

- **Board of Directors**  
**Communications, Outreach and Legislation Committee**

September 11, 2001 Board Meeting

---

**10-2**

---

**Subject**

Status Report on Senate Bill 221 (Kuehl) and Senate Bill 610 (Costa), Legislation Regarding Land Use and Water Supply Availability

---

**Description**

In July 2001, the Communications, Outreach and Legislation Committee discussed Senate Bill 221 and Senate Bill 610, their potential impacts on Metropolitan and their consistency with adopted policy principles on land use and water supply availability. The purpose of this status report is to provide an update on the legislative activities for SB 221 and SB 610 and to identify their proposed change in law.

**Update on Senate Bill (SB) 221**

Proposed Changes to Existing Law. SB 221 as amended on August 31, 2001 (**Attachment 1**) proposes changes to existing law regarding the approval of residential subdivision projects with respect to the availability of water supplies. Under the existing Subdivision Map Act, a legislative body of a city or county is required to deny approval of a tentative map, or a parcel map for which a tentative map is not required, if it makes any of a number of specified findings. Under the existing Planning and Zoning Law, a city, county, or city and county may not approve a development agreement unless the legislative body finds that the agreement is consistent with the general plan and any applicable specific plan. SB 221 proposes the following key changes to existing law.

- As a condition of approval of a tentative map, which includes a subdivision of more than 500 residential, dwelling units, either the water service provider, city or county is required to provide written verification that a sufficient water supply is available for the subdivision.
- Sufficient water supply is defined in a manner consistent with existing law, the Urban Water Management Plan Act. Sufficient water supply means the total water supplies available during normal, single-dry, and multiple years within a 20-year projection that will meet the projected demand associated with the proposed subdivision, in addition to existing and planned future uses, including, but not limited to, agricultural and industrial uses.
- In determining a sufficient water supply, the water service provider shall consider: (a) the availability of water supplies over a historical record of at least 20 years, (b) the applicability of an urban water shortage contingency analysis done pursuant to the Urban Water Management Plan Act, (c) the reduction in water supply allocated to a specific water use, and (d) the amount of water that the agency can reasonably rely on receiving from other supply projects (e.g., conjunctive use, reclaimed water, water conservation, water transfers, and initiative such as CALFED and the Colorado River tentative agreements) subject to verification.
- Written verification by the applicable public water system on its ability to provide sufficient water supply shall be supported by substantial evidence, including, but not limited to: (a) the public water system's most recently adopted urban water management plan adopted pursuant to the Urban Water Management Plan Act, (b) a water assessment previously made as part of environmental report requirements under Water Code Section 10910, and (c) other information relating to the sufficiency of the water supply similar to the assessment required by existing provisions for water service reliability under the Urban Water Management Act.

- Where a water supply for a proposed subdivision includes groundwater, the water agency shall evaluate the extent to which it or the landowner has the right to extract additional groundwater needed to supply the proposed subdivision.
- If the written verification relies on projected water supply that is not currently available to the water agency, the written verification shall be based on: (a) written contracts or other proof of valid rights to the identified water supply, (b) copies of a capital outlay program for financing the delivery of a sufficient water supply that has been adopted, (c) securing of applicable federal, state and local permits for construction of necessary infrastructure associated with supplying the water, and (d) any necessary regulatory approvals that are required in order to be able to convey or deliver the water to the subdivision, if applicable.
- If written verification is not provided by a water agency, the local government may seek a writ of mandamus to compel the water agency to do the verification.
- A local agency could determine that sufficient water supplies are, or will be, available prior to the completion of the subdivision in order to satisfy the requirements of the bill in the event the water agency does not provide a written verification or states that there is inadequate water supply.
- If there is no public water system, then a city or county shall make the written finding based on the provisions in the bill.

#### Legislative Activity.

Due to requests for clarification and substantial opposition by interests, the possibility that SB 221 would be a two-year bill was seriously discussed and considered last month. However, with recent agreement on a set of amendments included in this current version of SB 221, much of the opposition, including the building industry, has been withdrawn. At this time, most of the interest groups and agencies either support or are not opposed to SB 221 as amended on August 31, 2001. The positions of interest groups and agencies with respect to SB 221 are shown in [Attachment 2](#). It is expected that SB 221 would proceed to the Assembly Floor for a vote within the next two weeks.

#### **Update on Senate Bill (SB) 610**

Proposed Changes to Existing Law. SB 610 as amended on August 27, 2001 ([Attachment 3](#)) proposes changes to existing law regarding the preparation of water supply assessments for the urban water management plan and for consideration in the environmental review. Existing law requires every urban water supplier to include as part of its urban water management plan an assessment of the reliability of its water service to its customers. Existing law, under certain circumstances, requires a city or county that determines an environmental impact report is required in connection with a project, to request each public water system that may supply water for the project to assess whether its total projected water supplies will meet the projected water demand associated with the project. Further, existing law requires the public water system to submit the assessment to the city or county not later than 30 days from the date on which the request was received and, in the absence of the submittal of an assessment, provides that it shall be assumed that the public water system has no information to submit.

SB 610 expands the requirement for public water systems to prepare water supply assessments for urban water management plans and environmental review for large-scale projects and requires additional information to be included in the assessment. With this intent, SB 610 proposes the following revisions to existing law.

- If groundwater is identified as an existing or planned source of water available to the supplier, the water supply assessment shall include additional information, such as: (a) a copy of any groundwater management plan adopted by the urban water supplier, (b) a description of any groundwater basin or basins from which the urban water supplier pumps groundwater, (c) a detailed description and analysis of the amount and location of groundwater pumped by the urban water supplier for the past five years, and (4) a detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the urban water supplier.

