the status of the general plan and progress on its implementation. Using this mechanism to meet the requirements of Government Code Section 65302(a) will provide some efficiency, as well as ensure that the new land use element review requirements are documented and provided to the local legislative bodies.
- Amending the land use element when new floodplain mapping, groundwater recharge, and/or stormwater management information is available that differs from what is included in the existing general plan land use element. This is particularly true when the new information is not consistent with, or is not contemplated by existing goals, policies, or land uses. New data could affect the background information, maps, goals, policies, and implementation measures of a land use element, as well as the proposed land uses on the land use diagram.
- Reviewing other general plan elements (including, but not limited to the conservation, safety, and housing elements) if amendments are made to the land use element to ensure general plan internal consistency with goals, policies, objectives, and implementation measures; text; and/or maps and diagrams.
- Coordinating internally among departments within local agencies as a method to ensure that the most recent information is reflected in the land use element.

### **Cities and Counties Must Comply By...**

Effective January 1, 2008, all cities and counties are required to comply.

### **Obtain More Information Here...**

The 2007 legislation that amended Government Code Section 65302(a) specifically identifies DWR and FEMA floodplain mapping as the data sources for those areas subject to flooding. The following provides a listing of some of the DWR and FEMA databases that are available, but is not an exhaustive list. Each database has been prepared for a specific purpose and jurisdictions must take into consideration the intent of the



## 2.0 State of California

databases and perform some analysis as to which database(s) is most relevant to the specific city or county. If a city or county has conflicting flood information than what is provided in one of following data sources the jurisdiction should contact DWR and/or FEMA, as applicable, to discuss the differences.

Cities and counties should contact DWR's Division of Flood Management for assistance in obtaining the most current floodplain map information and for consultation on which database would be most applicable, by jurisdiction, at <http://www.water.ca.gov/floodmgmt/>.

- **FEMA Flood Insurance Rate Maps (FIRM).** Represents flood hazard areas for floodplains of 1% (100-year) and 0.2% (500-year) chance of annual occurrence. Private citizens and insurance brokers use the FIRM to identify properties and buildings in flood insurance risk areas. Community officials use the FIRM to administer floodplain management regulations and to mitigate flood damage. Lending institutions and federal agencies use the FIRM to identify properties and buildings in relation to mapped flood hazards, and to determine whether flood insurance is required when making loans or providing grants following a disaster for the purchase or construction of a building. Available at <http://msc.fema.gov>.
- **FEMA Digital Flood Insurance Rate Maps (DFIRM).** Represents GIS-based mapping products of FIRM and FEMA Digital Q3 Flood Data developed as part of the FEMA Flood Map Modernization (Map Mod) program, which is transitioning FEMA maps from paper to digital formats. Available at <http://msc.fema.gov>.
- **DWR Awareness Floodplain Maps.** Displays the 100-year flood hazard areas using approximate assessment procedures for areas subject to future development. These floodplains are shown simply as flood prone areas, without specific depths. The intent of the Awareness Floodplain Mapping is to identify all pertinent flood hazard areas that have the potential for development in areas that are not mapped under FEMA's National Flood Insurance Program (NFIP) and to provide the community and residents an additional tool in understanding potential flood hazards currently not mapped as a regulated floodplain. Available at [http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fes/awareness\\_floodplain\\_maps/](http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fes/awareness_floodplain_maps/).
- **DWR Best Available Maps (BAM).** Represents the 100- and 200-year composite floodplains located within the SSJV, and 100-year floodplains outside of the SSJV. These maps were developed based on the best available information (i.e., FEMA FIRM, DFIRM, and DWR Awareness Floodplain Maps). The intent of these maps is



*For a definition of flood prone areas, see Section 5.0 of this Handbook.*



to identify potential flood hazards that may warrant further study and consideration in land use decision making. Available at [http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fes/best\\_available\\_maps/](http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fes/best_available_maps/).

- **DWR Levee Flood Protection Zones (LFPZ) Maps.** Represents areas that are protected, as determined by the Central Valley Flood Protection Board or DWR, by levees that are part of the facilities of the State Plan of Flood Control. These maps were developed based on the best available information, as required by Water Code Section 9130. Available at [http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fes/levee\\_protection\\_zones/LFPZ\\_maps.cfm](http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fes/levee_protection_zones/LFPZ_maps.cfm).
- **DWR Central Valley Floodplain Evaluation and Delineation (CVFED) Maps.** Represents 100-year and 200-year floodplains for Central Valley State-Federal Project Levees within the SSJV watershed and will be developed based on more detailed hydrologic and hydraulic information, topographic data, levee evaluations, and depths, where appropriate. CVFED Maps will be developed by DWR and are anticipated to be available by 2012.

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*For a definition of project levee, see Section 5.0 of this Handbook.*

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### 2.1.2 General Plan Conservation Element

*The California General Plan Guidelines state “the conservation element provides direction regarding the conservation, development, and utilization of natural resources. Its requirements overlap those of the open-space, land use, safety, and circulation elements. The conservation element is distinguished by being primarily oriented toward natural resources. Population growth and development continually require the use of both renewable and nonrenewable resources. One role of the conservation element is to establish policies that reconcile conflicting demands on those resources.”*



The 2007 legislation amended Government Code Section 65302(d) to add two new requirements pertaining to the general plan conservation element.



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### Cities and Counties Are Now Required To...

First, cities and counties in the State are now **required** to “identify rivers, creeks, streams, flood corridors, riparian habitat and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management” in the conservation element. The intent is to conserve areas used for groundwater recharge and stormwater management and to minimize urban development in these areas.

Second, existing law currently requires that the portion of the conservation element that includes water resources must be developed in coordination with any countywide water agency and with all district and city agencies. New regulations now **specifically clarify these coordinating agencies to include** “flood management, water conservation, or groundwater agencies that have developed, served, controlled, managed, or conserved water of any type for any purpose in the county or city for which the plan is prepared.” Government Code Section 65302(d) requires the coordination to “include the discussion and evaluation of any water supply and demand information that has been submitted by the water agency to the city or county,” as described in Section 65352.5 (refer to Appendix E of this Handbook for the specific Government Code text).

### Cities and Counties Should Consider...

- Referencing DWR Bulletin 118 (<http://www.water.ca.gov/groundwater/bulletin118/update2003.cfm>) to help identify areas that may be suitable in accommodating floodwater for purposes of groundwater recharge and/or stormwater management. Any area being considered to accommodate excess floodwaters for the purpose of groundwater recharge and/or stormwater management should be investigated to determine the areas recharge capability as well as potential impacts to existing groundwater uses. DWR Bulletin 118 also provides guidance and tools to assist local jurisdictions manage groundwater as a component of local land use planning.
- Clearly identifying all areas that may accommodate floodwater for purposes of groundwater recharge and stormwater management on maps or graphics within the conservation element. These identified areas should be considered for appropriate lower intensity, non-developed land uses such as open space, passive recreation, and agricultural uses. General plan conservation element policies that minimize impacts to these identified groundwater recharge and stormwater management areas should be included or, if necessary, strengthened. These policies should be closely coordinated with corresponding policies in the land use and safety elements.





- Using FEMA Flood Insurance Rate Maps and floodplain mapping available through DWR to identify rivers, creeks, streams, and flood corridors.
- Concurrently preparing the amendments to the conservation element required by Government Code 65302(d) while updating the housing element and amending the safety element to aid in achieving general plan consistency and avoid conflicting goals, policies, objectives, and implementation measures.
- Coordinating and collaborating with flood management, water conservation, or groundwater agencies at a minimum through documented written communications, phone calls, and/or electronic communications.

### Cities and Counties Must Comply By...

**Upon the next revision of the housing element**, on or after January 1, 2009. Coordination with water agencies is required effective January 1, 2008.

It should be noted that the COGs (and associated cities and counties) with fourth housing element update revision cycle due dates before January 1, 2009 include the Council of Fresno County Governments, Kern Council of Governments, Sacramento Area Council of Governments, Southern California Association of Governments, and San Diego Association of Governments. Generally, these COG cities and counties have already adopted a fourth revision housing element update and will not update their housing element until the next, or fifth revision, which has due dates anticipated between 2013 and 2016.

All other COGs (and associated cities and counties) in the State have fourth revision housing element update due dates after January 1, 2009 (i.e., June 30, 2009 or August 31, 2009). Cities and counties with due dates after January 1, 2009 that met the June 30, 2009 or August 31, 2009 deadline and *have* an adopted housing element update must make the amendments to the conservation and safety elements as soon as possible, and should review the adopted housing element to ensure internal consistency among the elements. However, cities and counties associated with due dates after January 1, 2009 that *have not* adopted a fourth revision housing element update must update the housing as soon as possible and should make the amendments to the conservation and safety elements concurrently, ensuring internal consistency among the elements.

*Housing elements are to be updated as required by State statute (Government Code Sections 65880 through 65589).*



## 2.0 State of California

### Obtain More Information Here...

DWR, as a referral source to other water agencies, can assist cities and counties with this effort by visiting <http://www.water.ca.gov/floodmgmt/> to obtain contact information on water agencies, by jurisdiction.

Other sources of information include the Central Valley Flood Protection Plan (for flood facilities within the SSJV), scheduled to be adopted in 2012, and local agency planning documents.

### 2.1.3 General Plan Safety Element



*The California General Plan Guidelines state “the safety element aims to reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from fires, floods, earthquakes, landslides, and other hazards. The safety element overlaps topics also mandated in the land use, conservation, and open-space elements. The element should contain general hazard and risk reduction strategies and policies supporting hazard mitigation measures. Communities may use the safety element as a vehicle for defining “acceptable risk” and the basis for determining the level of necessary mitigation.”*

The 2007 legislation amended Government Code Section 65302(g) to review, and if necessary, revise the safety element to identify new information regarding flood hazards.

### Cities and Counties Are Now Required To...

The 2007 legislative amendments to Government Code Section 65302(g) (2)(A) **require** the safety element to identify “information regarding flood hazards” including, but not limited to:

- flood hazard zones
- National Flood Insurance Program maps
- historical data
- existing and planned development in flood hazard zones
- databases maintained by agencies with responsibility for flood hazard information such as the U.S. Army Corps of Engineers, DWR, and Cal EMA



Based on the flood hazard information, the safety element **must establish** a set of comprehensive goals, policies, objectives, and feasible implementation measures to protect communities from the unreasonable risks of flooding, as required by Government Code Section 65302(g)(2) (B) and (C). The goals, policies, and objectives of the safety element **must include**, but are not limited to:

- “Avoiding or minimizing the risks of flooding to new development.
- Evaluating whether new development should be located in flood hazard zones, and identifying construction methods or other methods to minimize damage if new development is located in flood hazard zones.
- Maintaining the structural and operational integrity of essential public facilities during flooding.
- Locating, when feasible, new essential public facilities outside of flood hazard zones, including hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities or identifying construction methods or other methods to minimize damage if these facilities are located in flood hazard zones.
- Establishing cooperative working relationships among public agencies with responsibility for flood protection.” (Government Code Section 65302(g)(2)(B))

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*Essential public facilities include, but are not limited to, hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities.*

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In addition, after the initial revision of the safety element per the requirements of Section 65302(g)(2), Section 65302(g)(3) requires that the safety element upon each revision of the housing element be **reviewed and revised**, if necessary, to “identify new information that was not available during the previous revision of the safety element.”

Lastly, Section 65302(g)(4) **allows** “cities and counties that have floodplain management ordinances that have been approved by FEMA that substantially comply with this section, or have substantially equivalent provisions to this subdivision in their general plans” to use that information in the safety element to comply. The jurisdiction is then required to “summarize and incorporate by reference into the safety element the other general plan provisions or the floodplain ordinance, specifically showing how each requirement of this subdivision has been met.”

Many of the new safety element requirements are also mandated or recommended to be included in other flood documents and plans, as shown in Appendix D.



## 2.0 State of California

### Cities and Counties Should Consider...

- DWR's interpretation of "unreasonable risks" associated with flooding pertaining to Government Code Section 65302(g)(2) (B). Both FEMA's special flood hazard area (100-year floodplain) and a 200-year floodplain are considered to be areas of known potential flood risk. If development were allowed to occur within the special flood hazard area or a 200-year floodplain, there may be an "unreasonable risk" associated with potential flooding.
- Coordinating with DWR and OPR when preparing the safety element's comprehensive goals, policies, objectives, and implementation measures aimed at protecting communities from the unreasonable risks of flooding.
- Documents, technical bulletins, and informational flyers published by FEMA identifying flood protection methods, building construction techniques, and flood-damage resistant construction materials. For reference to these publications go to FEMA's online Library at <http://www.fema.gov/library/index.jsp>.
- Concurrently preparing the amendments to the safety element required by Government Code 65302(g) while updating the housing element and amending the conservation element to aid in achieving general plan consistency and avoid conflicting goals, policies, objectives, and implementation measures.
- Providing sufficient detail in the general plan safety element referencing the floodplain ordinance and any subsequent revisions such that a city or county could change its floodplain ordinance without having to amend the safety element.
- Updating the safety element in conjunction with the preparation of a local hazard mitigation plan (see Section 2.3.1 of this Handbook for more information). This coordinated approach, which is strongly supported by DWR and Cal EMA, should result in an integrated local hazard mitigation plan/safety element or by adopting the local hazard mitigation plan as an annex, by reference, to the safety plan. Either of these approaches allows cities and counties to take full advantage of the financial benefits associated with the new regulations under Government Code Section 8685.9. See Section 2.3.1 of this Handbook for information on the requirements under Government Code Section 8685.9.
- Updating the safety element to be consistent with mandatory and voluntary building codes as they relate to flood hazards.





## Cities and Counties Must Comply By...

Government Code Sections 65302(g)(2)(A), (B), and (C) are effective **upon the next revision of the housing element** on, or after, January 1, 2009. After the initial revision of the safety element, Government Code Section 65302(g)(3) requires the safety element to be updated with each revision of the Housing Element thereafter. Government Code Section 65302(g)(4) is effective January 1, 2008.

Housing elements are updated as required by State statute. It should be noted that the COGs (and associated cities and counties) with fourth housing element update revision cycle due dates before January 1, 2009 include the Council of Fresno County Governments, Kern Council of Governments, Sacramento Area Council of Governments, Southern California Association of Governments, and San Diego Association of Governments. Generally, these COG cities and counties have already adopted a fourth revision housing element update and will not update their housing element until the next, or fifth revision, which has due dates anticipated between 2013 and 2016.

All other COGs (and associated cities and counties) in the State have fourth revision due dates after January 1, 2009 (i.e., June 30, 2009 or August 31, 2009). Cities and counties with due dates after January 1, 2009 that met the June 30, 2009 or August 31, 2009 deadline and have an adopted housing element update must make the amendments to the conservation and safety elements as soon as possible, and should review the adopted housing element to ensure internal consistency among the elements. However, cities and counties associated with due dates after January 1, 2009 that *have not* adopted a fourth revision housing element update must update the housing as soon as possible and should make the amendments to the conservation and safety elements concurrently, ensuring internal consistency among the elements.

## Obtain More Information Here...

Government Code Section 65302(g) now specifically identifies DWR, FEMA, U.S. Army Corps of Engineers, the Central Valley Flood Protection Board, and Cal EMA as sources of flood hazard information, along with other local, State, and federal agencies with responsibility for flood risk management, including special districts and local emergency management agencies. Cities and Counties should contact DWR's Division of Flood Management at <http://www.water.ca.gov/floodmgmt/> for consultation and assistance in obtaining the most current relevant flood hazard information, for discussion regarding any discrepancies in data, and, if needed, for assistance on how to contact the other agencies specifically identified.

*A flood hazard zone is an area subject to flooding that is delineated as either a special flood hazard area (1% event) or an area of moderate (0.2% event) or minimal flood hazard on an official flood insurance rate map issued by FEMA. The identification of a flood hazard zone does not imply that areas outside the flood hazard zones or uses permitted within flood hazard zones will be free from flooding or flood damage.*



## 2.0 State of California

Included here for reference, is the list of information and sources regarding flood hazards from Government Code Section 65302(g) that must be identified within the safety element which include but are not limited to:

- Flood hazard zones and National Flood Insurance maps, as identified by FEMA. This includes Flood Insurance Rate Maps (FIRM) and Digital FIRM (DFIRM) both of which are available at <http://msc.fema.gov>.
- Information about flood hazards, available from the U.S. Army Corps of Engineers, includes the Sacramento and San Joaquin River Basins Comprehensive Study available at <http://www.compstudy.net/>.
- Designated floodway maps, available from the Central Valley Flood Protection Board. These maps are available at <http://cvfpb.ca.gov/maps/index.cfm>.
- Dam failure inundation maps prepared pursuant to Section 8589.5, available from Cal EMA. Contact the Cal EMA Hazard Mitigation Branch at <http://www.hazardmitigation.calema.ca.gov/>.
- DWR's Awareness Floodplain Maps, identify the 100-year flood hazard areas using approximate assessment procedures. These floodplains will be shown simply as flood prone areas without specific depths and other flood hazard data. Awareness Floodplain Maps will be added as they become available. The Awareness Floodplain maps are available at [http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fes/awareness\\_floodplain\\_maps/](http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fes/awareness_floodplain_maps/).
- DWR's Best Available Maps (BAM), which show 100- or 200-year floodplains, accepted by DWR. The 200-year floodplain maps for the Sacramento-San Joaquin Valley and the 100-year floodplain maps for areas outside of the Valley are available at [http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fes/best\\_available\\_maps/](http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fes/best_available_maps/).
- Maps of levee flood protection zones, available from DWR. These maps are available at [http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fes/levee\\_protection\\_zones/LFPZ\\_maps.cfm](http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fes/levee_protection_zones/LFPZ_maps.cfm).

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*For a definition of LFPZ, see Section 5.0 of this Handbook*

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- Areas subject to inundation in the event of the failure of project or nonproject levees or floodwalls. For areas subject to inundation in the event of the failure of project levees as defined by the State Plan of Flood Control are available at DWR's Levee Flood Protection Zone (LFPZ) maps website at [http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fes/levee\\_protection\\_zones/LFPZ\\_maps.cfm](http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fes/levee_protection_zones/LFPZ_maps.cfm). For areas inundated in the event of non-project levee failures contact the local jurisdiction for assistance.
- Historical data on flooding, including locally prepared maps of areas that are subject to flooding, areas that are vulnerable to flooding after wildfires, and sites that have been repeatedly damaged by flooding. Historic flow data is available at DWR's California Data Exchange Center (CDEC) website at <http://cdec.water.ca.gov/lma.html> and United States Geological Survey (USGS) Surface-Water Data website at <http://waterdata.usgs.gov/usa/nwis/sw>. Also, DWR has prepared a series of reports entitled California High Water that provide detailed flood information for specific flood events. For these reports, contact DWR's Division of Flood Management.
- Existing and planned development in flood hazard zones, including structures, roads, utilities, and essential public facilities, varies by jurisdiction, contact DWR's Division of Flood Management at <http://www.water.ca.gov/floodmgmt/> or the local jurisdiction for assistance.
- Information from local, State, and federal agencies with responsibility for flood risk management, including special districts and local offices of emergency services.
- Alluvial Fan Floodplain Evaluation and Delineation maps, available from DWR at [http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fes/alluvial\\_fan\\_maps.cfm](http://www.water.ca.gov/floodmgmt/lrafmo/fmb/fes/alluvial_fan_maps.cfm), when completed.

*The various sources listed provide some of the relevant flood hazard information, but do not represent an exhaustive list of flood hazard information that is available. Each informational item has been prepared for a specific purpose. Local jurisdictions must take into consideration the intention of the information and analyze which pieces of information are most relevant and non-contradictory to the specific city or county.*



## 2.0 State of California

### 2.2 Government Code Sections 65584.04 and 65584.06

In developing the methodology that allocates regional housing needs as part of general plan housing elements, the 2007 legislation amended Government Code Sections 65584.04 and 65584.06 to consider excluding lands not adequate to avoid the risk of flooding from the inventory of available land suitable for urban development.

#### 2.2.1 General Plan Housing Elements – Regional Housing Needs Allocation



*The California General Plan Guidelines state “unlike the other mandatory elements, the housing element is subject to detailed statutory requirements regarding its content,” must be updated as required by State statute, and is subject to mandatory review by the California Department of Housing and Community Development (HCD). “Housing element law requires local governments to adequately plan to meet their existing and projected housing needs including their share of the regional housing need. The law recognizes the most critical decisions regarding housing development occur at the local level within the context of the general plan.”*

The Regional Housing Needs Allocation (RHNA) is based on State of California projections of population growth and housing unit demand and assigns a share of the region’s future housing need to each jurisdiction within the council of governments’ (COG) regions. State law (Government Code Section 65584) provides for the COGs, in consultation with HCD, to prepare regional housing allocation plans that assign a share of a region’s housing construction need to each city and county.

Each COG’s methodology is based on the regional numbers supplied by HCD. The methodology used to determine the future need considers the growth in number of households expected; the need to achieve ideal vacancy rates; the need for more housing opportunities; and compensation for anticipated demolition. The RHNA is a minimum needs number. Cities and counties are free to plan for, and accommodate, a larger number of dwelling units than the RHNA, but are not obligated to build or finance the construction of any of the units.



## Regional COGs, or HCD in Non-COG areas, May...

When developing the methodology that allocates regional housing needs to cities and counties as part of housing elements, Government Code Section 65584.04 requires the COG, or HCD in non-COG areas, to factor in the determination of available land suitable for urban development, which under the 2007 legislative amendments now:

“**may** exclude lands where FEMA or DWR has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.”

