

## SB 5- Flood Risks

- Attachments **Statutes:** [California Government Code sections 65007](#) [1]
- [California Government Code sections 65302.9](#) [2]
  - [California Government Code sections 65860.1](#) [3]
  - [California Government Code sections 65865.5](#) [4]
  - [California Government Code sections 65962](#) [5]
  - [California Government Code sections 66474.5](#) [6]
  - [California Health and Safety Code section 50465](#) [7]
  - [California Water Code sections 8200, 8201](#) [8]
  - [California Water Code sections 9600 et seq.](#) [9]
  - [SB 5](#) [10]

**References and Resources:** [Implementing California Flood Legislation into Local Land Use Planning: A Handbook for Local Communities \(2010\)](#) [11]

SB 5 (Machado, 2007) requires the Department of Water Resources (DWR) and the Central Valley Flood Protection Board (CVFPB) to prepare and adopt a Central Valley Flood Protection Plan (CVFPP) by 2012, and establishes flood protection requirements for certain local land use decisions consistent with the CVFPP. The Plan will include:

- A description of the Flood Management System.
- A description of the performance of the Flood Management System and the challenges to modifying the System to provide appropriate levels of flood protection.
- A description of the facilities included in the State Plan of Flood Control.
- A description of existing dams, levees, and other flood management facilities.
- A description of probable impacts of climate change and land use patterns.
- An evaluation of necessary structural improvements.
- A list of the facilities recommended for removal.
- A description of methods for providing an urban level of flood protection to urbanized areas in the Central Valley.
- A description of the methods for enabling or improving system-wide river ecosystem functions.

Cities and counties in the Sacramento-San Joaquin Valley (Central Valley), upon completion of the CVFPP, must incorporate the Plan's data, policies, and implementation measures into their general plans within 24 months. Each city and county in the Central Valley must also amend its zoning ordinance consistent with the CVFPP within 36 months of the Plan's adoption and within 12 months of amendment of its general plan.

After the CVFPP takes effect, a city or county in the Central Valley will be prohibited from entering into a development agreement, approving any permit, entitlement, or subdivision map unless the city or county finds one of the following:

- Flood management facilities provide an urban level of flood protection to urbanized or urbanizing areas or meet the FEMA standard for non-urbanized areas.
- The development agreement includes conditions that will provide an urban level of flood protection for urban or urbanizing areas or meets FEMA standard for non-urbanized areas.
- The local flood management agency has made adequate progress on construction of a flood protection system that will result in an urban level of flood protection for urban or urbanizing areas by 2025 or meets FEMA standard for non-urbanized areas.

This law also requires DWR to propose in the 2009 California Building Standards Code updated flood



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protection requirements for floodplains with flood depths exceeding three feet. This law also authorizes cities and counties to prepare local plans for 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. Local plans must be consistent with the CVFPP.

This law requires each county in the Central Valley to work with cities to develop an emergency response plan within 24 months of adoption of the CVFPP. The State, counties, and cities must collaborate to provide relocation assistance or other cost-effective strategies for reducing flood risk to existing economically-disadvantaged communities located in non-urbanized areas and develop funding mechanisms to finance local flood protection responsibilities by 2010.

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A joint initiative of San Joaquin Valley Councils of Governments representing each of the region's eight counties, the San Joaquin Valley Air Pollution Control District, the Great Valley Center, and the Fresno State Community and Regional Planning Center

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