

COMPARISON OF SUITE OF 2007 FLOOD LEGISLATION – TABLE 2 – SPECIFIC TOOLS OF LEGISLATION

Legislation	Requirements	Authorizations / Stipulations	Restrictions / Prohibitions
AB 5 (Wolk) 2007 Chapter 366	Requires DWR to prepare schedule for mapping Central Valley floodplains at risk of flooding by 12/31/2008.	Authorizes Board to participate in multi-objective flood projects, including land acquisition for flood projects outside the boundaries of the drainage district.	Central Valley Flood Protection Board (Board) stipulated to be independent from DWR.
SB 17 (Florez) Chapter 365 (Senate version)	<p>Requires DWR to prepare a status report on the Central Valley's State Plan of Flood Control.</p> <p>Requires DWR to provide notice of flood risk and flood insurance to property owners in "levee flood protection zones," protected by State levees.</p> <p>Requires DWR to prepare maps of levee flood protection zones, including delineation of areas with depths exceeding three feet, and make available on web.</p> <p>Requires annual report on State Plan of Flood Control.</p> <p>Requires DWR to estimate costs of restoring adequacy of flood control facility to standard and allow DR to require payment of such costs before assuming state responsibility.</p>	<p>Set evidentiary standards for Board actions via regulations.</p> <p>Creates independent staff.</p> <p>Provides for state action if flood facility is not being maintained locally.</p> <p>Authorize DWR and Board to establish a system for banking environmental mitigation credits for flood control efforts</p>	<p><i>Ex parte</i> rules and conflict of Interest standards.</p> <p>Prohibits DWR from overturning Board action.</p> <p>Declare local agency expenses as non-reimbursable due to availability of local fee revenue, but allow for reimbursement.</p>
AB 70 (Jones) Chapter 367	City or county may be required to contribute its fair and reasonable share of the property damage caused by a flood if the city or county has increased 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. (Defines "state flood control project" as any flood control works within the Sacramento River Flood Control (SRFC) Project and the flood control projects in the Sac River and SJ River Watersheds.)	<p>Specifies that 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. A city or county is not required to contribute if the state settles claims against it without providing the city or county with an opportunity to participate in settlement negotiations.</p> <p>Provides that a city or county shall not be required to contribute if, after general plan and zoning amendments required by SB 5 (2007), the city or county complies with relevant development provisions of SB 5.</p>	<p>Defines "unreasonably approving" as 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.</p> <p>Applies only to "undeveloped areas," defined as an area devoted to agricultural use or open space that is not already designated for development in a general or specific plan or by a local zoning ordinance.</p>
AB 156 (Laird) Chapter 368	<p>Requires DWR to specify how a state flood project facility needs to be fixed - if facility is not being maintained adequately or the local agency responsible for maintenance requests to be relieved of its responsibility.</p> <p>On or before December 31, 2008, the department shall prepare, and the board shall adopt, a schedule for mapping areas at risk of flooding in the Sacramento River and San Joaquin River drainage.</p> <p>Requires annual update by DWR for Central Valley Flood Protection Board (Board) adoption detailing status of mapping in progress and estimated time of completion. Schedule shall be based on the present and expected future risk of flooding.</p> <p>Requires flood control system status report including estimate of risk of levee failure and recommendations regarding levees and future work activities. DWR shall prepare and maintain maps for levee flood protection zones. Maps are to be available on internet.</p> <p>Commencing 2010, DWR must provide an annual written notice to each landowner whose property is determined to be entirely or partially within a levee flood protection zone. Report includes: statement the property is located behind a levee; levees do not eliminate the risk of flooding and are subject to catastrophic failure.</p> <p>Board shall determine areas benefited by facilities of the State Plan of Flood Control.</p> <p>Requires annual report on project levees operated and maintained by each local agency pursuant to provisions in this act. 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.</p>	<p>Explicit authority to DWR and Reclamation Board [sic] to operate Sac and SJ flood control projects.</p> <p>Establishes broader, more active State role (than pre <i>Paterno</i> liability decision).</p> <p>Permissive mitigation banking for flood activities.</p> <p>State recommends, but does not require, property owners obtain flood insurance and provides information.</p>	

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Senate Bill No. 5 (Machado) Chapter 364	<p>Requires each city and county in the Central Valley, upon completion of the Central Valley Flood Protection Plan (CVFPP), to incorporate the flood plan's data, policies and implementation measures into its general plans within 24 months.</p> <p>Requires each city and county in the Central Valley to amend its zoning ordinance consistent with the CVFPP within 36 months of the flood plan's adoption and 12 months of its amendment of the general plan.</p> <p>Requires the Department of Water Resources (DWR) to propose updated flood protection requirements for floodplains with flood depths exceeding three feet in the California Building Standards Code by 2009.</p> <p>Requires DWR to prepare, by July 1, 2008, preliminary maps for 100-year and 200-year floodplains protected by project levees, and provide such maps or notice of availability of other flood risk information to cities and counties in the Central Valley.</p> <p>Requires DWR to prepare and release, by 2011, a status report on its CVFPP progress.</p> <p>Requires DWR and the Board to investigate and evaluate the feasibility of potential bypasses or floodways in the San Joaquin River watershed, upstream from the Delta.</p> <p>Requires DWR to develop, and the Board to adopt (after certain public process), by January 1, 2012, a CVFPP for the Flood Management System, with updates in subsequent years ending in two and seven.</p> <p>Requires counties, cities, state and local flood agencies to collaborate to provide relocation assistance or other cost-effective strategies for reducing flood risk to existing economically disadvantaged communities located in nonurbanized areas.</p> <p>Requires cities and counties to collaborate to develop funding mechanisms to finance local flood protection responsibilities by 2010.</p>	<p>Authorizes local agencies to prepare local plans of flood protection that include a strategy to meet the urban level of flood protection, an emergency response plan, and a long-term funding strategy for improvement, maintenance and operation of flood protection facilities. Requires such local plans to be consistent with the CVFPP.</p>	<p>Prohibits, after the CVFPP takes effect, a city or county in the Central Valley from entering into a development agreement, approving any permit, entitlement or subdivision map unless the city or county finds one of the following, based on substantial evidence in the record:</p> <p>A. Flood management facilities provide an urban level of flood protection to urbanized or urbanizing areas or meets the FEMA standard for nonurbanized areas.</p> <p>B. The development agreement includes conditions that will provide an urban level of flood protection for urban or urbanizing areas or meets FEMA standard for nonurbanized areas.</p> <p>C. Local flood management agency has made adequate progress on construction of a flood protection system that will result, by 2025, in an urban level of flood protection for urban or urbanizing areas or meets FEMA standard for nonurbanized areas.</p>
AB 162 (Wolk) Chapter 369	<p>Requires each city and county located within the boundaries of the Sacramento and San Joaquin Drainage District to submit the draft element or draft amendment to its safety element to the CVFP Board and 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.</p>		