It should be noted that this applies to areas subject to inundation in the event of the failure of both project and non-project levees.

The jurisdictional survey requirement under Government Code Section 65584.04 is required when a COG is responsible for the RHNA distribution of its member cities and counties. When HCD acts as a COG for non-COG areas, a survey is not required. Surveys must be solicited “no more than six months prior to the development of a proposed methodology” for allocating the housing needs (refer to Appendix E of this Handbook for the entire Government Code section text).

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**Government Code Section 65584.06 requires HCD be responsible for developing the methodology for allocating regional housing needs for cities and counties without a COG.**

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## Cities and Counties Should Consider...

- Engaging in the RHNA process through the jurisdictional survey requirement.
- Consulting with the applicable regional COG, or HCD in non-COG areas, during the RHNA methodology public comment period. The active participation of cities and counties will better inform the RHNA methodology process to avoid including lands that are not suitable for urban development because it cannot meet the required level of flood protection.
- Concurrently preparing the required flood risk management amendments to the conservation element (Government Code 65302(d)) and safety element (Government Code 65302(g)) while updating the housing element to aid in achieving general plan consistency.



## 2.0 State of California

### Regional COGs, or HCD in Non-COG areas, Should Consider...

- When developing the RHNA methodology to determine the available land suitable for urban development, exclude only those areas for which it has been determined, based on applicable FEMA or DWR floodplain information, that the required flood protection cannot be met. Of particular concern are floodplains with deep flooding (depths greater than three feet), urban areas that do not have required 200-year protection in the SSJV, and levee flood protection zones (LFPZ).

### Regional COGs, or HCD in Non-COG areas, Can Comply By...

Effective January 1, 2008, the regional COG, or HCD in non-COG areas, may exclude lands that are not adequate to avoid the risk of flooding when developing the methodology that allocates regional housing needs to cities or counties, which is associated with the requirements in State housing element law (Government Code Sections 65880 through 65589). It should be noted that even though implementation for COGs, or HCD in non-COG areas, became effective after January 1, 2008, the new RHNA methodology processes will not be initiated, or become applicable, until the fifth revision housing element update cycle begins, which is anticipated between 2010 and 2014.

### Obtain More Information Here...

Cities, counties, and regional COGs, or HCD in non-COG areas, should contact DWR's Division of Flood Management for assistance in obtaining the most current floodplain mapping information, available at <http://www.water.ca.gov/floodmgmt/>. In addition, see Section 2.1.1 of this Handbook for a listing of FEMA and DWR floodplain mapping databases.

Cities and counties can also contact specific regional COGs at <http://www.calcog.org/members/members.html> or HCD's Division of Housing Policy Development at <http://www.hcd.ca.gov/hpd/> for more information.

*See Section 2.1.1 of this Handbook for a listing of available DWR and FEMA floodplain databases.*





## 2.3 Government Code Sections 65302.6 and 8685.9

*Local governments are required to have a FEMA-approved local hazard mitigation plan in order to apply for and/or receive project grants under the following hazard mitigation assistance programs (e.g., Hazard Mitigation Grant Program (HMGP), Pre-Disaster Mitigation (PDM), Flood Mitigation Assistance (FMA), or Severe Repetitive Loss (SRL)). FEMA may also require a local hazard mitigation plan under the Repetitive Flood Claims (RFC) program, at which time 44 CFR Section 201.6 would apply to receive grant assistance.*



### 2.3.1 Local Hazard Mitigation Plan

FEMA implements various hazard mitigation planning provisions and regulations governing the mitigation planning requirements for local hazard mitigation plans (LHMPs) under the Code of Federal Regulations (CFR), Title 44, Part 201. Section 201.6 defines LHMPs as:

“the local mitigation plan is the representation of the jurisdiction’s commitment to reduce risks from natural hazards, serving as a guide for decision makers as they commit resources to reducing the effects of natural hazards. Local plans will also serve as the basis for the State to provide technical assistance and to prioritize project funding.”

Part 201.3 lists the key responsibilities of local governments, as follows:

1. Prepare and adopt a jurisdiction-wide natural hazard mitigation plan as a condition of receiving project grant funds under the Hazard Mitigation Grant Program (HMGP), in accordance with Section 201.6.
2. At a minimum, review and update the local mitigation plan every 5 years from date of plan approval of the previous plan in order to continue program eligibility.



## 2.0 State of California



Cal EMA's Hazard Mitigation Planning Division administers the LHMP Program for the State of California. Cal EMA supports and assists local governments in the development of LHMPs and tracks their progress and effectiveness. Cal EMA provides local governments with information on integrating hazard identification, risk assessment, risk management, and loss prevention into a comprehensive approach to hazard mitigation and helps them identify cost-effective mitigation measures and projects.

### Cities and Counties May...

Government Code Section 65302.6 allows cities and counties, if they choose, to “adopt with its safety element...a local hazard mitigation plan specified in the federal Disaster Mitigation Act (DMA) of 2000.” Under new regulations Government Code Section 8685.9 now **prohibits** the State share for any eligible project under the California Disaster Assistance Act (CDAA) from:

“exceeding 75% of total State eligible costs unless the local agency is located within a city, county, or city and county that has adopted a local hazard mitigation plan in accordance with the federal Disaster Mitigation Act of 2000 (P.L. 106-390) as part of the safety element of its general plan,” in which case, “the Legislature may provide for a State share of local costs that exceeds 75% of total State eligible costs.”

Government Code Section 8685.9 now provides a financial incentive for implementation of Government Code Section 65302.6, which allows local jurisdictions that adopt an LHMP as part of the safety element. The financial incentive is realized when local jurisdictions incur State-eligible, post-disaster costs under CDAA.

Specific flood information required or recommended to be included in local hazard mitigation plans are shown in Appendix D.

### Cities and Counties Should Consider...

- Taking full advantage of the financial benefits associated with the new regulations under Government Code Section 8685.9 by adopting their LHMP as an annex, by reference, to their safety plan consistent with Government Code Section 65302.6. It is important to note that DWR and Cal EMA support updating the safety element, per Government Code Section 65302(g), at the time of LHMP preparation, as it maximizes efficiencies and consistency between the two. Information on the process may be obtained at <http://www.hazardmitigation.calema.ca.gov/>.

*See Section 2.1.3 of this Handbook for information on the requirements under Government Code Section 65302(g) related to safety elements.*



- Applying for Community Rating System (CRS) credit for their local multi-hazard mitigation plan. Implementation of Government Code Section 65302.6 may increase the rating of the local community for the CRS, which is a voluntary program for National Flood Insurance Program (NFIP) participating communities. The goals of the CRS are to reduce flood damages to insurable property, strengthen and support the insurance aspects of the NFIP and encourage a comprehensive approach to floodplain management. CRS is a point system program that reduces flood insurance premiums for the citizens of participating communities. There are 10 CRS classes and there are four main categories in which communities can earn points for doing more than the minimum NFIP floodplain management requirements: Public Information, Mapping and Regulation, Flood Damage Reduction, and Flood Preparedness. Flood insurance premium discounts can range from a 5% discount for a Class 9 community to as much as a 45% discount for a Class 1 community. One of the activities that communities can undertake to improve their CRS rating is the CRS plan. The CRS 10 step planning process is consistent with the multi-hazard planning regulations under 44 CFR Part 201. At a minimum, an approved multi-hazard mitigation plan under 44 CFR Part 201 that addresses floods could qualify for CRS credit. Although communities are not required to participate in CRS for approval of a local hazard mitigation plan, FEMA encourages jurisdictions to integrate the CRS planning steps into their local multi-hazard mitigation plan. DWR is the CRS State coordinator. More detailed information can be found under activity 510, Floodplain Management Planning, of the CRS Coordinator's Manual, and at <http://training.fema.gov/emiweb/crs/>.



### Cities and Counties Can Comply By...

Effective January 1, 2007, Government Code Section 65302.6 allows a city, county, or a city and county to adopt a local hazard mitigation plan with its safety element. Government Code Section 8685.9 limits the State share for any eligible project under CDAA unless the local agency has adopted a LHMP as part of the safety element of its general plan also effective January 1, 2007.

### Obtain More Information Here...

Cal EMA's Hazard Mitigation Branch, Hazard Mitigation Web Portal provides several links to LHMP-safety element preparation and guidance and other relevant flood hazard information at <http://www.hazardmitigation.calema.ca.gov/>.



## 2.0 State of California



*Local jurisdictions that have not adopted a local hazard mitigation plan (LHMP) will be supported by CalEMA to receive federal funding to prepare and adopt LHMP's. Specifically, local jurisdictions can apply for the 2010 Flood Mitigation Assistance Grant Program.*

FEMA has developed informational resources with specific “how to” guides that provide adaptable tools and methods on how to meet or exceed FEMA’s requirements. These resource documents can be found at <http://www.fema.gov/plan/mitplanning/resources.shtm> and are useful in explaining subjects like mitigation planning and flood risk assessments in response to the preparation requirements of LHMPs. Specifically, the following “how to” guides are the most helpful for purposes of LHMP preparation and responding to flood risks:

- Understanding Your Risks: Identifying Hazards and Estimating Losses (FEMA 386-2)
- Developing The Mitigation Plan: Identifying Mitigation Actions and Implementing Strategies (FEMA 386-3)
- Bringing the Plan to Life: Implementing the Hazard Mitigation Plan (FEMA 386-4)

The FEMA-prepared guidance document called Local Multi-Hazard Mitigation Planning Guidance (July 1, 2008) is also a resource to better understand LHMP requirements (44 CFR Part 201), available at <http://www.fema.gov/library/viewRecord.do?id=3336>.



# Additional Response for Jurisdictions Located within the Sacramento-San Joaquin Valley

# 3.0

3.0 Sacramento-San Joaquin Valley





## 3.0 Sacramento-San Joaquin Valley



The Sacramento-San Joaquin Valley (SSJV) boundaries comprise more than 28 million acres in the Central Valley adjacent to the Sacramento and San Joaquin rivers, tributaries, and basins. Government Code Section 65007(g) defines the SSJV as, “lands in the bed or along or near the banks of the Sacramento River or San Joaquin River, or their tributaries or connected therewith, or upon any land adjacent thereto, or within the overflow basins thereof, or upon land susceptible to overflow there from. The Sacramento-San Joaquin Valley does not include lands lying within the Tulare Lake basin, including the Kings River.” The Tulare Lake basin means the Tulare Lake Hydrologic Region as defined in the California Water Plan Update 2009, prepared by the Department of Water Resources pursuant to Chapter 1 (commencing with Section 10004) of Part 1.5 of Division 6 of the Water Code. The boundaries of the SSJV include the majority of the levees in the State and include many areas with high flood risk.



## Additional Response for Jurisdictions Located within the Sacramento-San Joaquin Valley

Thirty-three counties and 85 cities are located within the boundaries of the SSJV, and therefore, are subject to additional State law requirements (refer to Appendix A for a complete list of the SSJV counties and cities). All local governments located within the SSJV boundary (Figure 5) are required to comply with portions of the new flood risk management requirements included within the Government Code and Water Code (Table 3).

*For clarification, if a county, city, or parcel of land is partially within the SSJV then the Government Code and Water Code sections described in Section 3.0 apply, but only to the extent of the land that is actually located within the SSJV boundary.*



## 3.0 Sacramento-San Joaquin Valley

Typical local **planning documents and tools** that are affected by these requirements are outlined in Figure 6 and listed below with a reference to the section of this Handbook where the information can be found:

- Local Plan of Flood Protection (Section 3.1.1)
- General Plan (Section 3.2.1)
- Zoning Ordinance (Section 3.2.1)
- Development Agreement (Section 3.3.1)
- Discretionary Permit, Discretionary Entitlement, or Ministerial Permit (Section 3.3.1)
- Tentative Map or Parcel Map (Section 3.3.1)
- Levee Flood Protection Zone (Section 3.4.1)
- Flood Emergency Plan (Section 3.5.1)
- Relocation Assistance (Section 3.6.1)
- Funding Mechanisms (Section 3.7.1)
- Flood Management Report of Information (Local Agency Reports) (Section 3.8.1)
- Safety Plan (Section 3.9.1)

The following sections provide additional background and context regarding Government Code and Water Code sections, 2007 State flood risk management legislative requirements and other entities and governing bodies specific to the SSJV.

Reference Appendix D for requirements and actions to be included in flood documents and plans discussed within Section 3.0 including the Local Plan of Flood Protection, Flood Emergency Plans, and Safety Plans.

# 3.0 Sacramento-San Joaquin Valley



**FIGURE 5: SACRAMENTO-SAN JOAQUIN VALLEY**



# 3.0 Sacramento-San Joaquin Valley

**FIGURE 6: SACRAMENTO-SAN JOAQUIN VALLEY AFFECTED PLANNING DOCUMENTS AND TOOLS**

If your jurisdiction is located within the **Sacramento-San Joaquin Valley...**

...then you are subject to Statewide requirements (see Section 2.0), and the following additional Government Code and Water Code sections affect your...

<b>GENERAL PLAN</b>	See Section 3.2 Government Code Section 65302.9	<ul style="list-style-type: none"> <li>■ Include the data and analysis contained in the Central Valley Flood Protection Plan</li> <li>■ Prepare goals, policies, objectives, and feasible implementation measures that will reduce risk of flood damage based upon the Central Valley Flood Protection Plan</li> </ul>
<b>ZONING ORDINANCE</b>	See Section 3.2 Government Code Section 65860.1	<ul style="list-style-type: none"> <li>■ Make consistent with general plans that have been amended to reflect information contained in the Central Valley Flood Protection Plan</li> </ul>
<b>DEVELOPMENT AGREEMENT</b>	See Section 3.3 Government Code Section 65865.5	<ul style="list-style-type: none"> <li>■ No city or county can enter into a development agreement for properties located within a flood hazard zone unless certain flood protection related findings can be made</li> </ul>
<b>DISCRETIONARY PERMIT, DISCRETIONARY ENTITLEMENT, OR MINISTERIAL PERMIT</b>	See Section 3.3 Government Code Section 65962	<ul style="list-style-type: none"> <li>■ No city or county can approve any discretionary permit or other discretionary entitlement, or any ministerial permit that would result in the construction of a new residence for a project that is located within a flood hazard zone unless certain flood protection related findings can be made</li> </ul>
<b>TENTATIVE MAP OR PARCEL MAP</b>	See Section 3.3 Government Code Section 66474.5	<ul style="list-style-type: none"> <li>■ No city or county can approve a tentative map or parcel map (for which a tentative map was not required) for any subdivision that is located within a flood hazard zone unless certain flood protection related findings can be made</li> </ul>
<b>OTHER PLANNING DOCUMENTS AND TOOLS</b>	<p>See Section 3.1 Water Code Sections 8200 and 8201</p> <p>See Section 3.4 Water Code Section 9121(c)</p> <p>See Section 3.5 Water Code Section 9621</p> <p>See Section 3.6 Water Code Section 9622</p> <p>See Section 3.7 Water Code Section 9623</p> <p>See Section 3.8 Water Code Section 9140</p> <p>See Section 3.9 Water Code Section 9650</p>	<ul style="list-style-type: none"> <li>■ Local agencies may prepare a <b>local plan of flood protection</b></li> <li>■ Counties are required to provide DWR a list of property owners in a <b>levee flood protection zone</b></li> <li>■ Counties are required to collaborate with cities to develop <b>flood emergency plans</b></li> <li>■ Local agencies are required to collaborate with state and local flood management agencies to provide <b>relocation assistance</b> or other strategies to reduce flood risks to existing nonurbanized disadvantage communities</li> <li>■ Cities and counties are required to collaborate with State and local flood management agencies to develop <b>funding mechanisms</b> for local flood protection responsibilities</li> <li>■ Require local agencies responsible for the operation/maintenance of a project levee to annually submit a <b>flood management report of information</b> (Local Agency Reports) to DWR</li> <li>■ Require local agencies responsible for operating/maintaining a project levee to adopt a <b>safety plan</b> within two years of allocation/expenditure of State funds to upgrade that levee</li> </ul>

### 3.0 Sacramento-San Joaquin Valley



**Table 3: Overview of Codes Applicable to Local Jurisdictions in the Sacramento-San Joaquin Valley<sup>1</sup>**

Code/Section	Overview of Requirements	Affected Planning Documents and Tools	Schedule for Compliance	Section Reference	
				Discussion and Page Number(s)	Code Excerpt
Water Codes 8200 and 8201	The Local Flood Protection Planning Act allows, but does not require, a local agency within the Sacramento-San Joaquin Valley to prepare a local plan of flood protection, according to the Water Code guidelines.	Local Plan of Flood Protection	Post CVFPP adoption	Section 3.1 Page 59	Appendix E
Government Code 65302.9	Each city and county within the Sacramento-San Joaquin Valley is required to amend its general plan to include data and analysis contained within the Central Valley Flood Protection Plan and prepare goals, policies, objectives, and feasible implementation measures that are based on the CVFPP's data and analysis. The Central Valley Flood Protection Board and DWR will collaborate and provide technical assistance to the cities and counties.	General Plan	Within 24 months of adoption of the CVFPP (required to be adopted by July 1, 2012)	Section 3.2 Page 61	Appendix E
Government Code 65860.1	Each city and county within the Sacramento-San Joaquin Valley is required to amend its zoning ordinance to be consistent with the amended general plan, per Government Code Section 65302.9.	Zoning Ordinance	Within 36 months of adoption of the CVFPP (required to be adopted by July 1, 2012), but no more than 12 months after the amendment of the general plan	Section 3.2 Page 61	Appendix E

<sup>1</sup> See Appendix A for a listing of cities and counties within the Sacramento-San Joaquin Valley.



# 3.0 Sacramento-San Joaquin Valley

**Table 3: Overview of Codes Applicable to Local Jurisdictions in the Sacramento-San Joaquin Valley<sup>1</sup>**

Code/Section	Overview of Requirements	Affected Planning Documents and Tools	Schedule for Compliance	Section Reference	
				Discussion and Page Number(s)	Code Excerpt
Government Code 65865.5	Legislative bodies of cities and counties within the Sacramento-San Joaquin Valley cannot enter into a development agreement for any property that is located within a flood hazard zone, unless certain flood protection related findings can be made based upon substantial evidence in the record.	Development Agreement	Once the CVFPP has been adopted (required to be adopted by July 1, 2012), and cities and counties have amended their General Plan and Zoning Ordinance	Section 3.3 Page 62	Appendix E
Government Code 65962	Legislative bodies of cities and counties within the Sacramento-San Joaquin Valley cannot approve any discretionary permit or other discretionary entitlement or any ministerial permit that would result in the construction of a new residence, for a project that is located within a flood hazard zone, unless certain flood protection related findings can be made based on substantial evidence in the record.	Discretionary Permit, Discretionary Entitlement, or Ministerial Permit	Once the CVFPP has been adopted (required to be adopted by July 1, 2012), and cities and counties have amended their General Plan and Zoning Ordinance	Section 3.3 Page 62	Appendix E
Government Code 66474.5	Legislative bodies of cities and counties within the Sacramento-San Joaquin Valley cannot approve any tentative map or a parcel map for which a tentative map was not required, for any subdivision that is located within a flood hazard zone, unless certain flood protection related findings can be made based on substantial evidence in the record.	Tentative Map or Parcel Map	Once the CVFPP has been adopted (required to be adopted by July 1, 2012), and cities and counties have amended their General Plan and Zoning Ordinance	Section 3.3 Page 62	Appendix E

<sup>1</sup> See Appendix A for a listing of cities and counties within the Sacramento-San Joaquin Valley.

### 3.0 Sacramento-San Joaquin Valley



**Table 3: Overview of Codes Applicable to Local Jurisdictions in the Sacramento-San Joaquin Valley<sup>1</sup>**

Code/Section	Overview of Requirements	Affected Planning Documents and Tools	Schedule for Compliance	Section Reference	
				Discussion and Page Number(s)	Code Excerpt
Water Code 9121(c)	Each county within the Sacramento-San Joaquin Valley is required to provide DWR with a list of property owners within the county in a levee flood protection zone.	Levee Flood Protection Zone	On or before September 1, 2010; then on or before September 1, annually	Section 3.4 Page 66	Appendix E
Water Code 9621	Consistent with the adoption of the Central Valley Flood Protection Plan, counties within the Sacramento-San Joaquin Valley are required to collaborate with cities within its jurisdiction to develop a flood emergency plan.	Flood Emergency Plans	Within 24 months of the adoption of the CVFPP (require to be adopted July 1, 2012)	Section 3.5 Page 67	Appendix E
Water Code 9622	Consistent with the adoption of the Central Valley Flood Protection Plan, cities and counties within the Sacramento-San Joaquin Valley are required to collaborate with State and local flood management agencies to provide relocation assistance or other cost-effective strategies for reducing flood risk to existing economically disadvantaged communities located in nonurbanized areas.	Relocation Assistance	Post CVFPP adoption	Section 3.6 Page 68	Appendix E
Water Code 9623	Consistent with the adoption of the Central Valley Flood Protection Plan, cities and counties within the Sacramento-San Joaquin Valley are required to collaborate with State and local flood management agencies to develop funding mechanisms to finance local flood protection responsibilities.	Funding Mechanisms	By January 1, 2010	Section 3.7 Page 69	Appendix E

<sup>1</sup> See Appendix A for a listing of cities and counties within the Sacramento-San Joaquin Valley.