- A city or county that determines a project is subject to the California Environmental Quality Act is required to identify any public water system that may supply water for the project and to request those public water system to prepare a specified water supply assessment.
- The assessment shall include an identification of existing water supply entitlements, water rights, or water service contracts relevant to the identified water supply for the proposed project and water deliveries received in prior years by the public water system pursuant to those entitlements, rights and contracts.
- If a city or county is not able to identify any public water system that may supply water for the project, it may prepare the water supply assessment after consulting with the local agency formation commission and any adjacent water system.
- If a public water system does not submit the assessment within 90 days, it shall be assumed that the public water system has no information to submit that is in addition to, or different from, information set forth in its urban water management plan.
- A city or county would not be prohibited from seeking a writ of mandamus to compel the public water system to comply with requirements relating to the submission of the water supply assessment.
- If the projected water demand of the project was not described in the most recently adopted urban water management plan or has no plan, the water supply assessment for the project shall include a discussion with regard to the water system's total projected water supplies available to meet the projected water demand of the proposed project in addition to existing and planned future uses.
- A city or county shall include the water supply assessment and certain other information in any environmental document prepared for the project.

Legislative Activity. The current version of SB 610 has broad support. The positions of interest groups and agencies with respect to SB 610 are shown in [Attachment 4](#). It is expected that SB 610 will proceed to the Assembly Floor for a vote within the next two weeks.

### **Impact to Metropolitan**

SB 221 and SB 610 are consistent with the Board's adopted policy principles on water availability and land use. In addition, SB 221 and SB 610 do not directly apply to Metropolitan or other wholesale water purveyors. However, as noted previously in Board Letter 10-3 (dated July 10, 2001), it is expected that retail water service providers within the Metropolitan service area will continue to rely upon Metropolitan's Regional Urban Water Management Plan for information on the availability of Metropolitan water to meet existing and future needs in the region. Finally, SB 221 and SB 610 specify approaches to determining sufficient water supply that is consistent with Metropolitan's current water supply planning practices under the Integrated Resources Plan Review and Regional Urban Water Management Plan.

### **Policy**

---

- (1) Board's adopted policy to ensure reliable supplies to meet existing and future demands within Metropolitan's service area through sound resources management practices pursuant to its Integrated Resources Plan and Regional Urban Water Management Plan
- (2) Board's policy principles on water availability and land use adopted in April 1993 and revised in January 1995 and February 1998. These policy principles define the obligation of land use planning agencies to request a water agency's assessment of water service for the land use planning process and the obligation of the water agency to maintain a water resource plan and capital improvement program to meet water supply needs.

**Fiscal Impact**

---

None.

 Debra C. Man, Vice President Water Transfers & Exchanges	9/7/2001 Date
---	------------------

 Ronald R. Gastelum Chief Executive Officer	9/7/2001 Date
---	------------------

**Attachment 1 – Senate Bill No. 221**

**Attachment 2 – SB 221 (Kuehl) Land Use and Water Supply**

**Attachment 3 – Senate Bill No. 610**

**Attachment 4 – SB 610 (Costa) Land Use and Water Supply**

BLA #1343

AMENDED IN ASSEMBLY AUGUST 31, 2001  
AMENDED IN ASSEMBLY AUGUST 23, 2001  
AMENDED IN ASSEMBLY JULY 16, 2001  
AMENDED IN ASSEMBLY JUNE 25, 2001  
AMENDED IN SENATE JUNE 4, 2001  
AMENDED IN SENATE MAY 30, 2001  
AMENDED IN SENATE MAY 17, 2001  
AMENDED IN SENATE MAY 8, 2001  
AMENDED IN SENATE APRIL 26, 2001

**SENATE BILL**

**No. 221**

---

---

**Introduced by Senator Kuehl**  
**(Coauthors: Senators Machado and Perata)**  
(Coauthors: Assembly Members Chan, Goldberg, Pavley,  
Strom-Martin, and Thomson)

February 14, 2001

---

---

An act to amend Section 11010 of the Business and Professions Code, and to amend Section 65867.5 of, and to add Sections 66455.3 and 66473.7 to, the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 221, as amended, Kuehl. Land use: water supplies.

(1) Under the Subdivision Map Act, a legislative body of a city or county is required to deny approval of a tentative map, or a parcel map for which a tentative map is not required, if it makes any of a number

of specified findings. Under the Planning and Zoning Law, a city, county, or city and county may not approve a development agreement unless the legislative body finds that the agreement is consistent with the general plan and any applicable specific plan.

This bill would prohibit approval of a tentative map, or a parcel map for which a tentative map was not required, or a development agreement for a subdivision of property of more than 500 dwelling units, except as specified, including the design of the subdivision or the type of improvement, unless the legislative body of a city or county or the designated advisory agency provides written verification from the applicable public water system that a sufficient water supply is available or, in addition, a specified finding is made by the local agency that sufficient water supplies are, or will be, available prior to completion of the project.

By increasing the duties of local legislative bodies and local planning agencies and commissions, the bill would impose a state-mandated local program.

(2) Existing law requires any person who intends to offer subdivided lands within California for sale or lease to file with the Department of Real Estate an application for a public report consisting of a notice of intention and a completed questionnaire that includes, among other things, a true statement of the provisions, if any, that have been made for public utilities in the proposed subdivision, including water, electricity, gas, telephone, and sewerage facilities.

This bill would provide that for proposed subdivisions subject to specified requirements of the Subdivision Map Act, the true statement of the provisions that have been made for water is satisfied by submitting a copy of the written verification of the availability of a sufficient water supply, obtained pursuant to specified requirements as described in (1) above.

(3) 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.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



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

1 SECTION 1. Section 11010 of the Business and Professions  
2 Code is amended to read:

3 11010. (a) Except as otherwise provided pursuant to  
4 subdivision (c) or elsewhere in this chapter, any person who  
5 intends to offer subdivided lands within this state for sale or lease  
6 shall file with the Department of Real Estate an application for a  
7 public report consisting of a notice of intention and a completed  
8 questionnaire on a form prepared by the department.

