



DEPARTMENT OF  
PUBLIC WORKS

OFFICE OF THE DIRECTOR

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May 30, 1991

Law and Legislation Committee  
Sacramento, California

HONORABLE MEMBERS IN SESSION:

SUBJECT: RECOMMENDATION TO SUPPORT AB 455 (CORTESE) RELATING TO WATER SUPPLY  
PLANNING

**SUMMARY**

Assembly Bill 455 by Dominic Cortese (D-San Jose) would require that applicants for development projects be required to identify a long-term, reliable water supply to serve the proposed project as a condition of approval. This legislation represents an attempt by the Chair of the Assembly Committee on Water, Parks and Wildlife to improve coordination between local agencies making land use decisions and the utilities which supply water. A coordinated long-term planning process is an important step in managing the State's limited water supply as our population continues to grow. Therefore, staff recommends that the Law and Legislation Committee declare the City's support for AB 455.

**BACKGROUND**

In requiring project applicants to identify a long-term, reliable water supply prior to approval, AB 455 attempts to improve the current dialogue and planning between local agencies and water utilities. The City of Sacramento enjoys a very favorable water supply situation largely due to the fact that, some 40 years ago, our leaders had the foresight to plan beyond the immediate future and secure long-term water rights.

The planning process in the City of Sacramento would probably not be affected a great deal by the bill, as the City Council has the authority over both land use and water supply decisions. This is not the case in much of the State, however, particularly in Southern California and parts of the Bay Area. It is clear that Sacramento is not immune from these issues. The annual mandatory meter bills are evidence that the water supply problems of other communities have the potential to affect the City significantly.

Improved long-term water supply planning by all California communities is essential to future water supply management in the State. Staff recommends that the Law and Legislation Committee declare the City's support for AB 455.

May 30, 1991  
Law and Legislation Committee  
AB 455  
Page 2

**FINANCIAL IMPACT**

There is no financial impact associated with support of this legislation.

**POLICY CONSIDERATIONS**

In supporting AB 455, the City would be stating as a matter of policy that local agencies should not approve development projects unless a long-term, reliable water supply can be identified.

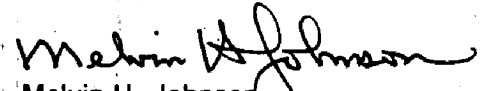
**MBE/WBE**

There are no goods or services being purchased in this report.

**RECOMMENDATION**

It is recommended that the Law and Legislation Committee declare the City's support for AB 455 relating to water supply planning.

Respectfully submitted,

  
Melvin H. Johnson  
Director of Public Works

Recommendation Approved:

Jack R. Crist  
Deputy City Manager

Contact Person:  
Roberta Larson, Administrative Services Officer  
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May 30, 1991  
All Districts

**ASSEMBLY BILL**

**No. 455**

Introduced by Assembly Member Cortese

February 7, 1991

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An act to add Section 65958 to the Government Code, relating to development projects, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 455, as amended, Cortese. Development projects: water supply.

(1) Existing law relating to local agency approval of development projects does not require applicants to identify a water supply for the proposed project.

This bill would require that no lead agency shall approve a development project unless the applicant identifies a long-term, reliable supply of water, *as defined*, to serve the proposed project.

*The bill would require the applicant to consult with the appropriate water purveyor and to obtain written certification from that purveyor regarding the availability of water for the proposed project. In the event that the water purveyor determines that a long-term, reliable supply of water is not available for the proposed project, the bill would require the applicant to demonstrate, as specified, to the lead agency what alternative water supplies shall be provided.*

*The bill would impose a state-mandated local program by requiring that a local agency may approve a development project only if it finds, as specified, that a long-term, reliable supply of water or an alternative supply of water shall be available for the project. The bill would authorize a public*

agency to charge applicants a fee, not to exceed the amount reasonably necessary to provide the service required by the bill and to be collected as part of the application fee charged for the development permit.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

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

SECTION 1. Section 65958 is added to the Government Code, to read:

65958. (a) No lead agency shall approve a development project unless the applicant identifies a long-term, reliable supply of water to serve the proposed project.

SEC. 2.

(b) Prior to requesting approval from a lead agency, the project applicant shall consult with the appropriate water purveyor as to whether a long-term, reliable supply of water is available to serve the proposed development project.

(c) The project applicant shall obtain from the water purveyor a written certification regarding the availability of a long-term, reliable supply of water for the proposed development project. The project applicant shall present that written certification to the lead agency prior to its approval of the proposed project.

(d) In the event the water purveyor determines that a long-term, reliable supply of water is not available for the proposed development project, the project applicant shall demonstrate to the lead agency both of the following:

(1) Which water supplies shall be used for the proposed development project.

(2) What measures shall be taken by the project applicant to ensure that these alternative water supplies shall be provided.

(e) The lead agency may approve a development project only in the event of either of the following:

(1) The appropriate water purveyor, in its written certification prepared pursuant to subdivision (c), finds that a long-term, reliable supply of water is available.

(2) The lead agency finds that there is an alternative supply of water for the development project, based on the information provided by the project applicant pursuant to subdivision (d).

(f) As used in this section, "long-term, reliable supply of water" means water availability consistent with the plans, policies, and programs of the appropriate water purveyor. These plans, policies, and programs may include, but need not be limited to, such factors as all of the following:

(1) Water storage capacity.

(2) Existing demands and demand projections.

(3) Treatment capacity.

(4) Reliability and security of transmission facilities.

(5) Conservation performance.

(6) Water reclamation.

(7) Drought considerations.

(8) Groundwater considerations.

(g) A public agency may charge applicants a fee not to exceed the amount reasonably necessary to provide the service required by this section. If a fee is charged pursuant to this subdivision, the fee shall be collected as part of the application fee charged for the development permit.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act. Notwithstanding Section

1 17580 of the Government Code, unless otherwise  
2 specified in this act, the provisions of this act shall become  
3 operative on the same date that the act takes effect  
4 pursuant to the California Constitution.

5 SEC. 3. This act is an urgency statute necessary for  
6 the immediate preservation of the public peace, health,  
7 or safety within the meaning of Article IV of the  
8 Constitution and shall go into immediate effect. The facts  
9 constituting the necessity are:

10 The severe drought conditions currently prevailing  
11 throughout California make it imperative that this act  
12 take effect immediately.