# 3.0 Sacramento-San Joaquin Valley

**Table 3: Overview of Codes Applicable to Local Jurisdictions in the Sacramento-San Joaquin Valley<sup>1</sup>**

Code/Section	Overview of Requirements	Affected Planning Documents and Tools	Schedule for Compliance	Section Reference	
				Discussion and Page Number(s)	Code Excerpt
Water Code 9140	Local agencies responsible for the operation and maintenance of a project levee, or a nonproject levee that also benefits land within the boundaries of the area benefited by the project levees, are required to prepare and submit a specified report of information to DWR for inclusion in periodic flood management reports prepared by DWR relating to the project levee.	Flood Management Report of Information (Local Agency Reports)	After January 1, 2008, annually thereafter, on or before September 30	Section 3.8 Page 70	Appendix E
Water Code 9650	The allocation or expenditure of State funds for the upgrade of a project levee that protects an area in which more than 1,000 people reside requires that local agencies responsible for operation and maintenance of a project levee and any city or county protected by the project levee enter into an agreement to adopt a safety plan. If a city or county is responsible for the operation and maintenance of a project levee, the jurisdiction shall approve a resolution committing to the preparation of a safety plan within two years.	Safety Plan	Starting July 1, 2008, within two years of the allocation or expenditure of State funds to update a project levee	Section 3.9 Page 72	Appendix E

<sup>1</sup> See Appendix A for a listing of cities and counties within the Sacramento-San Joaquin Valley.



## Central Valley Flood Protection Act of 2008

Local jurisdictions located within the SSJV are subject to recent additional requirements as a result of the State Legislature passing Senate Bill 5, which includes the Central Valley Flood Protection Act of 2008 (Water Code Section 9600). As part of this Act (Water Code Section 9601), it is recognized by the State Legislature that:

- “The Central Valley of California is experiencing unprecedented development, resulting in the conversion of historically agricultural lands and communities to densely populated residential and urban centers.
- Levees cannot offer complete protection from flooding, but can decrease its frequency.
- The level of flood protection provided by the original flood control system for rural and agricultural lands will not be adequate to protect those lands if they are developed for urban uses.
- Levees built to reclaim and protect agricultural land may be inadequate to protect urban development unless those levees are significantly improved.
- Cities and counties rely upon federal floodplain information when approving developments, but the information available is often out of date and the flood risk may be greater than that indicated using available federal information.
- The current federal flood standard is not sufficient in protecting urban and urbanizing areas within flood prone areas throughout the Central Valley.
- Linking land use decisions to flood risk and flood protection estimates comprises only one element of improving lives and property in the Central Valley. Federal, State, and local agencies may construct and operate flood protection facilities to reduce flood risks, but flood risks will nevertheless remain for those who choose to reside in Central Valley floodplains. Making those flood risks more apparent will help ensure that Californians make careful choices when deciding whether to build homes or live in Central Valley floodplains, and if so, whether to prepare for flooding or maintain flood insurance.”

*In 1971, the Federal Insurance Administration (FIA), which at the time was part of the Department of Housing and Urban Development (HUD), issued a final rule that established the 100-year flood as the regulatory base flood elevation standard for implementation of the NFIP. The 100-year flood (or 1 percent annual chance flood) has been the federal flood standard since that date for flood insurance purposes.*

*For a definition of urban and urbanizing areas and flood prone areas, see Section 5.0 of this Handbook.*



## 3.0 Sacramento-San Joaquin Valley



*Refer to Section 4.0 of this Handbook for more information on the SSJDD.*

### Central Valley Flood Protection Board (CVFPB)

The CVFPB (formerly The Reclamation Board) was created by the California Legislature in 1911 to carry out a comprehensive flood control plan for the Sacramento and San Joaquin Rivers. The Board has jurisdiction throughout the Sacramento-San Joaquin Valley, which is synonymous with the drainage basins of the Central Valley and includes the Sacramento-San Joaquin Drainage District.

The CVFPB's mission is:

- to control flooding along the Sacramento and San Joaquin Rivers and their tributaries in cooperation with the U.S. Army Corps of Engineers;
- to cooperate with various agencies of the federal, State and local governments in establishing, planning, constructing, operating, and maintaining flood control works; and
- to maintain the integrity of the existing flood control system and designated floodways through the Board's regulatory authority by issuing permits for encroachments.

Under California State law, no reclamation project of any kind may be started or carried out on or near the Sacramento and San Joaquin Rivers or their tributaries until plans have first been approved by the Board. The Board's efforts focus on controlling floodwater; reducing flood damage; protecting land from floodwater erosion that would affect project levees; and controlling encroachment into floodplains and onto flood control works, such as levees, channels, and pumping plants.

*The CVFMP program addresses several of the planning activities related to flooding that were enacted by the 2007 flood risk management legislation.*

*For a definition of integrated flood management, see Section 5.0 of this Handbook.*

### Central Valley Flood Management Planning (CVFMP) Program

The CVFMP program is one of several programs within DWR's FloodSAFE initiative. The purpose of the CVFMP program is to improve integrated flood management in the Sacramento and San Joaquin Valleys. As part of the 2007 flood risk management legislation, DWR was directed to develop three documents that will guide the improvement of integrated flood management. These documents are described below and include the State Plan of Flood Control (SPFC) Descriptive Document, a Flood Control System Status Report (FCSSR), and the Central Valley Flood Protection Plan (CVFPP). For a description of, or for copies of the documents as they become available, refer to DWR's website at <http://www.water.ca.gov/cvfmp/program.cfm>.



## State Plan of Flood Control (SPFC) Descriptive Document

The SPFC Descriptive Document will inventory and describe the flood management facilities, land, programs, conditions, and mode of operations and maintenance for the State-federal flood protection system in the Central Valley. The SPFC includes the State and federal flood control works, lands, programs, plans, conditions, and modes of maintenance and operations of 1) the Sacramento River Flood Control Project (Water Code Section 8350), 2) flood control projects in the Sacramento River and San Joaquin River watersheds for which the CVFPB or DWR has provided the assurances, and 3) those facilities identified in Water Code Section 8361 (refer to Appendix E of this Handbook for more information on the Water Code sections cited).

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*DWR released the draft Descriptive Document for a 30-day public review on February 1, 2010, comments were received, and it is anticipated that the final document will be released by the end of 2010.*

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## Flood Control System Status Report (FCSSR)

The FCSSR will complement the SPFC Descriptive Document by providing an assessment and summary of performance for existing SPFC facilities. The FCSSR will include:

- identification and description of each SPFC facility;
- assessment of conditions of existing facilities, including levee systems, that documents evident deficiencies and describes the risk of levee failures;
- description of inspection and review of the existing system performed;
- appropriate recommendation regarding the levees; and
- identification of recommended actions and future work activities.



In late 2008, DWR prepared a schedule for implementation of the FCSSR for the CVFPB to submit to the State Legislature. The CVFPB anticipates the adoption of the FCSSR by the end of 2010.



## 3.0 Sacramento-San Joaquin Valley

*Refer to Section 3.2 of this Handbook for code sections requiring cities and counties to amend the general plan and zoning ordinance after the adoption of the Central Valley Flood Protection Plan.*

*Refer to Section 3.3 of this Handbook for code sections that apply to areas within a flood hazard zone.*

### Central Valley Flood Protection Plan (CVFPP)

The CVFPP is a descriptive document that will reflect a “systemwide approach to protecting the lands currently protected from flooding by existing facilities of the State Plan of Flood Control” (Water Code Section 9603). When drafted, the CVFPP will include a prioritized list, schedule of implementation, and recommendations of both structural and nonstructural means for improving performance and eliminating deficiencies of flood management facilities, and addressing ecosystem and other water-related objectives. DWR is required (Water Code Section 9612) to prepare the CVFPP by January 1, 2012 and the CVFPP must adopt the Plan by July 1, 2012. Thereafter, the CVFPP will be updated every five years (more specifically, years ending in 7 and 2).

Local jurisdictions are encouraged to contact DWR through the CVFPP website at <http://www.water.ca.gov/cvfmp/program.cfm> to obtain more information on the CVFPP process, including information on how to get involved and participate in the development of the Plan.



*The majority of the State flood risk management legislation enacted in 2007 that applies to local jurisdictions within the SSJV is tied to the 2012 adoption of the Central Valley Flood Protection Plan. Once adopted, new Government and Water Code requirements will be triggered. For purposes of this Handbook, information is provided on the legislative requirements, triggers to comply, and how to obtain more information at this time. Additional information, recommendations and guidance, as well as specifics on where to obtain information will be available post-2012 to assist cities and counties with compliance.*

### Water Code Section 8307

Water Code Section 8307 links flood liability with local planning decisions. As a result, it is **highly important** that local jurisdictions within the SSJV are aware that as of January 1, 2008, Water Code Section 8307 **can require** a city or county within the SSJV to:

“contribute its fair and reasonable share of the property damage caused by a flood to the extent that the city or county has increased the State’s exposure to liability for property damage by unreasonably approving new development in a previously undeveloped area that is protected by a State flood control project.”



More simply, cities and counties now share flood liability with the State in the case of litigation over unreasonably approved new development on previously undeveloped areas. However, if a city or county complies with Government Code Sections 65302.9 and 65860.1; and 65865.5, 65962, and 66474.5, which includes amendments to the general plan and zoning ordinance and otherwise makes land use decisions consistent with the CVFPP, then the local jurisdiction **will not** be required to contribute. Further, “a city or county is not required to contribute unless an action has been filed against the State asserting liability for property damage caused by a flood and the provisions,” as described above, “providing for contribution have been satisfied.” Furthermore, “a city or county is not required to contribute if the State settles the claims against it without providing the city or county with an opportunity to participate in settlement negotiations.” (Water Code Section 8307)

Refer to Figure 6 and Table 3 for an overview of the Government Code sections referenced above.

## 3.1 Water Code Sections 8200 and 8201

### 3.1.1 Local Flood Protection Planning Act/Local Plan of Flood Protection

The 2007 flood risk management legislation enacted the Local Flood Protection Planning Act of 2008. This Act **allows, but does not require**, a local agency to prepare a local plan of flood protection (Water Code Section 8200 and 8201).

#### Local Agencies May...

A local agency **may** prepare a local plan of flood protection, which will include all of the following:

1. “A strategy to meet the urban level of flood protection, including planning for residual flood risk and system resiliency.
2. Identification of all types of flood hazards.
3. Identification and risk assessment of the various facilities that provide flood protection for flood hazard areas, for current and future land uses.
4. Identification of current and future flood corridors.

*It should be noted that the requirements of Government Code Sections 65865.5, 65962, and 66474.5 are effective once the CVFPP has been adopted and cities and counties have updated the general plan (Government Code Section 65302.9) and amended the zoning ordinance (Government Code Section 65860.1), which is expected to be no later than July 1, 2015. See Sections 3.2 and 3.3 of this Handbook for more information.*

*For a definition of risk assessment, see Section 5.0 of this Handbook.*



## 3.0 Sacramento-San Joaquin Valley

*A “local agency” in regard to the preparation of a local plan of flood protection could be a city or county, but would most likely be a flood agency or local reclamation district, which is typically responsible for flood protection in a local area.*



*A local agency that is not a city or county (e.g., flood agencies or local reclamation districts) that prepares a local plan of flood protection must consult with the cities and counties that have jurisdiction over the planning area to ensure that the local plan of flood protection is consistent with local general plans.*

5. Identification of needed improvements and costs of those improvements to the flood protection facilities that are necessary to meet flood protection standards.
6. An emergency response and evacuation plan for flood-prone areas.
7. A strategy to achieve multiple benefits, including flood protection, groundwater recharge, ecosystem health, and reduced maintenance costs over the long term.
8. A long-term funding strategy for improvement and ongoing maintenance and operation of flood protection facilities” (Water Code Section 8201).

The process of preparing a local plan of flood control is anticipated to be completed by flood agencies and/or local reclamation districts, as these agencies and districts are most responsible for flood protection. However, cities and counties that have planning areas that are affected should consult with the applicable agency and/or district and be involved in the final approval of the plan.

### Local Agencies Should Consider...

- Preparing a local plan of flood protection, although not mandatory.
- Participating in the development of the CVFPP to facilitate consistency in subsequent development of a local plan of flood protection.
- Coordinating closely with local flood agencies and reclamation districts when preparing a local plan of flood protection.

### Local Agencies Can Comply By...

A local plan of flood protection, if prepared, should be consistent with the CVFPP (required to be adopted by July 1, 2012).

### Obtain More Information Here...

Once the CVFPP is adopted (required by July 1, 2012), additional information and direction will be available. Contact DWR’s Division of Flood Management at <http://www.water.ca.gov/floodmgmt/> with questions regarding the voluntary preparation of a local plan of flood protection.



## 3.2 Government Code Sections 65302.9 and 65860.1

### 3.2.1 Amendments to General Plans and Zoning Ordinances, per the CVFPP

#### Cities and Counties Are Now Required To...

Government Code Section 65302.9 **requires** cities and counties within the Sacramento-San Joaquin Valley to amend the general plan to include data and analysis contained within the CVFPP including, but not limited to:

- “the locations of facilities of the State Plan of Flood Control,
- the locations of other flood management facilities,
- the locations of real property protected by those facilities, and
- the locations of flood hazard zones.”

Based on the CVFPP (required to be adopted July 1, 2012), cities and counties are **required** to prepare goals, policies, objectives, and feasible implementation measures for the protection of lives and property that will reduce the risk of flood damage. In tandem, Government Code Section 65860.1 requires cities and counties to amend the zoning ordinance for consistency with the amendments made to the general plan.

It should be noted that internal consistency is a fundamental requirement of the general plan under Government Code Section 65300.5, and guidance on how meet this requirement is provided in the Governor’s Office of Planning and Research (OPR) California General Plan Guidelines. If inconsistencies are identified, amendments to other general plan elements may be required. If an amendment to the housing element is made, cities and counties are to submit the amended housing element to the California Department of Housing and Community Development (HCD) for review, as required under Government Code Section 65585. If cities and counties are interested in coordination and technical assistance with their housing element updates, consultation with HCD is suggested.

#### Cities and Counties Should Consider...

- Collaborating with the Central Valley Flood Protection Board and DWR during the preparation of the CVFPP to obtain information and other technical assistance. Once the CVFPP is adopted (required by July 1, 2012), it will contain information to assist cities and counties with compliance of Government Code Sections 65302.9 and 65860.1.



#### Key FEMA definitions:

**Special flood hazard area is an area with a 1% annual chance of a flood, also referred to as a 100-year flood.**

**Moderate flood hazard area is an area with a 0.2% annual chance of a flood, also referred to as a 500-year flood.**



## 3.0 Sacramento-San Joaquin Valley

- Concurrency in updating the applicable elements of the general plan for purposes of efficiency and internal consistency among the amended elements' goals, policies, objectives, and implementation measures.

### Cities and Counties Must Comply By...

The Central Valley Flood Protection Board must adopt the CVFPP by July 1, 2012. After the adoption of the CVFPP, cities and counties are required to update their general plan within 24 months, and their zoning ordinance within 36 months (but not more than 12 months after the amendment of the general plan).

### Obtain More Information Here...

To obtain the locations of facilities of the State Plan of Flood Control, other flood management facilities, and real property protected by those facilities, reference the CVFPP's development at <http://www.water.ca.gov/cvfmp/> (required to be adopted by July 1, 2012).

The most current version of OPR's California General Plan Guidelines can be found at <http://www.opr.ca.gov/index.php?a=planning/gpg.html>.

To contact HCD, go to <http://www.hcd.ca.gov/hpd/>.

## 3.3 Government Code Sections 65865.5, 65962, and 66474.5

### 3.3.1 Approval of Development Agreements, Discretionary Permit/Discretionary Entitlement/Ministerial Permit, Tentative Map/Parcel Map for Areas within a Flood Hazard Zone

A flood hazard zone is defined by the Government Code (Section 65007(d)) as an "area subject to flooding that is delineated as either a special flood hazard area or an area of moderate hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency."



## Cities and Counties Are Now Required To...

Government Code Sections 65865.5, 65962, and 66474.5 pertain to areas within the SSJV that are within a flood hazard zone (i.e., a special flood hazard area or an area of moderate flood hazard). The addition of these Codes **mandate** that the board of supervisors of a county or the city council of a city cannot:

1. enter into a development agreement for any property (Government Code Section 65865.5); or
2. approve any discretionary permit or other discretionary entitlement or any ministerial permit that would result in construction of a new residence, for a project (Government Code Section 65962); or
3. approve any tentative map or a parcel map for which a tentative map was not required for any subdivision that is located within a flood hazard zone (Government Code Section 66474.5);

...unless a city or county finds, based on substantial evidence in the record, **one** of the following:

- “The facilities of the State Plan of Flood Control or other flood management facilities protect” the property, project, or subdivision “to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas;” or
- “The city or county has imposed conditions on the” development agreement, permit or discretionary entitlement, or subdivision; whichever is applicable, “that will protect” the property, project, or subdivision “to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas;” or
- “The local flood management agency has made adequate progress on the construction of a flood protection system which will result in flood protection equal to or greater than the urban level of flood protection in urban or urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas” for property, project, or subdivision “located within a flood hazard zone, intended to be protected by the system. For urban and urbanizing areas protected by project levees, the urban level of flood protection shall be achieved by 2025.”

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**Water Code Section 9602 defines 200-year flood protection as the minimum urban level of flood protection in the Sacramento-San Joaquin Valley.**

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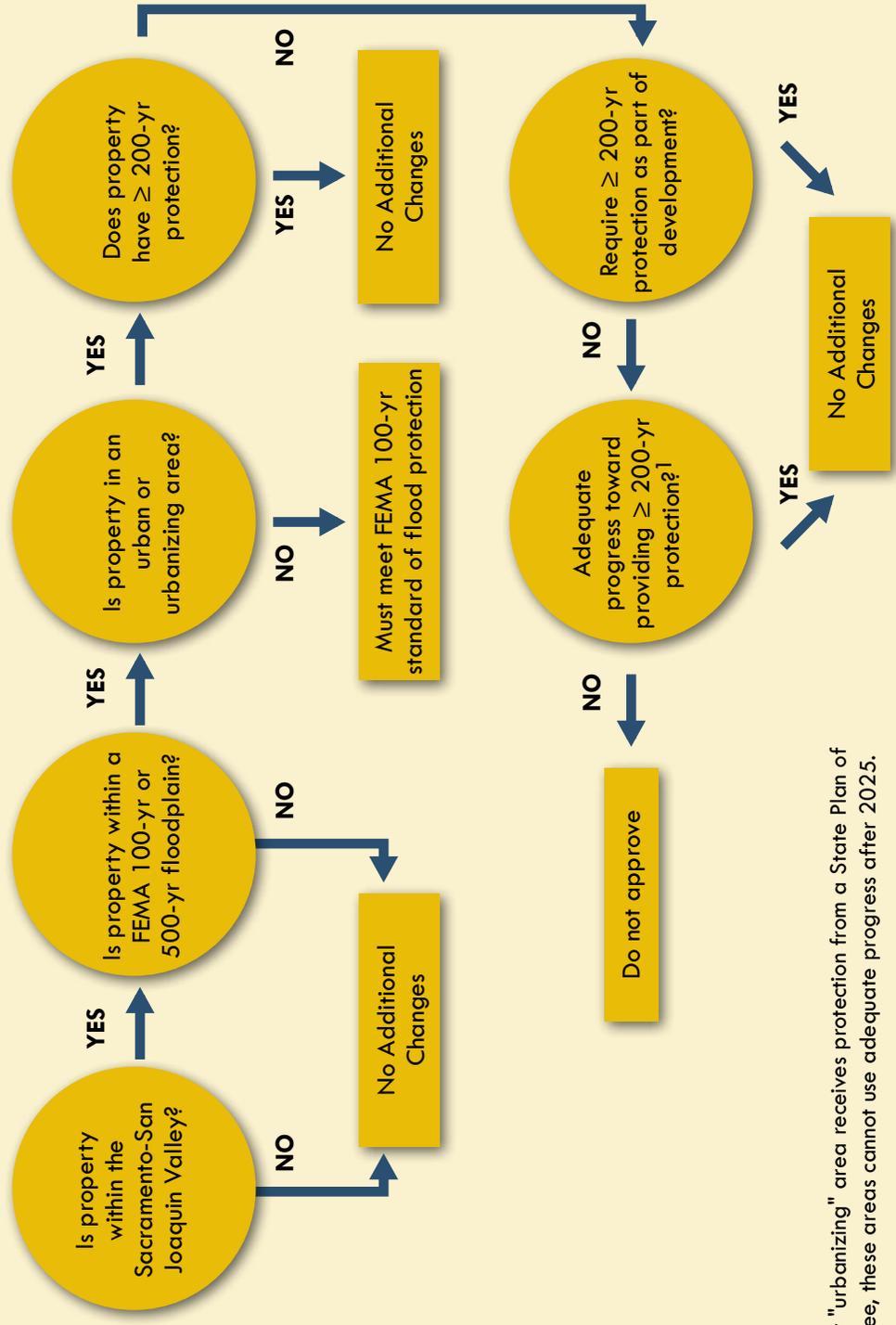
**The requirements of Government Code Sections 65865.5, 65962, and 66474.5 do not change or diminish existing requirements of local floodplain management laws, ordinances, resolutions, or regulations necessary to local agency participation in the National Flood Insurance Program.**



# 3.0 Sacramento-San Joaquin Valley

After the CVFPP has been adopted and general plan and zoning ordinance amendments have been made, cities and counties can use the following flowchart when determining actions to be taken during consideration of:

- Entering into Development Agreement
- Approving Discretionary Permit, Other Discretionary Entitlement, or Ministerial Permit
- Approving Tentative (or Parcel) Map



<sup>1</sup> If an "urban" or "urbanizing" area receives protection from a State Plan of Flood Control Levee, these areas cannot use adequate progress after 2025.