9 (b) The notice of intention shall contain the following  
10 information about the subdivided lands and the proposed offering:

- 11 (1) The name and address of the owner.
- 12 (2) The name and address of the subdivider.
- 13 (3) The legal description and area of lands.
- 14 (4) A true statement of the condition of the title to the land,  
15 particularly including all encumbrances thereon.
- 16 (5) A true statement of the terms and conditions on which it is  
17 intended to dispose of the land, together with copies of any  
18 contracts intended to be used.
- 19 (6) A true statement of the provisions, if any, that have been  
20 made for public utilities in the proposed subdivision, including  
21 water, electricity, gas, telephone, and sewerage facilities. For  
22 subdivided lands that were subject to the imposition of a condition  
23 pursuant to subdivision (b) of Section 66473.7 of the Government  
24 Code, the true statement of the provisions made for water shall be  
25 satisfied by submitting a copy of the written verification of the  
26 available water supply obtained pursuant to ~~subdivision (b) of~~  
27 Section 66473.7 of the Government Code.
- 28 (7) A true statement of the use or uses for which the proposed  
29 subdivision will be offered.
- 30 (8) A true statement of the provisions, if any, limiting the use  
31 or occupancy of the parcels in the subdivision.
- 32 (9) A true statement of the amount of indebtedness that is a lien  
33 upon the subdivision or any part thereof, and that was incurred to  
34 pay for the construction of any onsite or offsite improvement, or  
35 any community or recreational facility.
- 36 (10) A true statement or reasonable estimate, if applicable, of  
37 the amount of any indebtedness which has been or is proposed to  
38 be incurred by an existing or proposed special district, entity,



1 taxing area, assessment district, or community facilities district  
2 within the boundaries of which, the subdivision, or any part  
3 thereof, is located, and that is to pay for the construction or  
4 installation of any improvement or to furnish community or  
5 recreational facilities to that subdivision, and which amounts are  
6 to be obtained by ad valorem tax or assessment, or by a special  
7 assessment or tax upon the subdivision, or any part thereof.

8 (11) (A) As to each school district serving the subdivision, a  
9 statement from the appropriate district that indicates the location  
10 of each high school, junior high school, and elementary school  
11 serving the subdivision, or documentation that a statement to that  
12 effect has been requested from the appropriate school district.

13 (B) In the event that, as of the date the notice of intention and  
14 application for issuance of a public report are otherwise deemed  
15 to be qualitatively and substantially complete pursuant to Section  
16 11010.2, the statement described in subparagraph (A) has not been  
17 provided by any school district serving the subdivision, the person  
18 who filed the notice of intention and application for issuance of a  
19 public report immediately shall provide the department with the  
20 name, address, and telephone number of that district.

21 (12) The location of all existing airports, and of all proposed  
22 airports shown on the general plan of any city or county, located  
23 within two statute miles of the subdivision.

24 (13) A true statement, if applicable, referencing any soils or  
25 geologic report or soils and geologic reports that have been  
26 prepared specifically for the subdivision.

27 (14) A true statement of whether or not fill is used, or is  
28 proposed to be used in the subdivision and a statement giving the  
29 name and the location of the public agency where information  
30 concerning soil conditions in the subdivision is available.

31 (15) Any other information that the owner, his or her agent, or  
32 the subdivider may desire to present.

33 (c) The commissioner may, by regulation, or on the basis of the  
34 particular circumstances of a proposed offering, waive the  
35 requirement of the submission of a completed questionnaire if the  
36 commissioner determines that prospective purchasers or lessees of  
37 the subdivision interests to be offered will be adequately protected  
38 through the issuance of a public report based solely upon  
39 information contained in the notice of intention.



1 SEC. 2. Section 65867.5 of the Government Code is amended  
2 to read:

3 65867.5. (a) A development agreement is a legislative act  
4 that shall be approved by ordinance and is subject to referendum.

5 (b) A development agreement shall not be approved unless the  
6 legislative body finds that the provisions of the agreement are  
7 consistent with the general plan and any applicable specific plan.

8 (c) A development agreement that includes a subdivision, as  
9 defined in Section 66473.7, shall not be approved unless the  
10 agreement provides that any tentative map prepared for the  
11 subdivision will comply with the provisions of Section 66473.7.

12 SEC. 3. Section 66455.3 is added to the Government Code, to  
13 read:

14 66455.3. Not later than five days after a city or county has  
15 determined that a tentative map application for a proposed  
16 subdivision, as defined in Section 66473.7, is complete pursuant  
17 to Section 65943, the local agency shall send a copy of the  
18 application to any water supplier that is, or may become, a public  
19 water system, as defined in Section 10912 of the Water Code, that  
20 may supply water for the subdivision.

21 SEC. 4. Section 66473.7 is added to the Government Code, to  
22 read:

23 66473.7. (a) For the purposes of this section, the following  
24 definitions apply:

25 (1) “Subdivision” means a proposed residential development  
26 of more than 500 dwelling units, except that for a public water  
27 system that has fewer than 5,000 service connections,  
28 “subdivision” means any proposed residential development that  
29 would account for an increase of 10 percent or more in the number  
30 of the public water system’s existing service connections.

31 (2) “Sufficient water supply” means the total water supplies  
32 available during normal, single-dry, and multiple-dry years within  
33 a 20-year projection that will meet the projected demand  
34 associated with the proposed subdivision, in addition to existing  
35 and planned future uses, including, but not limited to, agricultural  
36 and industrial uses. In determining “sufficient water supply,” all  
37 of the following factors shall be considered:

38 (A) The availability of water supplies over a historical record  
39 of at least 20 years.