## 3.0 Sacramento-San Joaquin Valley



### Summary

As mentioned above, Government Code Sections 65865.5, 65962, and 66474.5 pertain specifically to areas within the SSJV that are within a flood hazard zone, which includes areas subject to flooding that are either within a FEMA special flood hazard area (100-year floodplain) or an area of moderate hazard (500-year floodplain). Cities and counties in the SSJV cannot approve development agreements for a property, discretionary permit/discretionary entitlement/ministerial permit for a project, or a tentative map/parcel map for a subdivision in these zones unless it has been demonstrated that one of the following conditions exists:

#### Urban or Urbanizing Areas

- protected, or have made adequate progress toward providing protection from the 200-year flood in urban areas (10,000 or more residents) or urbanizing areas (planned or anticipated to have 10,000 residents or more within the next 10 years); or

#### Nonurbanized Areas

- protected, or have made adequate progress toward providing protection from the 100-year flood in nonurbanized areas (fewer than 10,000 residents).

As part of the CVFPP, DWR will establish criteria to help determine if an area meets or exceeds the required 200-year minimum urban level of flood protection in the Sacramento-San Joaquin Valley. In approving development agreements, discretionary permits and entitlements, and tentative maps and parcel maps within flood hazard areas; cities and counties will need to include written findings and supporting evidence of compliance with Government Code Sections 65865.5, 65962, and 66474.5 as well consistency with the CVFPP.

After the CVFPP has been adopted (required by July 1, 2012) and general plan and zoning ordinance amendments have been made (within 36 months after the CVFPP is adopted or expected to be no later than July 1, 2015), the flow chart on the previous page provides a step-by-step look at the process of how to determine the actions to be taken when considering whether to enter into a development agreement, approve a discretionary permit (other discretionary entitlement or ministerial permit), or approve a tentative (or parcel) map.

*Government Code Sections 65865.5, 65962, and 66474.5 are expected to be effective no later than July 1, 2015 following the adoption of the CVFPP and after cities and counties have updated the general plan and amended the zoning ordinance.*

*For a definition of adequate progress, see Section 5.0 of this Handbook.*

*Urban area is a developed area in which there are 10,000 residents or more.*

*Urbanizing area is a developed area or an area outside a developed area that is planned or anticipated to have 10,000 residents or more within the next 10 years.*

*Nonurbanized area is a developed area or an area outside a developed area in which there are fewer than 10,000 residents.*



## 3.0 Sacramento-San Joaquin Valley

### Cities and Counties Should Consider...

- Collaborating with DWR for information and other technical assistance.
- DWR's interpretation of "new residence" pertaining to Government Code Section 65962. Unlike Section 65865.5 (development agreements) and Section 66474.5 (tentative and parcel maps), which seem to apply to all developments (both residential and non-residential), Section 65962 (discretionary and ministerial permits and discretionary entitlements) and the use of the language "construction of a new residence" seems to indicate that the Legislature intended that it not apply to non-residential uses or remodels (including substantial remodels). Therefore, the term "new residence" does not appear to apply to a remodel of an existing residence (including a substantial remodel) or to a non-residential use.

### Cities and Counties Must Comply By...

The requirements of Government Code Sections 65865.5, 65962, and 66474.5 are effective once the CVFPP has been adopted (required by July 1, 2012), and cities and counties have updated the general plan within 24 months (Government Code Section 65302.9) and amended the zoning ordinance within 36 months (Government Code Section 65860.1) (expected to be no later than July 1, 2015), accordingly.

### Obtain More Information Here...

More information will be available once the CVFPP is adopted (<http://www.water.ca.gov/cvfmp/>). Questions should be directed to DWR's Division of Flood Management at <http://www.water.ca.gov/floodmgmt/>.

## 3.4 Water Code Section 9121(c)

### 3.4.1 Property Owners in a Levee Flood Protection Zone

Water Code Section 9121 was added as part of the 2007 flood risk management legislation to ensure DWR provides written notice to landowners "whose property is determined to be entirely or partially within a levee flood protection zone."

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*Refer to Section 3.2 of this Handbook for more information on Government Code Sections 65302.9 and 65860.1.*

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### Counties Are Now Required To...

Specifically, Water Code 9121(c) **requires** counties to annually provide DWR a list of names and addresses of property owners within the county in a levee flood protection zone.

### Counties Should Consider...

- Consulting with DWR for assistance in compiling the list of property owners.



### Counties Must Comply By...

On or before September 1, 2010 and on or before September 1, annually thereafter.

### Obtain More Information Here...

DWR's Division of Flood Management at <http://www.water.ca.gov/floodmgmt/>.

## 3.5 Water Code Section 9621

### 3.5.1 Flood Emergency Plans

Water Code Section 9621 was added as part of the 2007 flood risk management legislation.

### Counties Are Now Required To...

Water Code Section 9621 **requires** counties to collaborate with cities within its jurisdiction to develop flood emergency plans.

### Counties Should Consider...

- Collaborating with DWR, in association with Cal EMA, after the CVFPP is adopted to obtain information and other technical assistance.
- Ensuring the information in flood emergency plans is consistent with local hazard mitigation plans and the local flood protection planning act/local plan of flood protection. Refer to Sections 2.3.1 and 3.1 of this Handbook for information contained in local hazard mitigation plans and a local plan of flood protection.



## 3.0 Sacramento-San Joaquin Valley

### Counties Must Comply By...

After the adoption of the CVFPP, counties must collaborate with cities to prepare flood emergency plans within 24 months (expected to be no later than July 1, 2014).

### Obtain More Information Here...

More information will be available once the CVFPP is adopted (<http://www.water.ca.gov/cvfmp/>). Questions should be directed to DWR's Division of Flood Management at <http://www.water.ca.gov/floodmgmt/>.

## 3.6 Water Code Section 9622

### 3.6.1 Relocation Assistance

Water Code Section 9622 was added as part of the 2007 flood risk management legislation.

### Cities and Counties Are Now Required To...

Water Code Section 9622 **requires** cities and counties within the SSJV to “collaborate with State and local flood management agencies to provide relocation assistance or other cost-effective strategies for reducing flood risk to existing economically disadvantaged communities located in nonurbanized areas.”

### Cities and Counties Should Consider...

- Participating in the development of the CVFPP as collaboration with State and local flood management agencies is occurring.
- Collaborating with DWR after the CVFPP is adopted to obtain information and other technical assistance.
- DWR as a resource in providing contact information of applicable State and local flood management agencies.

*Economically disadvantaged communities located in nonurbanized areas within flood hazard zones are often adversely affected by flood emergencies. For a definition of economically disadvantaged communities, see Section 5.0 of this Handbook.*



### Cities and Counties Must Comply By...

After the adoption of the CVFPP (required by July 1, 2012).

### Obtain More Information Here...

More information will be available once the CVFPP is adopted (<http://www.water.ca.gov/cvfmp/>). Questions should be directed to DWR's Division of Flood Management at <http://www.water.ca.gov/floodmgmt/>.



## 3.7 Water Code Section 9623

### 3.7.1 Funding Mechanisms

Water Code Section 9623 was added as part of the 2007 flood risk management legislation.

### Cities and Counties Are Now Required To...

Water Code Section 9623 **requires** cities and counties, “consistent with the adoption of the Central Valley Flood Protection Plan,” to “collaborate with State and local flood management agencies to develop funding mechanisms to finance local flood protection responsibilities.”

### Cities and Counties Should Consider...

- DWR as a resource in providing contact information of applicable State and local flood management agencies.
- Participating in the development of the CVFPP as collaboration with State and local flood management agencies is occurring.
- Collaborating with DWR presently and after the CVFPP is adopted to obtain information and other technical assistance.

### Cities and Counties Must Comply By...

Cities and counties must develop funding mechanisms to finance local flood protection responsibilities by January 1, 2010. Although, it should be noted that the legislation states this action should be consistent with the adoption of the CVFPP (required by July 1, 2012), which falls after the statutory deadline for the development of funding mechanisms.



## 3.0 Sacramento-San Joaquin Valley

### Obtain More Information Here...

More information will be available once the CVFPP is adopted. Questions should be directed to DWR's Division of Flood Management at <http://www.water.ca.gov/floodmgmt/>. Reference the development of the CVFPP at <http://www.water.ca.gov/cvfmp/>.

*Please note a "local agency that incurs costs for the maintenance or improvement of a project or nonproject levee under the delta levee maintenance subventions program" is not required to, but may, submit information to DWR for only the reach of the levee included under the program. (Government Code Section 9140(c))*

## 3.8 Water Code Section 9140

### 3.8.1 Flood Management Report of Information When Responsible for the Operation and Maintenance of a Project Levee

A "project levee" is defined by the California Government Code as "any levee that is part of the facilities of the State Plan of Flood Control" (Government Code Section 65007(f)).

#### Local Levee Maintaining Agencies Are Now Required To...

The 2007 flood risk management legislation added Water Code Section 9140 that **includes requirements** for local levee maintaining agencies to submit to DWR specific information, or "report of information," relative to the project levees they operate and maintain. In turn, DWR is required to summarize the information in an annual report to the Central Valley Flood Protection Board.

The report of information (i.e., local agency reports) is required by local agencies that are either:

- responsible for the operation and maintenance of a project levee.
- responsible for the operation and maintenance of a non-project levee that also benefits land within the boundaries of the area benefited by the project levees.

The information required by a local levee maintaining agency includes the following (Water Code Section 9140):

1. "Information known to the local agency that is relevant to the condition or performance of the project levee (or *jurisdictional non-project levee*);
2. Information identifying known conditions that might impair or compromise the level of flood protection provided by the project levee (or *jurisdictional non-project levee*);

## 3.0 Sacramento-San Joaquin Valley



3. A summary of the maintenance performed by the local agency during the previous fiscal year;
4. A statement of work and estimated cost for operation and maintenance of the project levee (or *jurisdictional non-project levee*) for the current fiscal year, as approved by the local agency; and
5. Any other readily available information contained in the records of the local agency relevant to the condition or performance of the project levee (or *jurisdictional non-project levee*), as determined by the board [Central Valley Flood Protection Board] or the department [DWR].”

It should be noted that Water Code Section 9140 requires the annual flood management report submitted by DWR to be made available on the CVFPB’s website if the local agency is within the boundaries of the Board’s jurisdiction (see Appendices A and B for a listing of cities and counties within the SSJV and SSJDD). Otherwise, the report is required to be made available on DWR’s website.



DWR’s annual report to the CVFPB will summarize the submitted information by local agencies, as well as relevant portions of any of the following, at DWR’s discretion:

- Annual inspection reports on local agency maintenance.
- The State Plan of Flood Control, including flood control system status reports.
- Annual schedule for mapping areas at risk of flooding in the Sacramento River and San Joaquin River drainage.
- Any correspondence, document, or information deemed relevant by DWR.

### Local Levee Maintaining Agencies Should Consider...

- Accessing a new web based application tool the DWR Division of Flood Management, Flood Project Integrity and Inspection Branch is developing in partnership with the California Data Exchange Center (CDEC) in an effort to help local agencies comply with the new requirements through electronic submittal of the required information. This application has been designed to provide local agencies with access to flood control system information and should be utilized to facilitate reporting required under Water Code 9140.



## 3.0 Sacramento-San Joaquin Valley

- Contacting DWR's Division of Flood Management, Flood Operations Branch for the current Directory of Flood Officials. This Directory is a good source of information and includes contacts regarding reclamation districts; levee districts; and county, State, and federal agencies. For a list of floodplain administrators, contact DWR's Division of Flood Management, Floodplain Management Branch.

### Local Levee Maintaining Agencies Must Comply By...

Effective January 1, 2008, local levee maintaining agencies are required to comply and submit the report of information to DWR on or before September 30, annually thereafter. DWR must then summarize the information in an annual report to the Central Valley Flood Protection Board by December 31.

### Obtain More Information Here...

#### DWR Division of Flood Management, Flood Project Integrity and Inspection Branch

<http://www.water.ca.gov/floodmgmt/hafoo/fpiib/>

#### DWR Division of Flood Management, Flood Operations Branch

<http://www.water.ca.gov/floodmgmt/hafoo/fob/>

#### DWR Division of Flood Management, Floodplain Management Branch

<http://www.water.ca.gov/floodmgmt/>

## 3.9 Water Code Section 9650

### 3.9.1 Safety Plan

The 2007 flood risk management legislation added Water Code Section 9650, which states where the:

“allocation or expenditure of funds by the State for the upgrade of a project levee...that protects an area in which more than 1,000 people reside, local agencies responsible for operation and maintenance of a project levee and any city or county protected by the project levee...are required to enter into an agreement to adopt a safety plan within two years.”



The “upgrade of a project levee” is defined by Water Code Section 9651(h) as “installing a levee underseepage control system, increasing the height or bulk of a levee, installing a slurry wall or sheet pile into the levee, rebuilding a levee because of internal geotechnical flaws, or adding a stability berm.”

### Cities, Counties, and Local Agencies Are Now Required To...

If a city or county is protected by a project levee that receives State funds to upgrade the levee, the jurisdiction is **required** to enter into an agreement and approve a resolution committing to the preparation of a safety plan jointly with the local agency responsible for the operation and maintenance of the project levee.

The safety plan, at a minimum, needs to include all of the following elements:

- “A flood preparedness plan that includes storage of materials that can be used to reinforce or protect a levee when a risk of failure exists.
- A levee patrol plan for high water situations.
- A flood-fight plan for the period before State or federal agencies assume control over the flood fight.
- An evacuation plan that includes a system for adequately warning the general public in the event of a levee failure, and a plan for the evacuation of every affected school, residential care facility for the elderly, and long-term health care facility.
- A floodwater removal plan.
- A requirement, to the extent reasonable, that either of the following applies to a new building in which the inhabitants are expected to be essential service providers:
  - The building is located outside an area that may be flooded.
  - The building is designed to be operable shortly after the floodwater is removed.”

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*For a definition of project levee, see Section 5.0 of this Handbook.*

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## 3.0 Sacramento-San Joaquin Valley

*The safety plan is required to be integrated into any other local agency emergency plan and should be coordinated with the State emergency plan.*

The safety plan is required to be “integrated into any other local agency emergency plan and will be coordinated with the state emergency plan” (Water Code Section 9650(c)). Upon completion of the safety plan, the local agency must submit a copy to DWR and the CVFPB to inform the entities of its preparation.

### **Cities, Counties, and Local Agencies Should Consider...**

- Developing an agreement between the local agency and city or county in the form of a memorandum of understanding (MOU) that clearly states the obligations and responsibilities of each agency and/or jurisdiction.
- Taking advantage of the informational assistance DWR and Cal EMA are developing regarding the preparation and content of safety plans. This guidance will explain the minimum safety plan elements required, in addition to additional content recommended by DWR and Cal EMA.

### **Local Jurisdictions Must Comply By...**

Starting July 1, 2008, the requirements need to be met within two years of the allocation or expenditure of State funds for the upgrade of a project levee.

### **Obtain More Information Here...**

Information on the development of safety plans can be accessed at Cal EMA’s website at <http://www.hazardmitigation.calema.ca.gov/>.

See DWR’s publications links for other informational assistance and guidance, along with evacuation plans and flood-related plans and guidance at <http://www.water.ca.gov/publications/>.



**Additional Response for Jurisdictions  
also Located within the Sacramento-San  
Joaquin Drainage District**

**4.0**





## 4.0 Sacramento-San Joaquin Drainage District



The Sacramento-San Joaquin Drainage District (SSJDD) was created in 1913 by the California Legislature to allow survey work and the collection of data of the San Joaquin and Sacramento Rivers and tributaries for the purposes of preparing a report to the Central Valley Flood Protection Board (CVFPB) (formerly The Reclamation Board) to further the Board's plans for controlling the floodwaters of the rivers, improving and preserving navigation, and reclaiming and protecting the lands that are susceptible to overflow from those rivers and their tributaries. The District's management and control is vested in the CVFPB, and according to the Statute, the District can "acquire, own, hold, use, and enjoy any and all properties necessary for the purposes of the District."

The SSJDD boundary comprises approximately 1.9 million acres in the Sacramento-San Joaquin Valley generally along and adjacent to the Sacramento and San Joaquin Rivers. Fifteen counties and 27 cities are located within the boundaries of the SSJDD, and therefore, are subject to additional State law requirements (refer to Appendix B for a complete list of the counties and cities within the SSJDD). All local governments located within the SSJDD boundary (Figure 7) are required to comply with portions of the new flood risk management requirements included within the Government Code (Table 4).

*For clarification, if a county, city, or parcel of land is partially within the SSJDD then the Government Code sections described in Section 4.0 apply, but only to the extent of the land that is actually located within the SSJDD boundary.*

Typical local **planning documents and tools** that are affected by these requirements are outlined in Figure 8 and listed below with a reference to the section of this Handbook where the information can be found:

- General Plan Safety Element (Section 4.1.1)
- General Plan (Section 4.2.1)

## Additional Response for Jurisdictions Also Located within the Sacramento-San Joaquin Drainage District





# 4.0 Sacramento-San Joaquin Drainage District



**FIGURE 8: SACRAMENTO-SAN JOAQUIN DRAINAGE DISTRICT AFFECTED PLANNING DOCUMENTS AND TOOLS**

If your jurisdiction is located within the **Sacramento-San Joaquin Drainage District...**

...then you are subject to Statewide requirements (see Section 2.0), Sacramento-San Joaquin Valley requirements (see Section 3.0), and the following additional Government Code sections affect your...

**GENERAL PLAN SAFETY ELEMENT**

See Section 4.1  
Government Code Section 65302(g)(5)

- Consult with state agencies including the Central Valley Flood Protection Board prior to preparing or revising the safety element

See Section 4.1  
Government Code Section 65302.7

- Submit the draft safety element or draft amendment to the safety element for review to the Central Valley Flood Protection Board and local agencies that provide flood protection to the city or county

**GENERAL PLAN**

See Section 4.2  
Government Code Section 65352

- Refer general plan amendments to the Central Valley Flood Protection Board

# 4.0 Sacramento-San Joaquin Drainage District

**Table 4: Overview of Codes Applicable to Local Jurisdictions in the Sacramento-San Joaquin Drainage District<sup>1</sup>**

Code/Section	Overview of Requirements	Affected Planning Documents and Tools	Schedule for Compliance	Section Reference	
				Discussion and Page Number(s)	Code Excerpt
Government Code 65302(g)(5)	Each city and county within the Sacramento-San Joaquin Drainage District must consult with the California Geological Survey of the Department of Conservation, the Central Valley Flood Protection Board, and the California Emergency Management Agency prior to preparing or revising the safety element.	General Plan Safety Element	After January 1, 2008	Section 4.1 Page 79	Appendix E
Government Code 65302.7	Each city and county within the Sacramento-San Joaquin Drainage District is required to submit the draft general plan safety element or draft amendment to the safety element for review to the Central Valley Flood Protection Board and local agencies that provide flood protection to the city or county.	General Plan Safety Element	After January 1, 2008  A minimum of 90 days prior to adoption of, or amendment to, the Safety Element	Section 4.1 Page 79	Appendix E
Government Code 65352	Prior to adoption or substantial amendment of the general plan, cities and counties within the Sacramento-San Joaquin Drainage District may submit the proposed action to the Central Valley Flood Protection Board.	General Plan	After January 1, 2008  Prior to action to adopt or amend a General Plan	Section 4.2 Page 83	Appendix E

<sup>1</sup> See Appendix B for a listing of cities and counties within the Sacramento-San Joaquin Drainage District.

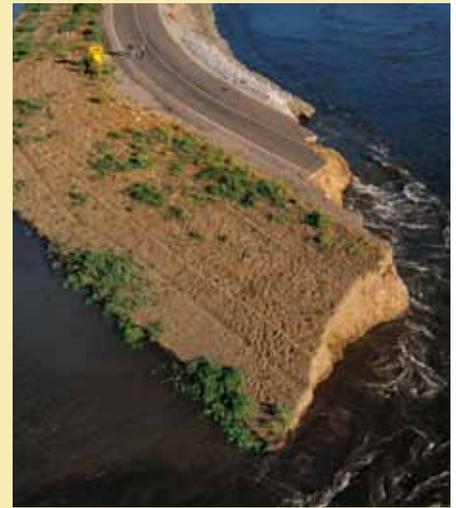
## 4.0 Sacramento-San Joaquin Drainage District



### 4.1 Government Code Sections 65302(g)(5) and 65302.7

#### 4.1.1 General Plan Safety Element

*The California General Plan Guidelines state “the safety element aims to reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from fires, floods, earthquakes, landslides, and other hazards. The safety element overlaps topics also mandated in the land use, conservation, and open-space elements. The element should contain general hazard and risk reduction strategies and policies supporting hazard mitigation measures. Communities may use the safety element as a vehicle for defining “acceptable risk” and the basis for determining the level of necessary mitigation.”*



The 2007 legislation amended Government Code Sections 65302(g)(5) and 65302.7, as discussed below.