1 (B) The applicability of an urban water shortage contingency  
2 analysis prepared pursuant to Section 10632 of the Water Code that  
3 includes actions to be undertaken by the public water system in  
4 response to water supply shortages.

5 (C) The reduction in water supply allocated to a specific water  
6 use sector pursuant to a resolution or ordinance adopted, or a  
7 contract entered into, by the public water system, as long as that  
8 resolution, ordinance, or contract does not conflict with Section  
9 354 of the Water Code.

10 (D) *The amount of water that the water supplier can reasonably*  
11 *rely on receiving from other water supply projects, such as*  
12 *conjunctive use, reclaimed water, water conservation, and water*  
13 *transfer, including programs identified under federal, state, and*  
14 *local water initiatives such as CALFED and Colorado River*  
15 *tentative agreements, to the extent that these water supplies meet*  
16 *the criteria of subdivision (d).*

17 (3) “Public water system” means the water supplier that is, or  
18 may become as a result of servicing the subdivision included in a  
19 tentative map pursuant to subdivision (b), a public water system,  
20 as defined in Section 10912 of the Water Code, that may supply  
21 water for a subdivision.

22 (b) (1) The legislative body of a city or county or the advisory  
23 agency, to the extent that it is authorized by local ordinance to  
24 approve, conditionally approve, or disapprove the tentative map,  
25 shall include as a condition in any tentative map that includes a  
26 subdivision a requirement that a sufficient water supply shall be  
27 available. Proof of the availability of a sufficient water supply  
28 shall be requested by the subdivision applicant or local agency, at  
29 the discretion of the local agency, and shall be based on written  
30 verification from the applicable public water system within 90  
31 days of a request.

32 (2) If the public water system fails to deliver the written  
33 verification as required by this section, the local agency or any  
34 other interested party may seek a writ of mandamus to compel the  
35 public water system to comply.

36 (3) If the written verification provided by the applicable public  
37 water system indicates that the public water system is unable to  
38 provide a sufficient water supply that will meet the projected  
39 demand associated with the proposed subdivision, then the local  
40 agency may make a finding, after consideration of the written



1 verification by the applicable public water system, that additional  
2 water supplies not accounted for by the public water system are,  
3 or will be, available prior to completion of the subdivision that will  
4 satisfy the requirements of this section. This finding shall be made  
5 on the record and supported by substantial evidence.

6 (4) If the written verification is not provided by the public  
7 water system, notwithstanding the local agency or other interested  
8 party securing a writ of mandamus to compel compliance with this  
9 section, then the local agency may make a finding that sufficient  
10 water supplies are, or will be, available prior to completion of the  
11 subdivision that will satisfy the requirements of this section. This  
12 finding shall be made on the record and supported by substantial  
13 evidence.

14 (c) The applicable public water system’s written verification of  
15 its ability or inability to provide a sufficient water supply that will  
16 meet the projected demand associated with the proposed  
17 subdivision as required by subdivision (b) shall be supported by  
18 substantial evidence. The substantial evidence may include, but is  
19 not limited to, any of the following:

20 (1) The public water system’s most recently adopted urban  
21 water management plan adopted pursuant to Part 2.6  
22 (commencing with Section 10610) of Division 6 of the Water  
23 Code.

24 (2) A water supply assessment that was completed pursuant to  
25 Part 2.10 (commencing with Section 10910) of Division 6 of the  
26 Water Code.

27 (3) Other information relating to the sufficiency of the water  
28 supply that contains analytical information that is substantially  
29 similar to the assessment required by Section 10635 of the Water  
30 Code.

31 (d) When the written verification pursuant to subdivision (b)  
32 relies on projected water supplies that are not currently available  
33 to the public water system, to provide a sufficient water supply to  
34 the subdivision, the written verification as to those projected water  
35 supplies shall be based on all of the following elements, to the  
36 extent each is applicable:

37 (1) Written contracts or other proof of valid rights to the  
38 identified water supply that identify the terms and conditions  
39 under which the water will be available to serve the proposed  
40 subdivision.



1 (2) Copies of a capital outlay program for financing the  
2 delivery of a sufficient water supply that has been adopted by the  
3 applicable governing body.

4 (3) Securing of applicable federal, state, and local permits for  
5 construction of necessary infrastructure associated with supplying  
6 a sufficient water supply.

7 (4) Any necessary regulatory approvals that are required in  
8 order to be able to convey or deliver a sufficient water supply to  
9 the subdivision.

10 (e) If there is no public water system, the local agency shall  
11 make a written finding of sufficient water supply based on the  
12 evidentiary requirements of subdivisions (c) and (d) and identify  
13 the mechanism for providing water to the subdivision.

14 (f) In making any findings or determinations under this section,  
15 a local agency, or designated advisory agency, may work in  
16 conjunction with the project applicant and the public water system  
17 to secure water supplies sufficient to satisfy the demands of the  
18 proposed subdivision. If the local agency secures water supplies  
19 pursuant to this subdivision, which supplies are acceptable to and  
20 approved by the governing body of the public water system as  
21 suitable for delivery to customers, it shall work in conjunction with  
22 the public water system to implement a plan to deliver that water  
23 supply to satisfy the long-term demands of the proposed  
24 subdivision.

25 (g) The written verification prepared under this section shall  
26 also include a description, to the extent that data is *reasonably*  
27 available based on *published* records maintained by federal, ~~state,~~  
28 ~~and~~ *and state agencies, and public records of* local agencies, of the  
29 reasonably foreseeable impacts of the proposed subdivision on the  
30 availability of water resources for agricultural and industrial uses  
31 within the public water system's service area that are not currently  
32 receiving water from the public water system but are utilizing the  
33 same sources of water. To the extent that those reasonably  
34 foreseeable impacts have previously been evaluated in a document  
35 prepared pursuant to the California Environmental Quality Act  
36 (Division 13 (commencing with Section 21000) of the Public  
37 Resources Code) *or the National Environmental Policy Act*  
38 *(Public Law 91-190)* for the proposed subdivision, the public  
39 water system may utilize that information in preparing the written  
40 verification.



1 (h) Where a water supply for a proposed subdivision includes  
2 groundwater, the public water system serving the proposed  
3 subdivision shall ~~demonstrate~~ *evaluate*, based on substantial  
4 evidence, ~~that to the extent to which it or the landowner~~ has the right  
5 to extract the additional groundwater needed to supply the  
6 proposed subdivision. Nothing in this subdivision is intended to  
7 modify state law with regard to groundwater rights.

8 (i) This section shall not apply to any residential project  
9 proposed for a site that is within an urbanized area and has been  
10 previously developed for urban uses, or where the immediate  
11 contiguous properties surrounding the residential project site are,  
12 or previously have been, developed for urban uses, or housing  
13 projects that are exclusively for very low and low-income  
14 households.

15 (j) The determinations made pursuant to this section shall be  
16 consistent with the obligation of a public water system to grant a  
17 priority for the provision of available and future water resources  
18 or services to proposed housing developments that help meet the  
19 city's or county's share of the regional housing needs for lower  
20 income households, pursuant to Section 65589.7.

21 ~~(k) If a public water system verifies that a sufficient water~~  
22 ~~supply is not available to serve the proposed subdivision pursuant~~  
23 ~~to subdivision (b), a copy of the written verification shall be sent~~  
24 ~~by the affected city or county to the Department of Housing and~~  
25 ~~Community Development and to the appropriate council of~~  
26 ~~governments. The department and the council of governments~~  
27 ~~shall consider the lack of a sufficient water supply to support new~~  
28 ~~residential development when determining the distribution of~~  
29 ~~regional housing need pursuant to Section 65584. This subdivision~~  
30 ~~shall not be construed to reduce the overall allocation of housing~~  
31 ~~need within a region. Neither the Department of Housing and~~  
32 ~~Community Development nor the council of governments shall~~  
33 ~~base its allocation of the regional housing need for very low and~~  
34 ~~low-income households to any city or county based on the written~~  
35 ~~verification of a sufficient water supply received pursuant to this~~  
36 ~~section.~~

37 ~~(l)~~  
38 (k) The County of San Diego shall be deemed to comply with  
39 this section if the Office of Planning and Research determines that  
40 all of the following conditions have been met:



1 (1) A regional growth management strategy that provides for  
2 a comprehensive regional strategy and a coordinated economic  
3 development and growth management program has been  
4 developed pursuant to Proposition C as approved by the voters of  
5 the County of San Diego in November 1988, which required the  
6 development of a regional growth management plan and directed  
7 the establishment of a regional planning and growth management  
8 review board.

9 (2) Each public water system, as defined in Section 10912 of  
10 the Water Code, within the County of San Diego has adopted an  
11 urban water management plan pursuant to Part 2.6 (commencing  
12 with Section 10610) of the Water Code.

13 (3) The approval or conditional approval of tentative maps for  
14 subdivisions, as defined in this section, by the County of San  
15 Diego and the cities within the county requires written  
16 communications to be made by the public water system to the city  
17 or county, in a format and with content that is substantially similar  
18 to the requirements contained in this section, with regard to the  
19 availability of a sufficient water supply, or the reliance on  
20 projected water supplies to provide a sufficient water supply, for  
21 a proposed subdivision.

22 ~~(m)~~

23 (l) Nothing in this section shall preclude the legislative body of  
24 a city or county, or the designated advisory agency, at the request  
25 of the applicant, from making the determinations required in this  
26 section earlier than required pursuant to subdivision (a).

27 ~~(n)~~

28 (m) Nothing in this section shall be construed to create a right  
29 or entitlement to water service or any specific level of water  
30 service.

31 ~~(o)~~

32 (n) Nothing in this section is intended to change existing law  
33 concerning a public water system’s obligation to provide water  
34 service to its existing customers or to any potential future  
35 customers.

36 ~~(p)~~

37 (o) Any action challenging the sufficiency of the public water  
38 system’s written verification of a sufficient water supply shall be  
39 governed by Section 66499.37.



1 SEC. 5. No reimbursement is required by this act pursuant to  
2 Section 6 of Article XIII B of the California Constitution because  
3 a local agency or school district has the authority to levy service  
4 charges, fees, or assessments sufficient to pay for the program or  
5 level of service mandated by this act, within the meaning of  
6 Section 17556 of the Government Code.

O



## **SB 221 (Kuehl) – Land Use and Water Supply**

### **Support**

American Farmland Trust  
California Department of Justice (Attorney General)  
California Farm Bureau Federation  
California Grain and Feed Association  
California League of Conservation Voters  
California Municipal Utilities Association  
California Warehouse Association  
Citizens Planning Association of Santa Barbara County  
Clean Water Action  
Community Alliance With Family Farmers  
Defenders of Wildlife  
East Bay Municipal Utility District  
Friends of the River  
LandWater Monterey County  
League of Women Voters of California  
National Audubon Society  
Nature Conservancy  
Northern California Water Association  
Planning and Conservation League  
Regional Council of Rural Counties  
Sierra Club  
Sierra Nevada Alliance  
Ventura County  
Western Growers Association  
Yolo County Flood Control and Water Conservation District

### **Opposition**

Association of California Water Agencies  
California Water Association  
Orange County Water District

AMENDED IN ASSEMBLY AUGUST 27, 2001

AMENDED IN SENATE MAY 23, 2001

**SENATE BILL**

**No. 610**

---

---

**Introduced by Senator Costa**

February 22, 2001

---

---

An act to amend Section 21151.9 of the Public Resources Code, and to amend Sections ~~10635~~ 10631, 10910, 10911, 10912, and 10915 of, and to repeal Section 10913 of, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 610, as amended, Costa. Water supply planning.