#### Cities and Counties Are Now Required To...

The 2007 flood risk management legislation under Government Code Section 65302(g)(5) added the CVFPB as an entity that local jurisdictions within the SSJDD **must consult** with prior to preparing or revising the safety element. Prior to the amendment, Government Code Section names the California Geological Survey (CGS) of the Department of Conservation and Cal EMA as the two other entities with this authority. The purpose of the consultations with the CVFPB, CGS, and Cal EMA prior to preparing or revising the safety element is to assist local jurisdictions with guidance related to areas subject to flooding and to provide them with the most current relevant technical information available regarding flood risk reduction and protection.

*The requirements of recent legislation on local jurisdictions within the SSJDD pertain to submittals, referrals, and consultations as part of the process to amend general plans, and in particular, the safety element.*



## 4.0 Sacramento-San Joaquin Drainage District

**Prior to preparation cities and counties within the SSJDD must consult with the CVFPB, CGS, and Cal EMA.**

**See Section 2.1.3 for information on how to revise the General Plan Safety Element per 2007 legislation regarding flood hazards.**



In addition to the requirement of Government Code Section 65302(g) (5) to consult with the CVFPB prior to preparing or revising the safety element, Government Code Section 65302.7 was amended to provide new regulations that **require** “each city and county within the boundaries of the Sacramento-San Joaquin Drainage District” to “**submit** the draft safety element of, or draft amendment to the safety element, to:

- the Central Valley Flood Protection Board, and
- every local agency that provides flood protection to the city or county.”

Cities and counties must submit the draft safety element for review 90 days prior to adoption or amendment to the CVFPB and every local agency that provides flood protection to the city or county, which may include local reclamation districts.

The CVFPB or local agency has 60 days to **review** and **may provide** written recommendations for changes to the draft safety element regarding both of the following:

1. “Uses of land and policies in areas subjected to flooding that will protect life, property, and natural resources from unreasonable risks associated with flooding.
2. Methods and strategies for flood risk reduction and protection within areas subjected to flooding.” (Government Code Section 65302.7(b))

Each city and county **must** consider the recommendations prior to the adoption of the draft safety element. If the legislative body determined not to accept all or some of the recommendations findings must be made in writing to the CVFPB or local agency that state reasons why (Government Code Section 65302.7(c)).

If the CVFPB or applicable local agency does not provide written recommendations within 60 days, the jurisdiction can move ahead and act without the recommendations (Government Code Section 65302.7(d)). It should be noted, however, that if recommendations are submitted by the CVFPB after the 60 days, the local jurisdiction must consider the recommendations during the next time amendments to the safety element are considered.

## 4.0 Sacramento-San Joaquin Drainage District



### Cities and Counties Should Consider...

- Communicating with the CVFPB, CGS, and Cal EMA through several methods including written communication, phone calls, meetings, and/or electronic communications prior to preparing or revising the safety element to gather the most current relevant technical information available.
- Utilizing the CVFPB General Plan Safety Element Review Crosswalk included in Appendix C of this Handbook. The Review Crosswalk will help cities and counties within the boundaries of the SSJDD understand what is required under Government Code Section 65302.7 to ensure a complete General Plan Safety Element is submitted to the CVFPB. In addition, refer to Section 2.1 of this Handbook for required amendments to the safety element per Government Code Sections 65302(g)(2)(A), (B), and (C); which are also included within the Review Crosswalk.
- DWR's interpretation of "unreasonable risks" associated with flooding pertaining to Government Code Section 65302.7(b). Both FEMA's special flood hazard area (100-year floodplain) and a 200-year floodplain are considered to be areas of known potential flood risk. If development were allowed to occur within the special flood hazard area or a 200-year floodplain, there may be an "unreasonable risk" associated with potential flooding.
- Contacting DWR's Division of Flood Management, Flood Operations Branch for the current Directory of Flood Officials. This Directory is a good source of information and includes contacts regarding reclamation districts; levee districts; and county, State, and federal agencies.

***Refer to Appendix C of this Handbook to utilize the CVFPB General Plan Safety Element Review Crosswalk.***

***If the Central Valley Flood Protection Board or applicable local agency's recommendations are not available within 60 days, action can be taken by the local jurisdiction without the recommendations devoid of penalty; however, Government Code Section 65302.7 states if recommendations are submitted after the 60 days, "the board of supervisors or city council must consider the recommendations at the next time it [the jurisdiction] considers amendments to the safety element."***



## 4.0 Sacramento-San Joaquin Drainage District

### Cities and Counties Must Comply By...



Effective January 1, 2008, Government Code Section 65302(g)(5) requires cities and counties located within the SSJDD to consult with the CVFPB prior to preparing or revising the safety element.

Effective January 1, 2008, Government Code Section 65302.7 requires cities and counties located within the SSJDD to submit the draft safety element 90 days prior to an adoption or amendment to the CVFPB and every local agency that provides flood protection to the city or county for review.

### Obtain More Information Here...

#### DWR Division of Flood Management, Flood Operations Branch

<http://www.water.ca.gov/floodmgmt/hafoo/fob/>

#### CVFPB

<http://www.cvpfb.ca.gov/>

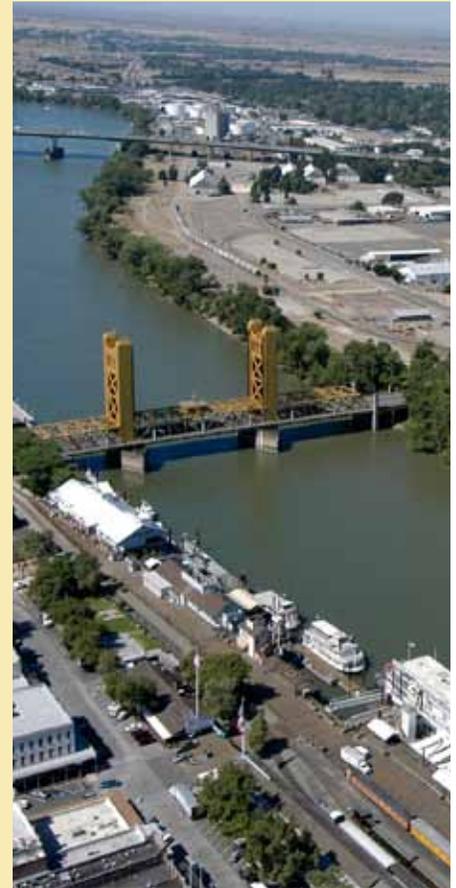
## 4.0 Sacramento-San Joaquin Drainage District



### 4.2 Government Code Section 65352

#### 4.2.1 General Plan

*California State law requires each city and county to adopt a general plan “for the physical development of the county or city, and any land outside its boundaries which bears relation to its planning” (Government Code Section 65300). The California Supreme Court has called the general plan the “constitution for future development.” The general plan expresses the community’s development goals and embodies public policy relative to the distribution of future land uses, both public and private. The California General Plan Guidelines state “the general plan must cover a local jurisdiction’s entire planning area and address the broad range of issues associated with a city’s or county’s development.” Further the Guidelines state that “OPR is required to notify a city or county when its general plan has not been revised within eight years. If a city or county has not revised its general plan within ten years, OPR must also notify the Attorney General. This notification does not necessarily mean the plan is out of date, but may serve as a reminder to comprehensively review the general plan if the city or county has not already done so.”*



Government Code Section 65352 lists which entities a city or county can refer an adopted or substantially amended general plan to, including appropriate entities like abutting cities and/or counties, school districts, the local area formation commission, area-wide planning agencies, federal agencies, branches of the United States Armed Forces, public water systems, air district, and California Native American tribes.

It should be noted that internal consistency is a fundamental requirement of the general plan under Government Code Section 65300.5, and guidance on how meet this requirement is provided in the OPR California General Plan Guidelines. If inconsistencies are identified, amendments to other general plan elements may be required. If an amendment to the housing element is made, cities and counties are to submit the amended housing element to the California Department of Housing and Community



## 4.0 Sacramento-San Joaquin Drainage District

*Government Code Section 65352 states the action to refer an amendment of the general plan is discretionary, not mandatory, and the failure to refer the general plan to the entities named does not affect the validity of the general plan, if adopted.*

*DWR encourages cities and counties within the SSJDD to submit amendments to the general plan land use, conservation, and safety elements to the CVFPB for review. Refer to Section 2.1 of this Handbook for required amendments to the land use, conservation, and safety elements.*

*Refer to Appendix C of this Handbook to utilize the CVFPB General Plan Safety Element Review Crosswalk.*

Development (HCD) for review, as required under Government Code Section 65585. If cities and counties are interested in coordination and technical assistance with their housing element updates, consultation with HCD is suggested.

### Cities and Counties May...

Under the 2007 flood risk management legislation, Government Code Section 65352 is amended to state a proposed action “within the boundaries of the Sacramento-San Joaquin Drainage District” **may** be directed to the “Central Valley Flood Protection Board.” The CVFPB then has 45 days to review and comment back to the city or county (unless a longer period is specified by the jurisdiction). This action is discretionary, not mandatory, and the failure of a city or county within the SSJDD to refer an adopted or substantially amended general plan to the CVFPB does not affect the validity of the general plan, if adopted.

### Cities and Counties Should Consider...

- Submitting general plan amendments to the CVFPB for review. DWR supports the coordination between the CVFPB and local jurisdictions within the boundaries of the SSJDD.

### Cities and Counties Can Comply By...

Effective January 1, 2008, cities and counties located within the SSJDD can submit general plan amendments to the CVFPB, among other entities.

### Obtain More Information Here...

**DWR Division of Flood Management, Levee Repairs and Floodplain Management Office**

<http://www.water.ca.gov/floodmgmt/lrafmo/>

#### CVFPB

<http://www.cvfpb.ca.gov>

#### HCD

<http://www.hcd.ca.gov/hpd/>

The most current version of OPR’s California General Plan Guidelines can be found at <http://www.opr.ca.gov/index.php?a=planning/gpg.html>.



**Definitions**

**5.0**







## Definitions

**100-year Flood Event.** The flood having a 1% chance of being equaled or exceeded in any given year. A structure located within a special flood hazard area shown on a National Flood Insurance Program map has a 26% chance of suffering flood damage during the term of a 30 year mortgage. (Federal Emergency Management Agency, <http://www.fema.gov/>, accessed June 2009)

**200-year Floodplain.** An area that has a 1 in 200 chance of flooding in any given year, based on hydrological modeling and other engineering criteria accepted by the Department of Water Resources. (Government Code Section 65300.2(a))

**200-year Flood Event.** A flood event with a 1 in 200 (0.5%) chance of occurring in any given year.

**500-year Floodplain.** An area that has a 1 in 500 (0.2%) chance of flooding in any given year.

**Adequate Progress.** Means all of the following:

- 1) The total project scope, schedule, and cost of the completed flood protection system have been developed to meet the appropriate standard of protection.
- 2) (A) Revenues that are sufficient to fund each year of the project schedule developed in paragraph (1) have been identified and, in any given year and consistent with that schedule, at least 90 percent of the revenues scheduled to have been received by that year have been appropriated and are currently being expended.  
  
(B) Notwithstanding subparagraph (A), for any year in which state funding is not appropriated consistent with an agreement between a state agency and a local flood management agency, the Central Valley Flood Protection Board may find that the local flood management agency is making adequate progress in working toward the completion of the flood protection system.
- 3) Critical features of the flood protection system are under construction, and each critical feature is progressing as indicated by the actual expenditure of the construction budget funds.
- 4) The city or county has not been responsible for a significant delay in the completion of the system.

## 5.0 Definitions

- 5) The local flood management agency shall provide the Department of Water Resources and the Central Valley Flood Protection Board with the information specified in this subdivision sufficient to determine substantial completion of the required flood protection. The local flood management agency shall annually report to the Central Valley Flood Protection Board on the efforts in working toward completion of the flood protection system. (Government Code Section 65007(a))

**Central Valley Flood Management Planning Program (CVFMP).** The CVFMP is one program within FloodSAFE California, a multi-year initiative led and managed by the California Department of Water Resources. Primary products of the CVFMP Program are the State Plan of Flood Control Descriptive Document, the Flood Control System Status Report, and the Central Valley Flood Protection Plan (CVFPP).

**Central Valley Flood Protection Board (CVFPB).** The CVFP Board (formerly The Reclamation Board) was created by the California Legislature in 1911 to carry out a comprehensive flood control plan for the Sacramento and San Joaquin Rivers. The Board has jurisdiction throughout the Sacramento-San Joaquin Valley, which is synonymous with the drainage basins of the Central Valley and includes the Sacramento-San Joaquin Drainage District.

**Central Valley Flood Protection Plan (CVFPP).** The CVFPP is a State plan that will describe the challenges, opportunities, and a vision for improving integrated flood management in the Central Valley. The CVFPP will document the current and future risks associated with flooding and recommend improvements to the State-federal flood protection system to reduce the occurrence of major flooding and the consequence of flood damage that could result. The plan will be submitted to the Central Valley Flood Protection Board by January 1, 2012, for adoption by the following July, and will be updated every five years.

**Developed Area.** An area of a community that is:

- A. A primarily urbanized, built-up area that is a minimum of 20 contiguous acres, has basic urban infrastructure, including roads, utilities, communications, and public facilities, to sustain industrial, residential, and commercial activities, and
1. Within which 75 percent or more of the parcels, tracts, or lots contain commercial, industrial, or residential structures or uses; or
  2. Is a single parcel, tract, or lot in which 75 percent of the area contains existing commercial or industrial structures or uses; or



3. Is a subdivision developed at a density of at least two residential structures per acre within which 75 percent or more of the lots contain existing residential structures at the time the designation is adopted.
  - A. Undeveloped parcels, tracts, or lots, the combination of which is less than 20 acres and contiguous on at least 3 sides to areas meeting the criteria of paragraph (a) at the time the designation is adopted.
  - B. A subdivision that is a minimum of 20 contiguous acres that has obtained all necessary government approvals, provided that the actual “start of construction” of structures has occurred on at least 10 percent of the lots or remaining lots of a subdivision or 10 percent of the maximum building coverage or remaining building coverage allowed for a single lot subdivision at the time the designation is adopted and construction of structures is underway. Residential subdivisions must meet the density criteria in paragraph (a)(3). (Section 59.1 of Title 44 of the Code of Federal Regulations)

**Economically Disadvantaged Communities.** Means a community with an annual median household income that is less than 80 percent of the statewide annual median household income. (Water Code Section 79505.5)

**Essential Public Facilities.** Include, but not limited to, hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities. (Government Code Section 65302)

**Evacuation Plan.** Includes a system for adequately warning the general public in the event of a levee failure, and a plan for the evacuation of every affected school, residential care facility for the elderly, and long-term health care facility. (Water Code Section 9650)

**Feasible.** Means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. (Water Code Section 8307)

**Federal Flood Standard.** The 100-year flood or 1 percent annual chance flood. (Federal Insurance Administration (FIA))



## 5.0 Definitions

**FloodSAFE California.** DWR's multi-faceted initiative launched in 2006 to improve public safety through integrated flood management and reduce potential flood damages in the state's highest risk areas. Although led at the state level and initially funded by proposition 1E and 84 bond money, FloodSAFE implementation relies on the cooperation and assistance of federal partners, Tribal entities, local sponsors and other stakeholders. The FloodSAFE vision is a sustainable integrated flood management and emergency response system throughout California that improves public safety, protects and enhances environmental and cultural resources, and supports economic growth by reducing the probability of destructive floods, promoting beneficial floodplain processes, and lowering the damages caused by flooding. (DWR, Draft FloodSAFE Strategic Plan, June 2008)

**Flood Basin.** A bowl-shaped, natural landform that historically or presently receives and retains floodwaters, or an engineered floodwater detention basin, excavated below grade or surrounded by levees.

**Flood Control System Status Report.** A report that will provide an assessment of the status of the facilities included in the State Plan of Flood Control (SPFC) Descriptive Document, identify deficiencies, and make recommendations for improvement. This report will be revised as needed.

**Flood Corridor.** A passage way for flood flows including but not limited to bypass systems, channels, levee systems, floodplain easements, culverts, floodwalls, or a combination thereof.

**Flood Hazard Zone.** An area subject to flooding that is delineated as either a special hazard area or an area of moderate hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency. The identification of flood hazard zones does not imply that areas outside the flood hazard zones, or uses permitted within flood hazard zones, will be free from flooding or flood damage. (Government Code Section 65007(d))

**Flood Management.** The use of comprehensive methods to manage flood flows, providing multiple benefits in addition to protecting people and property. (DWR, Draft FloodSAFE Strategic Plan, June 2008)

**Flood Management System.** Refers the structural elements employed to convey flood flows within the Central Valley Flood Protection Plan Planning Area, including facilities of the State Plan of Flood Control, flood control reservoirs, and non-project levees.



**Flood Prone Areas.** Areas subject to inundation by flooding.

**Groundwater Recharge.** The natural or intentional infiltration of surface water into the zone of saturation. (DWR, Bulletin 118, Update 2003)

**Integrated Flood Management.** An approach to dealing with flood risk that recognizes the interconnection of flood management actions within broader water resources management and land use planning; the value of coordinating across geographic and agency boundaries; the need to evaluate opportunities and potential impacts from a system perspective; and the importance of environmental stewardship and sustainability. (DWR, Draft FloodSAFE Strategic Plan, June 2008)

**Local Jurisdiction.** Means a city, city and county, or county.

**Levee Flood Protection Zones (LFPZ).** An area that is protected, as determined by the Central Valley Flood Protection Board or the Department of Water Resources, by a levee that is part of the facilities of the State Plan of Flood Control, as defined under Section 5096.805 of the Public Resources Code. (Government Code Section 65300.2(b))

**Moderate Flood Hazard Area.** Flood hazard area, as identified on the Flood Insurance Rate Map (FIRM), labeled Zone B or Zone X (shaded), are the areas between the limits of the base flood and the 0.2% annual chance or a 500-year flood. (Federal Emergency Management Agency, <http://www.fema.gov/>, accessed June 2009)

**Non-project Levee.** Any levee that is not part of the State Plan of Flood Control (Water Code 9602(c)) or other State-federal flood protection facilities. Non-project levees are typically privately owned or under the authority of a local levee district.

**Nonurbanized Area.** A developed area or an area outside a developed area in which there are fewer than 10,000 residents. (Government Code Section 65007(e))

**Operation and Maintenance.** Refers to the effort that must be expended to keep project facilities in good working condition so they continue to operate as designed; wear and tear on facilities that are not adequately maintained can reduce their capacity or make them more vulnerable to failure.

**Project Levee.** Any levee that is part of the facilities of the State Plan of Flood Control. (Government Code Section 65007(f) and Water Code 9602(c))



## 5.0 Definitions

**Public Safety Infrastructure.** Infrastructure necessary to respond to a flood emergency, including, but not limited to, street and highway evacuation routes, public utilities necessary for public health and safety, including drinking water and wastewater treatment facilities, and hospitals. (Water Code Section 9602)

**Risk Assessment.** A detailed analysis for land use management that ensures that an adequate level of flood protection is provided throughout the life of the proposed development site. The assessment generally includes, but is not limited to topographic, hydrological and hydraulic modeling, forecasting and societal impacts.

**Rural Community.** A city, town, or settlement outside of urban and urbanizing areas with expected population less than 10,000 within the next ten years.