(1) Existing law requires every urban water supplier to ~~include~~ *identify*, as part of its urban water management plan ~~an assessment of the reliability of its water service to its customers, the existing and planned sources of water available to the supplier over a prescribed 5-year period.~~

This bill would require additional information to be included as part of an urban water management plan ~~for urban water suppliers whose water supply includes groundwater~~ *if groundwater is identified as a source of water available to the supplier.*

(2) Existing law, under certain circumstances, requires a city or county that determines an environmental impact report is required in connection with a project, as defined, to request each public water system that may supply water for the project to assess, among other things, whether its total projected water supplies will meet the projected water demand associated with the proposed project. Existing law requires the public water system to submit the assessment to the city or county not later than 30 days from the date on which the request was

received and, in the absence of the submittal of an assessment, provides that it shall be assumed that the public water system has no information to submit. Existing law makes legislative findings and declarations concerning “Proposition C,” a measure approved by the voters of San Diego County relating to regional growth management, and provides that the procedures established by a specified review board established in connection with that measure are deemed to comply with the requirements described above relating to water supply planning by a city or county.

This bill would revise those provisions. The bill, instead, would require a city or county that determines a project is subject to the California Environmental Quality Act to identify any public water system that may supply water for the project and to request those public water systems, under certain circumstances, to ~~assess whether its total projected water supplies will meet the projected water demand associated with the proposed project~~ *prepare a specified water supply assessment*. The bill would require the assessment to include, among other information, an identification of existing water supply entitlements, water rights, or water service contracts relevant to the identified water supply for the proposed project and water ~~deliveries~~ received in prior years by the public water system pursuant to those entitlements, rights, and contracts. The bill would require the city or county, if it is not able to identify any public water system that may supply water for the project, to prepare the water supply assessment. The bill would revise the definition of “project,” for the purposes of these provisions, and make related changes.

The bill would ~~authorize the city or county, provide that~~ if a public water system does not submit the assessment within 90 days, ~~to seek a writ of mandamus to compel the governing body of the public water system to comply with the requirements relating to the submission of the water supply assessment as specified, it shall be assumed that the public water system has no information to submit that is in addition to, or different from, information set forth in its urban water management plan.~~ The bill would *provide that nothing in the bill’s provisions prohibits the city or county from seeking a writ of mandamus to compel the public water system to comply with requirements relating to the submission of the water supply assessment.*

*The bill would* require the city or county to include the water supply assessment and certain other information in any environmental document prepared for the project pursuant to the act. By establishing



duties for counties and cities, the bill would impose a state-mandated local program.

The bill would provide that the County of San Diego is deemed to comply with these water supply planning requirements if the Office of Planning and Research determines that certain requirements have been met in connection with the implementation of “Proposition C.”

(3) 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.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:

3 (1) The length and severity of droughts in California cannot be  
4 predicted with any accuracy.

5 (2) There are various factors that affect the ability to ensure that  
6 adequate water supplies are available to meet all of California’s  
7 water demands, *now and in the future*.

8 (3) Because of these factors, it is not possible to guarantee a  
9 permanent water supply for all water users in California in the  
10 amounts requested.

11 (4) Therefore, it is critical that California’s water agencies  
12 carefully assess the reliability of their water supply and delivery  
13 systems.

14 (5) Furthermore, California’s overall water delivery system  
15 has become less reliable over the last 20 years because demand for  
16 ~~water has continued to grow while supplies available for~~  
17 ~~consumptive uses have decreased.~~

18 ~~(6) water has continued to grow while new supplies have not~~  
19 ~~been developed in amounts sufficient to meet the increased~~  
20 ~~demand.~~

21 (6) *There are a variety of measures for developing new water*  
22 *supplies including water reclamation, water conservation,*



1 *conjunctive use, water transfers, seawater desalination, and*  
2 *surface water and groundwater storage.*

3 (7) With increasing frequency, California’s water agencies are  
4 required to impose water rationing on their residential and  
5 business customers during this state’s frequent and severe periods  
6 of drought.

7 ~~(7) The identification~~

8 (8) *The identification and development of water supplies*  
9 *needed during multiple-year droughts is vital to California’s*  
10 *business climate, as well as to the health of the agricultural*  
11 *industry, environment, rural communities, and residents who*  
12 *continue to face the possibility of severe water cutbacks during*  
13 *water shortage periods.*

14 ~~(8) It appears~~

15 (9) *A recent study indicates that the water supply and land use*  
16 *planning linkage, established by Part 2.10 (commencing with*  
17 *Section 10910) of Division 6 of the Water Code, has not been*  
18 *implemented in a manner that ensures the appropriate level of*  
19 *communication and the necessary information to understand water*  
20 *supply availability is not consistently reaching the governing*  
21 *bodies of the affected organizations in order for decisions to be*  
22 *made with regard to development and water supply availability*  
23 *within local communities. between water agencies and planning*  
24 *agencies, and this act is intended to remedy that deficiency in*  
25 *communication.*

26 (b) It is the intent of the Legislature to strengthen the process  
27 pursuant to which ~~cities and counties~~ *local agencies* determine the  
28 adequacy of existing and planned future water supplies to meet  
29 existing and planned future demands on those water supplies.

30 SEC. 2. Section 21151.9 of the Public Resources Code is  
31 amended to read:

32 21151.9. Whenever a city or county determines that a project,  
33 as defined in Section 10912 of the Water Code, is subject to this  
34 division, it shall comply with Part 2.10 (commencing with Section  
35 10910) of Division 6 of the Water Code.