**Sacramento-San Joaquin Drainage (SSJD) District.** Comprises more than 1.9 million acres in the Central Valley generally along and adjacent to the Sacramento and San Joaquin rivers. SSJD District was created in 1913 by the California Legislature to allow survey work and the collection of data of the San Joaquin and Sacramento rivers and tributaries to prepare a report to the Central Valley Flood Protection Board to further the Board's plans for controlling the floodwaters of the rivers, improve and preserve navigation, and the reclamation and protection of the lands that are susceptible to overflow from those rivers and their tributaries. The District's management and control is vested in the Central Valley Flood Protection Board, and according to the Statute, the District can "acquire, own, hold, use, and enjoy any and all properties necessary for the purposes of the District." (Central Valley Flood Protection Board, <http://www.cvfpb.ca.gov/>, accessed June 2009)

**Sacramento-San Joaquin Valley.** Lands in the bed or along or near the banks of the Sacramento River or San Joaquin River, or their tributaries or connected therewith, or upon any land adjacent thereto, or within the overflow basins thereof, or upon land susceptible to overflow there from. The Sacramento-San Joaquin Valley does not include lands lying within the Tulare Lake basin, including the Kings River. (Government Code Section 65007(g))



**Special Flood Hazard Area.** Flood hazard area identified on the Flood Insurance Rate Map (FIRM) defined as the area that will be inundated by the flood event having a 1% chance of being equaled or exceeded in any given year. The 1% annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. (Federal Emergency Management Agency, <http://www.fema.gov/>, accessed June 2009)

**State Plan of Flood Control.** The State and federal flood control works, lands, programs, plans, conditions, and mode of maintenance and operations of the Sacramento River Flood Control Project described in Section 8350 of the Water Code, and of flood control projects in the Sacramento River and San Joaquin River watersheds authorized pursuant to Article 2 (commencing with Section 12648) of Chapter 2 of Part 6 of Division 6 of the Water Code for which the board or the department has provided the assurances of nonfederal cooperation to the United States, which shall be updated by the department and compiled into a single document entitled "The State Plan of Flood Control." (Public Resources Code Section 5096.805(j))

**Stormwater Management.** The management (quantity and quality) of stormwater runoff focused on collecting stormwater in piped networks and transporting it either directly to a stream or river, to a large stormwater management facility/basin, or to a combined sewer system flowing to a wastewater treatment plant. (Environmental Protection Agency, <http://www.epa.gov>, accessed September 2010)

**System.** Refers to the Sacramento-San Joaquin River Flood Management System comprising all of the following: (a) the facilities of the State Plan of Flood Control as that plan may be amended pursuant to this part. (b) Any existing dam, levee, or other flood management facility that is not part of the State Plan of Flood Control if the board determines, upon recommendation of the department, that the facility does one or more of the following: (1) provides significant systemwide benefits for managing flood risks within the Sacramento-San Joaquin Valley. (2) Protects urban areas within the Sacramento-San Joaquin Valley. (Water Code Section 9602 and 9611)

**Tulare Lake Basin.** Means the Tulare Lake Hydrologic Region as defined in the California Water Plan Update 2009, prepared by the Department of Water Resources pursuant to Chapter 1 (commencing with Section 10004) of Part 1.5 of Division 6 of the Water Code. (Government Code Section 65007(i), chaptered August 18, 2010 under Senate Bill 1070)



## 5.0 Definitions

**Unreasonably Approving.** Means approving a new development project without appropriately considering significant risks of flooding made known to the approving agency as of the time of approval and without taking reasonable and feasible action to mitigate the potential property damage to the new development resulting from a flood. (Water Code Section 8307)

**Upgrade of a Project Levee.** Installing a levee underseepage control system, increasing the height or bulk of a levee, installing a slurry wall or sheet pile into the levee, rebuilding a levee because of internal geotechnical flaws, or adding a stability berm. Notwithstanding the above definition, an upgrade of a project levee does not include any action undertaken on an emergency basis. (Water Code Section 9651(h))

**Urban Area.** A developed area in which there are 10,000 residents or more. (Government Code Section 65007(i))

**Urbanizing Area.** A developed area or an area outside a developed area that is planned or anticipated to have 10,000 residents or more within the next 10 years. (Government Code Section 65007(k))

**Urban Level of Flood Protection.** Level of protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year using criteria consistent with, or developed by, the Department of Water Resources. (Government Code Section 65007(l) and Water Code Section 9602(i))



# Appendices







**Cities and Counties within the Sacramento-San Joaquin Valley**

**A**

## Cities and Counties within the Sacramento-San Joaquin Valley

For clarification, if a county, city, or parcel of land is partially within the SSJV then the Government Code and Water Code sections described in Section 3.0 of this Handbook apply, but only to the extent of the land that is actually located within the SSJV boundary, see Figure 5.

### 33 Counties

- Alameda
- Alpine
- Amador
- Butte
- Calaveras
- Colusa
- Contra Costa
- El Dorado
- Fresno
- Glenn
- Lake
- Lassen
- Madera
- Mariposa
- Merced
- Modoc
- Napa
- Nevada
- Placer
- Plumas
- Sacramento
- San Benito
- San Joaquin
- Shasta
- Sierra
- Siskiyou
- Solano
- Stanislaus
- Sutter
- Tehama
- Tuolumne
- Yolo
- Yuba



## 85 Cities

- Alturas
- Amador City
- Anderson
- Angels Camp
- Antioch
- Atwater
- Auburn
- Biggs
- Brentwood
- Ceres
- Chico
- Chowchilla
- Citrus Heights
- Clearlake
- Colfax
- Colusa
- Corning
- Davis
- Dixon
- Dos Palos
- Dunsmuir
- Elk Grove
- Escalon
- Firebaugh
- Folsom
- Galt
- Grass Valley
- Gridley
- Gustine
- Hughson
- Ione
- Isleton
- Jackson
- Lakeport
- Lathrop
- Lincoln
- Live Oak
- Livingston
- Lodi
- Loomis
- Los Banos
- Loyalton
- Madera
- Manteca
- Marysville
- Merced
- Modesto



## Appendix A

- Mount Shasta
- Nevada City
- Newman
- Oakdale
- Oakley
- Orland
- Oroville
- Paradise
- Patterson
- Pittsburg
- Placerville
- Plymouth
- Portola
- Rancho Cordova
- Red Bluff
- Redding
- Rio Vista
- Ripon
- Riverbank
- Rocklin
- Roseville
- Sacramento
- Shasta Lake
- Sonora
- Stockton
- Sutter Creek
- Tehama
- Tracy
- Turlock
- Vacaville
- Waterford
- West Sacramento
- Wheatland
- Williams
- Willows
- Winters
- Woodland
- Yuba City



**Cities and Counties within the  
Sacramento-San Joaquin  
Drainage District**

**B**

## Cities and Counties within the Sacramento-San Joaquin Drainage District

For clarification, if a county, city, or parcel of land is partially within the SSJDD then the Government Code sections described in Section 4.0 of this Handbook apply, but only to the extent of the land that is actually located within the SSJDD boundary, see Figure 7.

### 15 Counties

- Butte
- Colusa
- Contra Costa
- Fresno
- Glenn
- Madera
- Merced
- Placer
- Sacramento
- San Joaquin
- Solano
- Stanislaus
- Sutter
- Yolo
- Yuba

### 27 Cities

- Antioch
- Biggs
- Colusa
- Davis
- Dos Palos
- Elk Grove
- Firebaugh
- Gridley
- Gustine
- Isleton
- Lathrop
- Live Oak
- Lodi
- Los Banos
- Manteca
- Marysville
- Mendota
- Newman
- Oakley
- Rio Vista
- Sacramento
- Stockton
- Tracy
- West Sacramento
- Wheatland
- Woodland
- Yuba City



**General Plan Safety Element  
Review Crosswalk**

**C**

# Appendix C

## CENTRAL VALLEY FLOOD PROTECTION BOARD GENERAL PLAN SAFETY ELEMENT REVIEW CROSSWALK

The General Plan Safety Element Review Crosswalk is based on the currently effective requirements of Government Code Section 65302.7, which state each city and county within the boundaries of the Sacramento-San Joaquin Drainage District (SSJDD) must submit the draft safety element, or draft amendment to the safety element, to the Central Valley Flood Protection Board (CVFPB) for review 90 days prior to element adoption. The CVFPB then has 60 days to review the safety element and provide written recommendations for changes regarding:

1. Uses of land and policies in areas subjected to flooding that will protect life, property, and natural resources from unreasonable risks associated with flooding.
2. Methods and strategies for flood risk reduction and protection within areas subjected to flooding.

Each city and county must consider the Board's recommendations prior to the adoption of the draft safety element. If the legislative body determines not to accept all or some of the recommendations, findings must be made in writing to the Board that states the reasons why. If the Board's recommendations are not available within 60 days, action can be taken by the local jurisdiction without the recommendations devoid of penalty; however, if recommendations are submitted after the 60 days, the local governing body must consider the recommendations at the next time the jurisdiction considers amendments to the safety element.

### Consultation with the Central Valley Flood Protection Board

Prior to preparation or revision of the safety element cities and counties must consult with the CVFPB based on the currently effective requirements of Government Code Section 65302(g)(5). The purpose of the consultation with the CVFPB is to assist with guidance related to areas subject to flooding and to direct jurisdictions to the most current relevant technical information available regarding flood risk reduction and protection. It is recommended that cities and counties consult with the CVFPB through written communication, phone calls, and/or electronic communication at <http://www.cvfpb.ca.gov/>.

### PART 1 – INSTRUCTIONS

Please fill out the application information below under Part 2, along with the checklist requirements within Part 3, Sections I and II "jurisdictions to fill out" columns and return, along with the draft safety element to:

Central Valley Flood Protection Board (CVFPB), Encroachment Control & Land Use Section  
3310 El Camino Avenue, Room 151  
Sacramento, California 95821

### PART 2 – APPLICATION INFORMATION

Jurisdiction to Fill Out	
Jurisdiction:	Mailing Address:
Jurisdiction Contact/Title:	Phone Number:
	E-mail Address:
	Date of draft safety element:
CVFPB Use Only	
CVFPB Reviewer/Title:	CVFPB Receipt Date:

Central Valley Flood Protection Board (CVFPB)

Safety Element Review Crosswalk

Page 1



**PART 3 – CHECKLIST OF REQUIREMENTS**

Government Code Section 65302(g) includes 2007 State flood risk management legislative direction to local jurisdictions to review and revise the general plan safety element to identify new information regarding flood hazards. For guidance regarding how to respond to the specific requirements under Section I and II below, reference the Department of Water Resources' Handbook for Implementing California Flood Legislation into Local Land Use Planning at <http://www.water.ca.gov/floodmgmt/>, or <http://www.water.ca.gov/LocalFloodRiskPlanning/>

This Review Crosswalk serves as a typical checklist that is required by the CVFPB and other agencies; however, the CVFPB and other agencies may ask for more information in addition to this checklist.

**Items to Consider before Filling out the Review Crosswalk**

Cities and counties are required to submit the draft general plan safety element or draft general plan safety element amendments to the CVFPB only if the bottom two conditions apply:

1. Is the city or county located within Sacramento-San Joaquin Drainage District? If yes, continue with the Review Crosswalk.
2. Is it a draft general plan safety element or draft general plan safety element amendment? If yes, continue with the Review Crosswalk.

**Scoring System**

The scoring system for the Review Crosswalk is based on the review of the safety element requirements under Sections I and II below and the resulting findings from the CVFPB if the requirements have been "met" or "not met."

**Section I: Identification of Flood Hazard Information**

Jurisdiction to Fill Out		CVFPB Use Only	
Safety elements must identify information regarding flood hazards per GC 65302(g)(2)(A)	Jurisdiction's Notes for CVFPB Reviewer	Board Reviewer's Comments	Score
			<input checked="" type="checkbox"/> MET <input checked="" type="checkbox"/> NOT MET
i. Does the new or updated safety element include flood hazard zones, as identified by FEMA?	Page _____		<input type="checkbox"/> MET <input type="checkbox"/> NOT MET

# Appendix C



Jurisdiction to Fill Out			CVFPB Use Only	
Safety elements must identify information regarding flood hazards per GC 65302(g)(2)(A)	Jurisdiction's Notes for CVFPB Reviewer	Location in the Safety Element/ Page #	Score	
			✓ MET	✓ NOT MET
ii. Does the new or updated safety element include National Flood Insurance Program (NFIP) maps, published by FEMA?		Page _____	<input type="checkbox"/>	<input type="checkbox"/>
iii. Does the new or updated safety element contain information about flood hazards available from the U.S. Army Corps of Engineers including the Corps Sacramento and San Joaquin River Basins Comprehensive Study?		Page _____	<input type="checkbox"/>	<input type="checkbox"/>
iv. Does the new or updated safety element include dam failure inundation maps, available from CalEMA (prepared pursuant to GC Section 8589.5)?		Page _____	<input type="checkbox"/>	<input type="checkbox"/>



Jurisdiction to Fill Out			CVFPB Use Only	
Safety elements must identify information regarding flood hazards per GC 65302(g)(2)(A)	Jurisdiction's Notes for CVFPB Reviewer	Location in the Safety Element/ Page #	Score	
			✓ MET	✓ NOT MET
v. Does the new or updated safety element include designated floodway maps, available from the CVFPB?		Page _____	<input type="checkbox"/>	<input type="checkbox"/>
vi. Does the new or updated safety element include Awareness Floodplain Mapping Program maps and 200-year flood plain maps, available from DWR?		Page _____	<input type="checkbox"/>	<input type="checkbox"/>
vii. Does the new or updated safety element include maps of levee flood protection zones (LFPZs), available from DWR?		Page _____	<input type="checkbox"/>	<input type="checkbox"/>

# Appendix C



Jurisdiction to Fill Out			CVFPB Use Only	
Safety elements must identify information regarding flood hazards per GC 65302(g)(2)(A)	Jurisdiction's Notes for CVFPB Reviewer	Location in the Safety Element/ Page #	Score	
			✓ MET	✓ NOT MET
viii. Does the new or updated safety element include areas subject to inundation in the event of the failure of project or nonproject levees or floodwalls (contact DWR for assistance, if needed)?		Page _____	<input type="checkbox"/>	<input type="checkbox"/>
ix. Does the new or updated safety element include historical data on flooding including locally prepared maps of areas that are subject to flooding, areas that are vulnerable to flooding after wildfires, and sites that have been repeatedly damaged by flooding, varies by Jurisdiction (contact DWR for assistance, if needed)?		Page _____	<input type="checkbox"/>	<input type="checkbox"/>



Jurisdiction to Fill Out			CVFPB Use Only	
Safety elements must identify information regarding flood hazards per GC 65302(g)(2)(A)	Jurisdiction's Notes for CVFPB Reviewer	Location in the Safety Element/ Page #	Score	
			✓ MET	✓ NOT MET
x. Does the new or updated safety element include existing and planned development in flood hazard zones, including structures, roads, utilities, and essential public facilities, varies by jurisdiction (contact DWR for assistance, if needed)?		Page _____	<input type="checkbox"/>	<input type="checkbox"/>
xi. Does the new or updated safety element include reference to local, state, and federal agencies with responsibility for flood protection, including special districts and local offices of emergency services?		Page _____	<input type="checkbox"/>	<input type="checkbox"/>

# Appendix C



## Section II: Protection of the Community from the Unreasonable Risks of Flooding

Jurisdiction to Fill Out		CVFPB Use Only			
Based on the above information in Section I, safety elements must establish a set of comprehensive goals, policies, and feasible implementation measures under GC 65302(g)(2)(B) and 65302(g)(2)(C)	Jurisdiction's Notes for CVFPB Reviewer	Location in the Safety Element/Page #			Score
		Goal	Policy	Imp. Measure	
Do the new or updated safety element goals, policies, and implementation measures accomplish the following:		Board Reviewer's Comments			<input checked="" type="checkbox"/> MET <input checked="" type="checkbox"/> NOT MET
I. Avoid or minimize the risks of flooding to new development?					
II. Part a: Evaluate whether new development should be located in flood hazard zones?		Page _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Jurisdiction to Fill Out		CVFPB Use Only		
Based on the above information in Section I, safety elements must establish a set of comprehensive goals, policies, and feasible implementation measures under GC 65302(g)(2)(B) and 65302(g)(2)(C)	Jurisdiction's Notes for CVFPB Reviewer	Location in the Safety Element/Page #		Score
		Goal	Policy	
Do the new or updated safety element goals, policies, and implementation measures accomplish the following:		Board Reviewer's Comments		<input checked="" type="checkbox"/> MET <input checked="" type="checkbox"/> NOT MET
II. Part b: Identify construction methods or other methods to minimize damage if new development is located in flood hazard zones?	Page _____  <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
III. Maintain the structural and operational integrity of essential public facilities during flooding?	Page _____  <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# Appendix C

Jurisdiction to Fill Out		CVFPB Use Only			
Based on the above information in Section I, safety elements must establish a set of comprehensive goals, policies, and feasible implementation measures under GC 65302(g)(2)(B) and 65302(g)(2)(C)	Jurisdiction's Notes for CVFPB Reviewer	Location in the Safety Element/Page #			Score
		Goal	Policy	Imp. Measure	
<p>Do the new or updated safety element goals, policies, and implementation measures accomplish the following:</p> <p>IV. Locate, when feasible, new essential public facilities outside of flood hazard zones (including hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities) or identify construction methods or other methods to minimize damage if these facilities are located in flood hazard zones?</p>	<p>Page _____</p>				✓ MET ✓ NOT MET
					<input type="checkbox"/> MET <input type="checkbox"/> NOT MET



Jurisdiction to Fill Out		CVFPB Use Only		
Based on the above information in Section I, safety elements must establish a set of comprehensive goals, policies, and feasible implementation measures under GC 65302(g)(2)(B) and 65302(g)(2)(C)	Jurisdiction's Notes for CVFPB Reviewer	Location in the Safety Element/Page #		Score
		Goal	Policy	
<p>Do the new or updated safety element goals, policies, and implementation measures accomplish the following:</p> <p>V. Establish cooperative working relationships among public agencies with responsibility for flood protection?</p>		<p>Page _____</p>	<p>Board Reviewer's Comments</p>	<p>✓ MET</p> <p>✓ NOT MET</p>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Section III – Additional Considerations and Information the Central Valley Flood Protection Board Recommends Including**

- Identify evacuation routes in the event of floods or dam failure inundations.
- If the city or county is vulnerable with inundation by more than one dam failure, delineate each dam inundation area resulting from each dam failure.
- The safety element and/or land use element must mention that if any project, including the modification of an existing project, falls within the jurisdiction regulated by the CVFPB, the city or county must apply for an encroachment permit from the Board. The Board exercises jurisdiction over the levee cross-section, the waterward area between project levees, a 10-foot-wide strip adjacent to the landside levee toe, within 30 feet of the top of the banks of unleveed project channels, and within designated floodways adopted by the Board. Activities outside of these limits which could adversely affect flood control projects are also under Board jurisdiction.
- Include a plan that differentiates the existing and planned development areas, and also includes flood hazard zones (associated with the above Section I, "x").
- Include geographic information systems (GIS) electronic mapping that layers floodplain mapping information, land use designations, safety evacuation routes, natural features, dam failure inundation, and other applicable flood risk management information on one figure at a minimum scale of 1:17 format.

CVFPB Use Only	
Section I Req. Met: ___/11	Section II Req. Met: ___/6
Section I Req. Not Met: ___/11	Section II Req. Not Met: ___/6
Comments:	





**Flood Risk Management Matrix of  
Overlapping Requirements &  
Suggested Actions**

**D**

# Appendix D

Overlapping Requirements (R) & Suggested Actions (SA)	
CA Floodplain Management Ordinance	n/a
Local Hazard Mitigation Plan (44 CFR Part 201)	n/a
Safety Plan*** (WC 9650)	n/a
Local Plan of Flood Protection (WC 8200-8201)	n/a
Safety Element** (GC 65302 (g))	n/a
Flood Emergency Plan* (WC 9621)	n/a
<b>Flood Emergency Plan Requirements:</b>	
*Contents to be Defined	n/a
<b>Safety Element Requirements:</b>	
**FEMA Approved Floodplain Management Ordinances Can Be Used	n/a
Financial Incentives offered to jurisdictions with an approved LHMP	R
Identification of Flood Hazards	R
Evacuation Routes	n/a
Military Installations, Peak Load Water Supply Requirements, Minimum Road Widths & Clearances Around Structures	n/a
Flood Hazard Mapping Resources From: FEMA FIRMS, USACE, Designated Floodway Maps, CAL-EMA Dam Failure Inundation Maps, Awareness Maps, LFPZ Maps, Levee Failure Inundation Areas	R
Historical Data on Flooding <sup>1</sup>	R

<sup>1</sup> Including local maps of areas subject to flooding, areas that are vulnerable to flooding after wildfires, and sites that have been repeatedly damaged by flooding (indicate an estimate of the number and type of sites and/or structures at risk, the repetitive loss properties, and the extent of flood dept and damage potential).



Overlapping Requirements (R) & Suggested Actions (SA)		CA Floodplain Management Ordinance	Local Hazard Mitigation Plan (44 CFR Part 201)	Safety Plan*** (WC 9650)	Local Plan of Flood Protection (WC 8200-8201)	Safety Element** (GC 65302 (g))	Flood Emergency Plan* (WC 9621)
Existing & Planned Development in Flood Hazard Zones (Structures, Roads, Utilities & Essential Public Facilities)		n/a	SA	SA	SA	R	SA
Local, State & Federal Agencies with Flood Protection Responsibilities Including Special Districts & Local OES Agencies		n/a	R	SA	SA	R	SA
Establish Set of Comprehensive Goals, Policies, Objectives & Implementation Measures for Protection Against Flood For: New Development, Essential Public Facilities		R	R	n/a	SA	R	n/a
Establish Cooperative Working Relationship with Other Public Agencies Responsible for Flood Protection		n/a	R	SA	SA	R	SA
Local Plan of Flood Protection Requirements:							
Urban Level Flood Protection Strategy		n/a	SA	R	R	n/a	n/a
Identification of Flood Hazards		n/a	R	n/a	R	R	n/a
Identification & Risk Assessment of Flood Protection Facilities for Current & Future Land Use		n/a	R	n/a	R	SA	n/a
Identification of Current & Future Flood Corridors		n/a	R	n/a	R	SA	n/a

# Appendix D

Overlapping Requirements (R) & Suggested Actions (SA)	CA Floodplain Management Ordinance	Local Hazard Mitigation Plan (44 CFR Part 201)	Safety Plan*** (WC 9650)	Local Plan of Flood Protection (WC 8200-8201)	Safety Element** (GC 65302 (g))	Flood Emergency Plan* (WC 9621)
Identify Improvements & Costs to Flood Protection Facilities	n/a	SA	n/a	R	SA	n/a
Emergency Response & Evacuation Plan	n/a	n/a	R	R	n/a	R
Long Term Flood Protection, Ground Water Re-Charge, Ecosystem Health & Reduced Maintenance Cost Strategy	n/a	SA	n/a	R	SA	n/a
Long Term Funding strategy to Improve & Maintain Flood Protection Facilities	n/a	SA	n/a	R	SA	n/a
<b>Safety Plan Requirements:</b>						
***Safety Plan required to be integrated into Local Flood Emergency Plan	R	n/a	R	n/a	n/a	n/a
Levee Patrol Plan	SA	n/a	R	n/a	n/a	n/a
Flood Fight Plan	SA	n/a	R	n/a	n/a	n/a
Evacuation Plan	SA	n/a	R	R	n/a	n/a
Floodwater Removal Plan	SA	n/a	R	n/a	n/a	n/a
Essential Service Facilities Plan	SA	n/a	R	n/a	R	R



**Applicable California Government  
Code and Water Code Sections**

**E**

## California Government Code Sections

The full text of California Government Code sections included in this Handbook as part of the 2007 California Flood Legislation is provided here as a reference. Other flood related legislation passed in 2007 not specially addressing local implementation responsibilities is summarized in the *2007 California Flood Legislation Summary and Companion Reference* issued by DWR. Copies of these documents can be found at <http://www.water.ca.gov/legislation/2007-summary.pdf> and <http://www.water.ca.gov/legislation/2007-reference.pdf>.

All text in bold is new language adopted by the State of California in 2007. For a complete listing of California codes, refer to <http://www.leginfo.ca.gov/calaw.html>.

### Government Code 8685.9 – Amended by AB 2140

Notwithstanding any other provision of law, including Section 8686, for any eligible project, the state share shall not exceed 75 percent of total state eligible costs unless the local agency is located within a city, county, or city and county that has adopted a local hazard mitigation plan in accordance with the federal Disaster Mitigation Act of 2000 (P.L. 106-390) as part of the safety element of its general plan adopted pursuant to subdivision (g) of Section 65302. In that situation, the Legislature may provide for a state share of local costs that exceeds 75 percent of total state eligible costs.

### Government Code 65007 – Added by SB 5 and amended thereafter by SB 1070

**As used in this title, the following terms have the following meanings, unless the context requires otherwise:**

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

- (1) The total project scope, schedule, and cost of the completed flood protection system have been developed to meet the appropriate standard of protection.**
- (2) (A) Revenues that are sufficient to fund each year of the project schedule developed in paragraph (1) have been identified and, in any given year and consistent with that schedule, at least 90 percent of the revenues scheduled to have been received by that year have been appropriated and are currently being expended.**



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

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

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

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

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

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

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

**(e) “Nonurbanized area” means a developed area or an area outside a developed area in which there are fewer than 10,000 residents.**

**(f) “Project levee” means any levee that is part of the facilities of the state Plan of Flood Control.**

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(g) “Sacramento-San Joaquin Valley” means lands in the bed or along or near the banks of the Sacramento River or San Joaquin River, or their tributaries or connected therewith, or upon any land adjacent thereto, or within the overflow basins thereof, or upon land susceptible to overflow there from. The Sacramento-San Joaquin Valley does not include lands lying within the Tulare Lake basin, including the Kings River.

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

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

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

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

(l) “Urban level of flood protection” means the level of protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year using criteria consistent with, or developed by, the Department of Water Resources.

### Government Code 65300.2 – Added by AB 162

(a) For the purposes of this article, a “200-year floodplain” is an area that has a 1 in 200 chance of flooding in any given year, based on hydrological modeling and other engineering criteria accepted by the Department of Water Resources.

(b) For the purposes of this article, a “levee protection zone” is an area that is protected, as determined by the Central Valley Flood Protection Board or the Department of Water Resources, by a levee that is part of the facilities of the State Plan of Flood Control, as defined under Section 5096.805 of the Public Resources Code.



## Government Code 65302 – Amended by AB 162

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

(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. **The location and designation of the extent of the uses of the land for public and private uses shall consider the identification of land and natural resources pursuant to paragraph (3) of subdivision (d).** The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify **and annually review those areas covered by the plan that are subject to flooding identified by floodplain mapping prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources.** The land use element shall also do both of the following:

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

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

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

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(B) The following definitions govern this paragraph:

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

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

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

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

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

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

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

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

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

(d) (1) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. The conservation element shall consider the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands, including military installations. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency



and with all district and city agencies, **including flood management, water conservation, or groundwater agencies** that have developed, served, controlled, **managed**, or conserved water **of any type** for any purpose in the county or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information described in Section 65352.5, if that information has been submitted by the water agency to the city or county.

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

(A) The reclamation of land and waters.

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

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

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

(E) Protection of watersheds.

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

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

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

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

(A) Highways and freeways.

(B) Primary arterials and major local streets.

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

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

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

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

(2) Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average level (Ldn). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in paragraphs (1) to (6), inclusive.

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

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

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

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

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



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

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

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

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

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

**(vi) Awareness Floodplain Mapping Program maps and 200-year floodplain maps that are or may be available from, or accepted by, the Department of Water Resources.**

**(vii) Maps of levee protection zones.**

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

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

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

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



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**(B) Establish a set of comprehensive goals, policies, and objectives based on the information identified pursuant to subparagraph (A), for the protection of the community from the unreasonable risks of flooding, including, but not limited to:**

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

**(ii) Evaluating whether new development should be located in flood hazard zones, and identifying construction methods or other methods to minimize damage if new development is located in flood hazard zones.**

**(iii) Maintaining the structural and operational integrity of essential public facilities during flooding.**

**(iv) Locating, when feasible, new essential public facilities outside of flood hazard zones, including hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities or identifying construction methods or other methods to minimize damage if these facilities are located in flood hazard zones.**

**(v) Establishing cooperative working relationships among public 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) After the initial revision of the safety element pursuant to paragraph (2), upon each revision of the housing element, the planning agency shall review and, if necessary, revise the safety element to identify new information that was not available during the previous revision of the safety element(4) Cities and counties that have floodplain management ordinances that have been approved by FEMA that substantially comply with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by reference into the safety element the other general plan provisions or the floodplain ordinance, specifically showing how each requirement of this subdivision has been met.**



(5) Prior to the periodic review of its general plan and prior to preparing or revising its safety element, each city and county shall consult the California Geological Survey of the Department of Conservation, **the Central Valley Flood Protection Board, if the city or county is located within the boundaries of the Sacramento and San Joaquin Drainage District, as set forth in Section 8501 of the Water Code**, and the Office of Emergency Services for the purpose of including information known by and available to the department, the office, **and the board** required by this subdivision (6) To the extent that a county's safety element is sufficiently detailed and contains appropriate policies and programs for adoption by a city, a city may adopt that portion of the county's safety element that pertains to the city's planning area in satisfaction of the requirement imposed by this subdivision.

### Government Code 65302.6 – Associated with AB 2140

(a) A city, county, or a city and county may adopt with its safety element pursuant to subdivision (g) of Section 65302 a local hazard mitigation plan (HMP) specified in the federal Disaster Mitigation Act of 2000 (P. L. 106-390). The hazard mitigation plan shall include all of the following elements called for in the federal act requirements:

- (1) An initial earthquake performance evaluation of public facilities that provide essential services, shelter, and critical governmental functions.
- (2) An inventory of private facilities that are potentially hazardous, including, but not limited to, multiunit, soft story, concrete tilt-up, and concrete frame buildings.
- (3) A plan to reduce the potential risk from private and governmental facilities in the event of a disaster.

(b) Local jurisdictions that have not adopted a local hazard mitigation plan shall be given preference by the Office of Emergency Services in recommending actions to be funded from the Pre-Disaster Mitigation Program, the Hazard Mitigation Grant Program, and the Flood Mitigation Assistance Program to assist the local jurisdiction in developing and adopting a local hazard mitigation plan, subject to available funding from the Federal Emergency Management Agency.

**Government Code 65302.7 – Added by AB 162**

**(a) For the purposes of complying with Section 65302.5, each county or city located within the boundaries of the Sacramento and San Joaquin Drainage District, as set forth in Section 8501 of the Water Code, shall submit the draft element of, or draft amendment to, the safety element to the Central Valley Flood Protection Board and to every local agency that provides flood protection to territory in the city or county at least 90 days prior to the adoption of, or amendment to, the safety element of its general plan.**

**(b) The Central Valley Flood Protection Board and each local agency described in paragraph (1) shall review the draft or an existing safety element and report their respective written recommendations to the planning agency within 60 days of the receipt of the draft or existing safety element. The Central Valley Flood Protection Board and each local agency shall review the draft or existing safety element and may offer written recommendations for changes to the draft or existing safety element regarding both of the following:**

(1) Uses of land and policies in areas subjected to flooding that will protect life, property, and natural resources from unreasonable risks associated with flooding.

(2) Methods and strategies for flood risk reduction and protection within areas subjected to flooding.

**(c) Prior to the adoption of its draft element or draft amendments to the safety element, the board of supervisors of the county or the city council of a city shall consider the recommendations made by the Central Valley Flood Protection Board and any local agency that provides flood protection to territory in the city or county. If the board of supervisors or the city council determines not to accept all or some of the recommendations, if any, made by the Central Valley Flood Protection Board or the local agency, the board of supervisors or the city council shall make findings that state its reasons for not accepting a recommendation and shall communicate those findings in writing to the Central Valley Flood Protection Board or to the local agency.**

**(d) If the Central Valley Flood Protection Board's or the local agency's recommendations are not available within the time limits required by this section, the board of supervisors or the city council may act without those recommendations. The board of supervisors or city council shall consider the recommendations at the next time it considers amendments to its safety element.**



## Government Code 65302.9 – Added by SB 5

**(a) Within 24 months of the adoption of the Central Valley Flood Protection Plan by the Central Valley Flood Protection Board pursuant to Section 9612 of the Water Code, each city and county within the Sacramento-San Joaquin Valley, shall amend its general plan to contain all of the following:**

**(1) The data and analysis contained in the Central Valley Flood Protection Plan, including, but not limited to, the locations of the facilities of the state Plan of Flood Control, the locations of other flood management facilities, the locations of the real property protected by those facilities, and the locations of flood hazard zones.**

**(2) Goals, policies, and objectives, based on the data and analysis identified pursuant to paragraph (1), for the protection of lives and property that will reduce the risk of flood damage.**

**(3) Feasible implementation measures designed to carry out the goals, policies, and objectives established pursuant to paragraph (2).**

**(b) To assist each city or county in complying with this section, the Central Valley Flood Protection Board, the Department of Water Resources, and local flood agencies shall collaborate with cities or counties by providing them with information and other technical assistance.**

**(c) In implementing this section, each city and county, both general law and charter, within the Sacramento-San Joaquin Valley, shall comply with this article, including, but not limited to, Sections 65300.5, 65300.7, 65300.9, and 65301.**

**(d) Notwithstanding any other provision of law, this section applies to all cities, including charter cities, and counties within the Sacramento-San Joaquin Valley. The Legislature finds and declares that flood protection in the Sacramento and San Joaquin Rivers drainage areas is a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution.**

## Government Code 65303.4 – Amended by AB 162

The Department of Water Resources **or the Central Valley Flood Protection Board, as appropriate**, and the Department of Fish and Game may develop site design and planning policies to assist local agencies which request help in implementing the general plan guidelines for meeting flood control objectives and other land management needs.

## Government Code 65352 – Amended by AB 162

(a) Prior to action by a legislative body to adopt or substantially amend a general plan, the planning agency shall refer the proposed action to all of the following entities:

(1) A city or county, within or abutting the area covered by the proposal, and any special district that may be significantly affected by the proposed action, as determined by the planning agency.

(2) An elementary, high school, or unified school district within the area covered by the proposed action.

(3) The local agency formation commission.

(4) An area-wide planning agency whose operations may be significantly affected by the proposed action, as determined by the planning agency.

(5) A federal agency if its operations or lands within its jurisdiction may be significantly affected by the proposed action, as determined by the planning agency.

(6) (A) The branches of the United States Armed Forces that have provided the Office of Planning and Research with a California mailing address pursuant to subdivision (d) of Section 65944 when the proposed action is within 1,000 feet of a military installation, or lies within special use airspace, or beneath a low-level flight path, as defined in Section 21098 of the Public Resources Code, provided that the United States Department of Defense provides electronic maps of low-level flight paths, special use airspace, and military installations at a scale and in an electronic format that is acceptable to the Office of Planning and Research.

(B) Within 30 days of a determination by the Office of Planning and Research that the information provided by the Department of Defense is sufficient and in an acceptable scale and format, the



office shall notify cities, counties, and cities and counties of the availability of the information on the Internet. Cities, counties, and cities and counties shall comply with subparagraph (A) within 30 days of receiving this notice from the office.

(7) A public water system, as defined in Section 116275 of the Health and Safety Code, with 3,000 or more service connections, that serves water to customers within the area covered by the proposal. The public water system shall have at least 45 days to comment on the proposed plan, in accordance with subdivision (b), and to provide the planning agency with the information set forth in Section 65352.5.

(8) The Bay Area Air Quality Management District for a proposed action within the boundaries of the district.

(9) On and after March 1, 2005, a California Native American tribe, that is on the contact list maintained by the Native American Heritage Commission, with traditional lands located within the city or county's jurisdiction.

**(10) The Central Valley Flood Protection Board for a proposed action within the boundaries of the Sacramento and San Joaquin Drainage District, as set forth in Section 8501 of the Water Code.**

(b) Each entity receiving a proposed general plan or amendment of a general plan pursuant to this section shall have 45 days from the date the referring agency mails it or delivers it in which to comment unless a longer period is specified by the planning agency.

(c) (1) This section is directory, not mandatory, and the failure to refer a proposed action to the other entities specified in this section does not affect the validity of the action, if adopted.

(2) To the extent that the requirements of this section conflict with the requirements of Chapter 4.4 (commencing with Section 65919), the requirements of Chapter 4.4 shall prevail.

### **Government Code 65352.5 – Cited in Government Code 65352, provided here for reference**

(a) The Legislature finds and declares that it is vital that there be close coordination and consultation between California's water supply agencies and California's land use approval agencies to ensure that proper water supply planning occurs in order to accommodate projects that will result in increased demands on water supplies.



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(b) It is, therefore, the intent of the Legislature to provide a standardized process for determining the adequacy of existing and planned future water supplies to meet existing and planned future demands on these water supplies.

(c) Upon receiving, pursuant to Section 65352, notification of a city's or a county's proposed action to adopt or substantially amend a general plan, a public water system, as defined in Section 116275 of the Health and Safety Code, with 3,000 or more service connections, shall provide the planning agency with the following information, as is appropriate and relevant:

(1) The current version of its urban water management plan, adopted pursuant to Part 2.6 (commencing with Section 10610) of Division 6 of the Water Code.

(2) The current version of its capital improvement program or plan, as reported pursuant to Section 31144.73 of the Water Code.

(3) A description of the source or sources of the total water supply currently available to the water supplier by water right or contract, taking into account historical data concerning wet, normal, and dry runoff years.

(4) A description of the quantity of surface water that was purveyed by the water supplier in each of the previous five years.

(5) A description of the quantity of groundwater that was purveyed by the water supplier in each of the previous five years.

(6) A description of all proposed additional sources of water supplies for the water supplier, including the estimated dates by which these additional sources should be available and the quantities of additional water supplies that are being proposed.

(7) A description of the total number of customers currently served by the water supplier, as identified by the following categories and by the amount of water served to each category:

(A) Agricultural users.

(B) Commercial users.

(C) Industrial users.

(D) Residential users.



(8) Quantification of the expected reduction in total water demand, identified by each customer category set forth in paragraph (7) associated with future implementation of water use reduction measures identified in the water supplier's urban water management plan.

(9) Any additional information that is relevant to determining the adequacy of existing and planned future water supplies to meet existing and planned future demands on these water supplies.

### **Government Code 65584.04 – Amended by AB 162**

(a) At least two years prior to a scheduled revision required by Section 65588, each council of governments, or delegate subregion as applicable, shall develop a proposed methodology for distributing the existing and projected regional housing need to cities, counties, and cities and counties within the region or within the subregion, where applicable pursuant to this section. The methodology shall be consistent with the objectives listed in subdivision (d) of Section 65584.

(b) (1) No more than six months prior to the development of a proposed methodology for distributing the existing and projected housing need, each council of governments shall survey each of its member jurisdictions to request, at a minimum, information regarding the factors listed in subdivision (d) that will allow the development of a methodology based upon the factors established in subdivision (d).

(2) The council of governments shall seek to obtain the information in a manner and format that is comparable throughout the region and utilize readily available data to the extent possible.

(3) The information provided by a local government pursuant to this section shall be used, to the extent possible, by the council of governments, or delegate subregion as applicable, as source information for the methodology developed pursuant to this section. The survey shall state that none of the information received may be used as a basis for reducing the total housing need established for the region pursuant to Section 65584.01.

(4) If the council of governments fails to conduct a survey pursuant to this subdivision, a city, county, or city and county may submit information related to the items listed in subdivision (d) prior to the public comment period provided for in subdivision (c).

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(c) Public participation and access shall be required in the development of the methodology and in the process of drafting and adoption of the allocation of the regional housing needs. Participation by organizations other than local jurisdictions and councils of governments shall be solicited in a diligent effort to achieve public participation of all economic segments of the community. The proposed methodology, along with any relevant underlying data and assumptions, and an explanation of how information about local government conditions gathered pursuant to subdivision (b) has been used to develop the proposed methodology, and how each of the factors listed in subdivision (d) is incorporated into the methodology, shall be distributed to all cities, counties, any subregions, and members of the public who have made a written request for the proposed methodology. The council of governments, or delegate subregion, as applicable, shall conduct at least one public hearing to receive oral and written comments on the proposed methodology.

(d) To the extent that sufficient data is available from local governments pursuant to subdivision (b) or other sources, each council of governments, or delegate subregion as applicable, shall include the following factors to develop the methodology that allocates regional housing needs:

(1) Each member jurisdiction's existing and projected jobs and housing relationship.

(2) The opportunities and constraints to development of additional housing in each member jurisdiction, including all of the following:

(A) Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.

(B) The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions. **The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.**



(C) Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis.

(D) County policies to preserve prime agricultural land, as defined pursuant to Section 56064, within an unincorporated area.

(3) The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.

(4) The market demand for housing.

(5) Agreements between a county and cities in a county to direct growth toward incorporated areas of the county.

(6) The loss of units contained in assisted housing developments, as defined in paragraph (9) of subdivision (a) of Section 65583, that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions.

(7) High-housing cost burdens.

(8) The housing needs of farmworkers.

(9) The housing needs generated by the presence of a private university or a campus of the California State University or the University of California within any member jurisdiction.

(10) Any other factors adopted by the council of governments.

(e) The council of governments, or delegate subregion, as applicable, shall explain in writing how each of the factors described in subdivision (d) was incorporated into the methodology and how the methodology is consistent with subdivision (d) of Section 65584. The methodology may include numerical weighting.

(f) Any ordinance, policy, voter-approved measure, or standard of a city or county that directly or indirectly limits the number of residential building permits issued by a city or county shall not be a justification for a determination or a reduction in the share of a city or county of the regional housing need.



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(g) In addition to the factors identified pursuant to subdivision (d), the council of governments, or delegate subregion, as applicable, shall identify any existing local, regional, or state incentives, such as a priority for funding or other incentives available to those local governments that are willing to accept a higher share than proposed in the draft allocation to those local governments by the council of governments or delegate subregion pursuant to Section 65584.05.

(h) Following the conclusion of the 60-day public comment period described in subdivision (c) on the proposed allocation methodology, and after making any revisions deemed appropriate by the council of governments, or delegate subregion, as applicable, as a result of comments received during the public comment period, each council of governments, or delegate subregion, as applicable, shall adopt a final regional, or subregional, housing need allocation methodology and provide notice of the adoption of the methodology to the jurisdictions within the region, or delegate subregion as applicable, and to the department.

(i) (1) It is the intent of the Legislature that housing planning be coordinated and integrated with the regional transportation plan. To achieve this goal, the allocation plan shall allocate housing units within the region consistent with the development pattern included in the sustainable communities strategy.

(2) The final allocation plan shall ensure that the total regional housing need, by income category, as determined under Section 65584, is maintained, and that each jurisdiction in the region receive an allocation of units for low- and very low income households.

(3) The resolution approving the final housing need allocation plan shall demonstrate that the plan is consistent with the sustainable communities strategy in the regional transportation plan.

### Government Codes 65584.06 – Amended by AB 162

(a) For cities and counties without a council of governments, the department shall determine and distribute the existing and projected housing need, in accordance with Section 65584 and this section. If the department determines that a county or counties, supported by a resolution adopted by the board or boards of supervisors, and a majority of cities within the county or counties representing a majority of the population of the county or counties, possess the capability and resources and has agreed to accept the responsibility, with respect to its jurisdiction, for the distribution of the regional housing need, the department shall delegate this responsibility to the cities and county or counties.



(b) The distribution of regional housing need shall, based upon available data and in consultation with the cities and counties, take into consideration market demand for housing, the distribution of household growth within the county assumed in the regional transportation plan where applicable, employment opportunities and commuting patterns, the availability of suitable sites and public facilities, agreements between a county and cities in a county to direct growth toward incorporated areas of the county, or other considerations as may be requested by the affected cities or counties and agreed to by the department. As part of the allocation of the regional housing need, the department shall provide each city and county with data describing the assumptions and methodology used in calculating its share of the regional housing need. Consideration of suitable housing sites or land suitable for urban development is not limited to existing zoning ordinances and land use restrictions of a locality, but shall include consideration of the potential for increased residential development under alternative zoning ordinances and land use restrictions. **The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.**

(c) Within 90 days following the department's determination of a draft distribution of the regional housing need to the cities and the county, a city or county may propose to revise the determination of its share of the regional housing need in accordance with criteria set forth in the draft distribution. The proposed revised share shall be based upon comparable data available for all affected jurisdictions, and accepted planning methodology, and shall be supported by adequate documentation.

(d) (1) Within 60 days after the end of the 90-day time period for the revision by the cities or county, the department shall accept the proposed revision, modify its earlier determination, or indicate why the proposed revision is inconsistent with the regional housing need.