36 ~~SEC. 3. Section 10635 of the Water Code is amended to read:~~

37 ~~10635. (a) Every urban water supplier shall include, as part~~  
38 ~~of its urban water management plan, an assessment of the~~  
39 ~~reliability of its water service to its customers during normal, dry,~~  
40 ~~and multiple dry water years. This water supply and demand~~



1 ~~assessment shall compare the total water supply sources available~~  
2 ~~to the water supplier with the total projected water use over the~~  
3 ~~next 20 years, in five-year increments, for a normal water year, a~~  
4 ~~single dry water year, and multiple dry water years. The water~~  
5 ~~service reliability assessment shall be based upon the information~~  
6 ~~compiled pursuant to Section 10631, including available data from~~  
7 ~~state, regional, or local agency population projections within the~~  
8 ~~service area of the urban water supplier.~~

9 ~~(b) For urban water suppliers whose water supply includes~~  
10 ~~groundwater, the following information shall be provided as part~~  
11 ~~of the assessment required pursuant to subdivision (a):~~

12 ~~(1) A copy of any groundwater management plan adopted by~~  
13 ~~the urban water supplier, including plans adopted pursuant to Part~~  
14 ~~2.75 (commencing with Section 10750), or any other specific~~  
15 ~~authorization for groundwater management.~~

16 ~~(2) A description of any groundwater basin or basins from~~  
17 ~~which the urban water supplier pumps groundwater. For those~~  
18 ~~basins for which a court or the board has adjudicated the rights to~~  
19 ~~pump groundwater, a copy of the order or decree adopted by the~~  
20 ~~court or the board and a description of the amount of groundwater~~  
21 ~~the urban water supplier has the legal right to pump under the order~~  
22 ~~or decree. For basins that have not been adjudicated, information~~  
23 ~~as to whether the department has identified the basin or basins as~~  
24 ~~overdrafted or in critical condition in its Bulletin 118 series and a~~  
25 ~~detailed description of the efforts being undertaken by the urban~~  
26 ~~water supplier to eliminate the long-term overdraft condition.~~

27 ~~(3) A detailed description and analysis of the amount and~~  
28 ~~location of groundwater pumped by the urban water supplier for~~  
29 ~~the past five years.~~

30 ~~(c) The urban water supplier shall provide that portion of its~~  
31 ~~urban water management plan prepared pursuant to this article to~~  
32 ~~any city or county within which it provides water supplies no later~~  
33 ~~than 60 days after the submission of its urban water management~~  
34 ~~plan.~~

35 ~~(d) Nothing in this article is intended to create a right or~~  
36 ~~entitlement to water service or any specific level of water service.~~

37 ~~(e) Nothing in this article is intended to change existing law~~  
38 ~~concerning an urban water supplier's obligation to provide water~~  
39 ~~service to its existing customers or to any potential future~~  
40 ~~customers.~~



1 SEC. 3. Section 10631 of the Water Code is amended to read:  
2 10631. A plan shall be adopted in accordance with this  
3 chapter and shall do all of the following:

4 (a) Describe the service area of the supplier, including current  
5 and projected population, climate, and other demographic factors  
6 affecting the supplier’s water management planning. The  
7 projected population estimates shall be based upon data from the  
8 state, regional, or local service agency population projections  
9 within the service area of the urban water supplier and shall be in  
10 five-year increments to 20 years or as far as data is available.

11 (b) Identify and quantify, to the extent practicable, the existing  
12 and planned sources of water available to the supplier over the  
13 same five-year increments as described in subdivision (a). *If*  
14 *groundwater is identified as an existing and planned source of*  
15 *water available to the supplier, all of the following information*  
16 *shall be included in the plan:*

17 (1) *A copy of any groundwater management plan adopted by*  
18 *the urban water supplier, including plans adopted pursuant to Part*  
19 *2.75 (commencing with Section 10750), or any other specific*  
20 *authorization for groundwater management.*

21 (2) *A description of any groundwater basin or basins from*  
22 *which the urban water supplier pumps groundwater. For those*  
23 *basins for which a court or the board has adjudicated the rights to*  
24 *pump groundwater, a copy of the order or decree adopted by the*  
25 *court or the board and a description of the amount of groundwater*  
26 *the urban water supplier has the legal right to pump under the*  
27 *order or decree. For basins that have not been adjudicated,*  
28 *information as to whether the department has identified the basin*  
29 *or basins as overdrafted or has projected that the basin will*  
30 *become overdrafted if present management conditions continue, in*  
31 *the most current official departmental bulletin that characterizes*  
32 *the condition of the groundwater basin, and a detailed description*  
33 *of the efforts being undertaken by the urban water supplier to*  
34 *eliminate the long-term overdraft condition.*

35 (3) *A detailed description and analysis of the amount and*  
36 *location of groundwater pumped by the urban water supplier for*  
37 *the past five years. The description and analysis shall be based on*  
38 *information that is reasonably available, including, but not limited*  
39 *to, historic use records.*



1 (4) *A detailed description and analysis of the amount and*  
2 *location of groundwater that is projected to be pumped by the*  
3 *urban water supplier. The description and analysis shall be based*  
4 *on information that is reasonably available, including, but not*  
5 *limited to, historic use records.*

6 (c) Describe the reliability of the water supply and  
7 vulnerability to seasonal or climatic shortage, to the extent  
8 practicable, and provide data for each of the following:

9 (1) An average water year.

10 (2) A single dry water year.

11 (3) Multiple dry water years.

12 For any water source that may not be available at a consistent  
13 level of use, given specific legal, environmental, water quality, or  
14 climatic factors, describe plans to replace that source with  
15 alternative sources or water demand management measures, to the  
16 extent practicable.

17 (d) Describe the opportunities for exchanges or transfers of  
18 water on a short-term or long-term basis.

19 (e) (1) Quantify, to the extent records are available, past and  
20 current water use, over the same five-year increments described in  
21 subdivision (a), and projected water use, identifying the uses  
22 among water use sectors including, but not necessarily limited to,  
23 all of the following uses:

24 (A) Single-family residential.