(2) If the department does not accept the proposed revision, then, within 30 days, the city or county may request a public hearing to review the determination.

(3) The city or county shall be notified within 30 days by certified mail, return receipt requested, of at least one public hearing regarding the determination.

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(4) The date of the hearing shall be at least 10 but not more than 15 days from the date of the notification.

(5) Before making its final determination, the department shall consider all comments received and shall include a written response to each request for revision received from a city or county.

(e) If the department accepts the proposed revision or modifies its earlier determination, the city or county shall use that share. If the department grants a revised allocation pursuant to subdivision

(d) the department shall ensure that the total regional housing need is maintained. The department's final determination shall be in writing and shall include information explaining how its action is consistent with this section. If the department indicates that the proposed revision is inconsistent with the regional housing need, the city or county shall use the share that was originally determined by the department. The department, within its final determination, may adjust the allocation of a city or county that was not the subject of a request for revision of the draft distribution.

(f) The department shall issue a final regional housing need allocation for all cities and counties within 45 days of the completion of the local review period.

### Government Code 65860.1 – Added by SB 5

**(a) Within 36 months of the adoption Central Valley Flood Protection Plan by the Central Valley Flood Protection Board pursuant to Section 9612 of the Water Code, but not more than 12 months after the amendment of its general plan pursuant to Section 65302.9, each city and county within the Sacramento-San Joaquin Valley shall amend its zoning ordinance so that it is consistent with the general plan, as amended.**

**(b) Notwithstanding any other provision of law, this section applies to all cities, including charter cities, and counties within the Sacramento-San Joaquin Valley. The Legislature finds and declares that flood protection in the Sacramento and San Joaquin Rivers drainage areas is a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution.**



## Government Code 65865.5 – Added by SB 5

**(a) Notwithstanding any other provision of law, after the amendments required by Sections 65302.9 and 65860.1 have become effective, the legislative body of a city or county within the Sacramento-San Joaquin Valley shall not enter into a development agreement for property that is located within a flood hazard zone unless the city or county finds, based on substantial evidence in the record, one of the following:**

**(1) The facilities of the state Plan of Flood Control or other flood management facilities protect the property to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.**

**(2) The city or county has imposed conditions on the development agreement that will protect the property to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.**

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

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

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

## **Government Code 65962 – Added by SB 5**

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

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

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

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

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

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



## Government Code 66474.5 – Added by SB 5

**(a) Notwithstanding any other provision of law, after the amendments required by Sections 65302.9 and 65860.1 have become effective, the legislative body of each city and county within the Sacramento-San Joaquin Valley shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, for a subdivision that is located within a flood hazard zone unless the city or county finds, based on substantial evidence in the record, one of the following:**

**(1) The facilities of the state Plan of Flood Control or other flood management facilities protect the subdivision to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.**

**(2) The city or county has imposed conditions on the subdivision that will protect the project to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas.**

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

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

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

## California Water Code Sections

The full text of California Water Code sections included in this Handbook as part of the 2007 California Flood Legislation is provided here as a reference. Other flood related legislation passed in 2007 not specially addressing local implementation responsibilities is summarized in the *2007 California Flood Legislation Summary and Companion Reference* issued by DWR. Copies of these documents can be found at <http://www.water.ca.gov/legislation/2007-summary.pdf> and <http://www.water.ca.gov/legislation/2007-reference.pdf>.

All text in bold is new language adopted by the State of California in 2007. For a complete listing of California codes, refer to <http://www.leginfo.ca.gov/calaw.html>.

### Water Code 8200 – Added by SB 5

**This chapter shall be known and may be cited as the Local Flood Protection Planning Act.**

### Water Code 8201 – Added by SB 5

**(a) A local agency may prepare a local plan of flood protection in accordance with this chapter.**

**(b) A local plan of flood protection shall include all of the following:**

**(1) A strategy to meet the urban level of flood protection, including planning for residual flood risk and system resiliency.**

**(2) Identification of all types of flood hazards.**

**(3) Identification and risk assessment of the various facilities that provide flood protection for flood hazard areas, for current and future land uses.**

**(4) Identification of current and future flood corridors.**

**(5) Identification of needed improvements and costs of those improvements to the flood protection facilities that are necessary to meet flood protection standards.**

**(6) An emergency response and evacuation plan for flood-prone areas.**



**(7) A strategy to achieve multiple benefits, including flood protection, groundwater recharge, ecosystem health, and reduced maintenance costs over the long term.**

**(8) A long-term funding strategy for improvement and ongoing maintenance and operation of flood protection facilities.**

**(c) A local agency that is not a city or county that prepares a plan pursuant to this chapter shall consult with the cities and counties that have jurisdiction over the planning area to ensure that the local plan of flood protection is consistent with local general plans.**

**(d) Plans prepared pursuant to this chapter, within the Sacramento-San Joaquin Valley as defined by Section 9602, shall be consistent with the Central Valley Flood Protection Plan pursuant to Section 9612.**

### **Water Code 8307 – Added by AB 70**

**(a) A city or county may be required to contribute its fair and reasonable share of the property damage caused by a flood to the extent that the city or county has increased the state's exposure to liability for property damage by unreasonably approving new development in a previously undeveloped area that is protected by a state flood control project. However, a city or county shall not be required to contribute if, after the amendments required by Sections 65302.9 and 65860.1 of the Government Code have become effective, the city or county complies with Sections 65865.5, 65962, and 66474.5 of the Government Code as applicable with respect to that development. This section shall not be construed to extend or toll the statute of limitations for challenging the approval of any new development.**

**(b) A city or county is not required to contribute unless an action has been filed against the state asserting liability for property damage caused by a flood and the provisions of subdivision (a) providing for contribution have been satisfied. A city or county is not required to contribute if the state settles the claims against it without providing the city or county with an opportunity to participate in settlement negotiations.**

**(c) For the purposes of this section:**

**(1) “state flood control project” means any flood control works within the Sacramento River Flood Control Project described in Section 8350, and of flood control projects in the Sacramento River and San Joaquin River watersheds authorized pursuant to Article 2 (commencing with Section 12648) of Chapter 2 of Part 6 of Division 6.**

**(2) “Undeveloped area” means an area devoted to “agricultural use,” as defined in Section 51201 of the Government Code, or “open space land,” as defined in Section 65560 of the Government Code, that, as of January 1, 2008, is not already designated for development in a general or specific plan or by a local zoning ordinance.**

**(3) “Unreasonably approving” means approving a new development project without appropriately considering significant risks of flooding made known to the approving agency as of the time of approval and without taking reasonable and feasible action to mitigate the potential property damage to the new development resulting from a flood.**

**(4) “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.**

**(d) This section shall not apply to any land or projects for which an application for development has been submitted to the city or county prior to January 1, 2008.**

### **Water Code 8350 – Associated with the State Plan of Flood Control**

The approval and adoption, by and on behalf of the State of California, of the conditions, plans, construction, and mode of maintenance and operation of works within the Sacramento River Flood Control Project, set forth in Senate Committee Print, Seventy-fifth Congress, First Session, as authorized and approved by Act of Congress, Public No. 392, Seventy-fifth Congress, approved August 26, 1937, including the holding and saving the United States from damages due to construction works, are continued in effect.



## Water Code 8361 – Associated with the State Plan of Flood Control

The department shall maintain and operate on behalf of the state the following units or portions of the works of the Sacramento River Flood Control Project, and the cost of maintenance and operation shall be defrayed by the state:

- (a) The east levee of the Sutter Bypass north of Nelson Slough.
- (b) The levees and channels of the Wadsworth Canal, Willow Slough Channel downstream from the Southern Pacific Railroad from Davis to Woodland except that portion of the north levee thereof lying within Reclamation District No. 2035, Putah Creek downstream from Winters, the intercepting canals draining into them, and all structures incidental thereto.
- (c) The collecting canals, sumps, pumps, and structures of the drainage system of Project No. 6 east of the Sutter Bypass.
- (d) The bypass channels of the Butte Slough Bypass, the Sutter Bypass, the Tisdale Bypass, the Yolo Bypass, and the Sacramento Bypass with all cuts, canals, bridges, dams, and other structures and improvements contained therein and in the borrow pits thereof.
- (e) The levees of the Sacramento Bypass.
- (f) The channels and overflow channels of the Sacramento River and its tributaries and the major and minor tributaries' flood control projects as authorized and defined in Sections 12648, 12648.1, and 12656.5.
- (g) The Knights Landing ridge cut flowage area.
- (h) The flood relief channels controlled by the Moulton and Colusa Weirs and the training levees thereof.
- (i) The levee on the left bank of the Sacramento River adjoining Butte Basin, from the Butte Slough outfall gates upstream to a point four miles northerly from the Moulton Weir, after completion.
- (j) All weirs and flood relief structures.
- (k) The west levee of the Yolo Bypass, extending from the west end of the Fremont Weir southerly to the Cache Creek Settling Basin and from Willow Slough Channel to Putah Creek and the east levee of the Yolo Bypass from Fremont Weir southerly two miles.

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- (l) The levee on the west bank of Feather River extending a distance of about two miles southerly from the Sutter-Butte Canal headgate.
- (m) The levees of Cache Creek and the easterly and westerly levees of Cache Creek Settling Basin; excepting the portion of the southerly levee of Cache Creek lying upstream from State Highway Route 7 (U.S. 99W).
- (n) The flowage area of Western Pacific Intercepting Canal extending northerly for a distance of five miles from Bear River.
- (o) The levees of Tisdale Bypass from Tisdale Weir 4.5 miles easterly to Sutter Bypass.
- (p) The flood relief structures or weirs and other structures or facilities essential for their proper functioning in the vicinity of the Sacramento River between Big Chico Creek and the north boundary of Glenn County Levee District No. 3.

### **Water Code 9120 – Cited in Water Code 9121, provided here for reference**

- (a) The department shall prepare and the board shall adopt a flood control system status report for the State Plan of Flood Control. This status report shall be updated periodically, as determined by the board. For the purposes of preparing the report, the department shall inspect the project levees and review available information to ascertain whether there are evident deficiencies.
- (b) The status report shall include identification and description of each facility, an estimate of the risk of levee failure, a discussion of the inspection and review undertaken pursuant to subdivision (a), and appropriate recommendations regarding the levees and future work activities.
- (c) On or before December 31, 2008, the board shall advise the Legislature, in writing, as to the board's schedule of implementation of this section.

### **Water Code 9121 – Added by AB 156**

- (a) On or before September 1, 2010, and on or before September 1 of each year thereafter, the department shall provide written notice to each landowner whose property is determined to be entirely or partially within a levee flood protection zone.**



**(b) The notice shall include statements regarding all of the following:**

- (1) The property is located behind a levee.**
  - (2) Levees reduce, but do not eliminate, the risk of flooding and are subject to catastrophic failure.**
  - (3) If available, the level of flood risk as described in the flood control system status report described in Water Code Section 9120 and a levee flood protection zone map prepared in accordance with Water Code Section 9130.**
  - (4) The state recommends that property owners in a levee flood protection zone obtain flood insurance, such as insurance provided by the Federal Emergency Management Agency through the National Flood Insurance Program.**
  - (5) Information about purchasing federal flood insurance.**
  - (6) The Internet address of the Web site that contains the information required by the flood management report described in Water Code Section 9141.**
  - (7) Any other information determined by the department to be relevant.**
- (c) A county, with assistance from the department, shall annually provide to the department, by electronic means, lists of names and addresses of property owners in a levee flood protection zone located in that county.**
- (d) Notwithstanding any other provision of the law, the department may enter into contracts with private companies to provide the notices required by this section.**

**Water Code 9130 – Cited in Water Code 9121, provided here for reference**

(a) The department shall prepare and maintain maps for levee flood protection zones. The department shall prepare the maps by December 31, 2008, and shall include in the maps a designation of those lands where flood levels would be more than three feet deep if a project levee were to fail, using the best available information. The maps shall include other flood depth contours if that information is available.

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(b) The department shall distribute the levee flood protection zone maps to appropriate governmental agencies, as determined by the department.

(c) The department shall make the maps readily available to the public. The department may charge a fee for the cost of reproducing the maps. To the extent feasible, maps shall be made available on the Internet Web site of the department.

(d) The department may periodically revise the maps to include updated information when that information becomes available.

### Water Code 9140 – Added by AB 156

**(a) On or before September 30 of each year, a local agency responsible for the operation and maintenance of a project levee shall prepare and submit to the department, in a format specified by the department, a report of information for inclusion in periodic flood management reports prepared by the department relating to the project levee. The information submitted to the department shall include all of the following:**

**(1) Information known to the local agency that is relevant to the condition or performance of the project levee.**

**(2) Information identifying known conditions that might impair or compromise the level of flood protection provided by the project levee.**

**(3) A summary of the maintenance performed by the local agency during the previous fiscal year.**

**(4) A statement of work and estimated cost for operation and maintenance of the project levee for the current fiscal year, as approved by the local agency.**

**(5) Any other readily available information contained in the records of the local agency relevant to the condition or performance of the project levee, as determined by the board or the department.**

**(b) A local agency described in subdivision (a) that operates and maintains a nonproject levee that also benefits land within the boundaries of the area benefited by the project levee shall include information pursuant to subdivision (a) with regard to the nonproject levee.**



**(c) A local agency that incurs costs for the maintenance or improvement of a project or nonproject levee under the delta levee maintenance subventions program established pursuant to Part 9 (commencing with Section 12980) of Division 6 may submit information submitted to satisfy the requirements of that program to meet the requirements of paragraph (3) of subdivision (a), but may do so only for that reach of the levee included in that program.**

**(d) (1) A local agency responsible for the operation and maintenance of a levee not otherwise subject to this section may voluntarily prepare and submit to the department or the board a flood management report for posting on the Internet Web site of the department or the board.**

**(2) A flood management report submitted pursuant to paragraph (1) shall be made available on the Internet Web site of the board if the local agency is partially or wholly within the geographical boundaries of the board's jurisdiction. Otherwise, the report shall be made available on the Internet Web site of the department.**

### **Water Code 9141 – Cited in Water Code 9121, provided here for reference**

(a) The department shall prepare and transmit to the board a report on the project levees operated and maintained by each local agency, using information provided by the local agency pursuant to Section 9140 and information from relevant portions of any of the following documents, as determined by the department:

- (1) Annual inspection reports on local agency maintenance prepared by the department or the board.
- (2) The State Plan of Flood Control.
- (3) The flood control system status report described in Section 9120.
- (4) The schedule for mapping described in Section 8612.
- (5) Any correspondence, document, or information deemed relevant by the department.

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(b) The department shall make the flood management report for each local agency available on the Internet Web site of the board and shall provide the report to all of the following entities:

- (1) The local agency.
- (2) Any city or county within the local agency's jurisdiction.
- (3) Any public library located within the local agency's jurisdiction.

(c) The report shall be completed on or before December 31, 2008, and shall be updated annually.

### **Water Code 9600 – Added by SB 5**

**This act shall be known and may be cited as the Central Valley Flood Protection Act of 2008.**

### **Water Code 9601 – Added by SB 5**

**The Legislature finds and declares all of the following:**

**(a) The Central Valley of California is experiencing unprecedented development, resulting in the conversion of historically agricultural lands and communities to densely populated residential and urban centers.**

**(b) The Legislature recognizes that by their nature, levees, which are earthen embankments typically founded on fluvial deposits, cannot offer complete protection from flooding, but can decrease its frequency.**

**(c) The Legislature recognizes that the level of flood protection afforded rural and agricultural lands by the original flood control system would not be adequate to protect those lands if they are developed for urban uses, and that a dichotomous system of flood protection for urban and rural lands has developed through many years of practice.**

**(d) The Legislature further recognizes that levees built to reclaim and protect agricultural land may be inadequate to protect urban development unless those levees are significantly improved.**

**(e) Cities and counties rely upon federal floodplain information when approving developments, but the information available is often out of date and the flood risk may be greater than that indicated using available federal information.**



**(f) The Legislature recognizes that the current federal flood standard is not sufficient in protecting urban and urbanizing areas within flood prone areas throughout the Central Valley.**

**(g) Linking land use decisions to flood risk and flood protection estimates comprises only one element of improving lives and property in the Central Valley. Federal, state, and local agencies may construct and operate flood protection facilities to reduce flood risks, but flood risks will nevertheless remain for those who choose to reside in Central Valley floodplains. Making those flood risks more apparent will help ensure that Californians make careful choices when deciding whether to build homes or live in Central Valley floodplains, and if so, whether to prepare for flooding or maintain flood insurance.**

## **Water Code 9602 – Added by SB 5**

**Unless the context requires otherwise, the definitions set forth in this section govern the construction of this part.**

- (a) “Board” means the Central Valley Flood Protection Board.
- (b) “Plan” means the Central Valley Flood Protection Plan.
- (c) “Project levee” means a levee that is part of the facilities of the State Plan of Flood Control.
- (d) “Public safety infrastructure” means public safety infrastructure necessary to respond to a flood emergency, including, but not limited to, street and highway evacuation routes, public utilities necessary for public health and safety, including drinking water and wastewater treatment facilities, and hospitals.
- (e) “Sacramento-San Joaquin Valley” means lands in the bed or along or near the banks of the Sacramento River or San Joaquin River, or their tributaries or connected therewith, or upon any land adjacent thereto, or within the overflow basins thereof, or upon land susceptible to overflow there from. The Sacramento-San Joaquin Valley does not include lands lying within the Tulare Lake basin, including the Kings River.
- (f) “State Plan of Flood Control” has the meaning set forth in subdivision (j) of Section 5096.805 of the Public Resources Code.
- (g) “System” means the Sacramento-San Joaquin River Flood Management System described in Section 9611.



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(h) “Urban area” has the same meaning as that set forth in subdivision (k) of Section 5096.805 of the Public Resources Code.

(i) “Urban level of flood protection” means the level of protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year using criteria consistent with, or developed by, the department.

### Water Code 9612 – Added by SB 5

**(a) The department shall prepare, and the board shall adopt, a plan identified as the Central Valley Flood Protection Plan in accordance with this part.**

**(b) No later than January 1, 2012, the department shall prepare the Central Valley Flood Protection Plan in accordance with this part, and shall transmit the plan to the board, which shall adopt the plan no later than July 1, 2012.**

**(c) The board shall hold at least two hearings to receive comments on the proposed plan. At least one hearing shall be held in the Sacramento Valley and at least one hearing shall be held in the San Joaquin Valley. The board shall also accept comments in writing with regard to the proposed plan.**

**(d) The board may make changes to the proposed plan to resolve issues raised in the hearings or to respond to comments received by the board. The board shall publish its proposed changes to the proposed plan at least two weeks before adopting the plan.**

**(e) The plan shall be updated in subsequent years ending in 2 and 7.**

**(f) The department or the board may appoint one or more advisory committees to assist in the preparation of the plan. If the department or the board appoints one or more advisory committees, the advisory committee or committees shall include representation by interested organizations**

### Water Code 9621 – Added by SB 5

**Consistent with the adoption of the Central Valley Flood Protection Plan pursuant to this part, each county shall collaborate with cities within its jurisdiction to develop flood emergency plans within 24 months of the adoption of the plan.**



### Water Code 9622 – Added by SB 5

**Consistent with the adoption of the Central Valley Flood Protection Plan pursuant to this part, each city, county, and city and county shall collaborate with the state and local flood management agencies to provide relocation assistance or other cost-effective strategies for reducing flood risk to existing economically disadvantaged communities located in nonurbanized areas.**

### Water Code 9623 – Added by SB 5

**Consistent with the adoption of the Central Valley Flood Protection Plan pursuant to this part, each city, county, and city and county shall collaborate with the state and local flood management agencies to develop funding mechanisms to finance local flood protection responsibilities by January 1, 2010.**

### Water Code 9650 – Added by AB 156

**(a) (1) Commencing July 1, 2008, the allocation or expenditure of funds by the state for the upgrade of a project levee, if that upgrade is authorized on or after July 1, 2008, that protects an area in which more than 1,000 people reside shall be subject to a requirement that the local agency responsible for the operation and maintenance of the project levee and any city or county protected by the project levee, including a charter city or charter county, enter into an agreement to adopt a safety plan within two years. If a city or county is responsible for the operation and maintenance of the project levee, the governing body shall approve a resolution committing to the preparation of a safety plan within two years.**

**(2) The local entity responsible for the operation and maintenance of the project levee shall submit a copy of the safety plan to the department and the Reclamation Board.**

**(b) The safety plan, at a minimum, shall include all of the following elements:**

**(1) A flood preparedness plan that includes storage of materials that can be used to reinforce or protect a levee when a risk of failure exists.**



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- (2) A levee patrol plan for high water situations.**
- (3) A flood-fight plan for the period before state or federal agencies assume control over the flood fight.**
- (4) An evacuation plan that includes a system for adequately warning the general public in the event of a levee failure, and a plan for the evacuation of every affected school, residential care facility for the elderly, and long-term health care facility.**
- (5) A floodwater removal plan.**
- (6) A requirement, to the extent reasonable, that either of the following applies to a new building in which the inhabitants are expected to be essential service providers:**
  - (A) The building is located outside an area that may be flooded.**
  - (B) The building is designed to be operable shortly after the floodwater is removed.**
  - (C) The safety plan shall be integrated into any other local agency emergency plan and shall be coordinated with the state emergency plan.**
  - (D) This section does not require the adoption of an element of the safety plan that was adopted previously and remains in effect.**