25 (B) Multifamily.

26 (C) Commercial.

27 (D) Industrial.

28 (E) Institutional and governmental.

29 (F) Landscape.

30 (G) Sales to other agencies.

31 (H) Saline water intrusion barriers, groundwater recharge, or  
32 conjunctive use, or any combination thereof.

33 (I) Agricultural.

34 (2) The water use projections shall be in the same five-year  
35 increments as described in subdivision (a).

36 (f) Provide a description of the supplier's water demand  
37 management measures. This description shall include all of the  
38 following:

39 (1) A description of each water demand management measure  
40 that is currently being implemented, or scheduled for



- 1 implementation, including the steps necessary to implement any  
2 proposed measures, including, but not limited to, all of the  
3 following:
- 4 (A) Water survey programs for single-family residential and  
5 multifamily residential customers.
  - 6 (B) Residential plumbing retrofit.
  - 7 (C) System water audits, leak detection, and repair.
  - 8 (D) Metering with commodity rates for all new connections  
9 and retrofit of existing connections.
  - 10 (E) Large landscape conservation programs and incentives.
  - 11 (F) High-efficiency washing machine rebate programs.
  - 12 (G) Public information programs.
  - 13 (H) School education programs.
  - 14 (I) Conservation programs for commercial, industrial, and  
15 institutional accounts.
  - 16 (J) Wholesale agency programs.
  - 17 (K) Conservation pricing.
  - 18 (L) Water conservation coordinator.
  - 19 (M) Water waste prohibition.
  - 20 (N) Residential ultra-low-flush toilet replacement programs.
- 21 (2) A schedule of implementation for all water demand  
22 management measures proposed or described in the plan.
- 23 (3) A description of the methods, if any, that the supplier will  
24 use to evaluate the effectiveness of water demand management  
25 measures implemented or described under the plan.
- 26 (4) An estimate, if available, of existing conservation savings  
27 on water use within the supplier's service area, and the effect of  
28 such savings on the supplier's ability to further reduce demand.
- 29 (g) An evaluation of each water demand management measure  
30 listed in paragraph (1) of subdivision (f) that is not currently being  
31 implemented or scheduled for implementation. In the course of the  
32 evaluation, first consideration shall be given to water demand  
33 management measures, or combination of measures, that offer  
34 lower incremental costs than expanded or additional water  
35 supplies. This evaluation shall do all of the following:
- 36 (1) Take into account economic and noneconomic factors,  
37 including environmental, social, health, customer impact, and  
38 technological factors.
  - 39 (2) Include a cost-benefit analysis, identifying total benefits  
40 and total costs.



1 (3) Include a description of funding available to implement any  
2 planned water supply project that would provide water at a higher  
3 unit cost.

4 (4) Include a description of the water supplier’s legal authority  
5 to implement the measure and efforts to work with other relevant  
6 agencies to ensure the implementation of the measure and to share  
7 the cost of implementation.

8 (h) Urban water suppliers that are members of the California  
9 Urban Water Conservation Council and submit annual reports to  
10 that council in accordance with the “Memorandum of  
11 Understanding Regarding Urban Water Conservation in  
12 California,” dated September 1991, may submit the annual reports  
13 identifying water demand management measures currently being  
14 implemented, or scheduled for implementation, to satisfy the  
15 requirements of subdivisions (f) and (g).

16 SEC. 4. Section 10910 of the Water Code is amended to read:

17 10910. (a) Any city or county that determines that a project,  
18 as defined in Section 10912, is subject to the California  
19 Environmental Quality Act (Division 13 (commencing with  
20 Section 21000) of the Public Resources Code) under Section  
21 21080 of the Public Resources Code shall comply with this part.

22 (b) The city or county, at the time that it determines whether an  
23 environmental impact report, a negative declaration, or a  
24 mitigated negative declaration is required for any project subject  
25 to the California Environmental Quality Act pursuant to Section  
26 21080.1 of the Public Resources Code, shall identify any water  
27 system that is, or may become, a public water system, as defined  
28 in Section 10912, that may supply water for the project. If the city  
29 or county is not able to identify any public water system that may  
30 supply water for the project, the city or county shall prepare the  
31 water assessment required by this part after consulting with the  
32 local agency formation commission and any public water system  
33 adjacent to the project site.

34 (c) (1) The city or county, at the time it makes the  
35 determination required under Section 21080.1 of the Public  
36 Resources Code, shall request each public water system identified  
37 pursuant to subdivision (b) to determine whether the projected  
38 water demand associated with a proposed project was included as  
39 part of the most recently adopted urban water management plan  
40 adopted pursuant to Part 2.6 (commencing with Section 10610).



1 ~~(2) If the projected water demand of the project was described~~  
2 ~~in the most recently adopted urban water management plan, the~~  
3 ~~public water system shall comply with subdivisions (d), (e), (f),~~  
4 ~~and (g). If the projected water demand of the project was not~~  
5 ~~described~~

6 (2) *If the projected water demand associated with the proposed*  
7 *project was accounted for in the most recently adopted urban*  
8 *water management plan, the public water system may incorporate*  
9 *the requested information from the urban water management plan*  
10 *in preparing the assessment required to comply with subdivisions*  
11 *(d), (e), (f), and (g).*

12 (3) *If the projected water demand associated with the proposed*  
13 *project was not accounted for in the most recently adopted urban*  
14 *water management plan, or the public water system has no urban*  
15 *water management plan, or the city or county is required to comply*  
16 *with this part pursuant to subdivision (b), the water supply*  
17 *assessment for the project shall include a discussion with regard*  
18 *to whether the public water system's total projected water supplies*  
19 *available during normal, single-dry, and multiple-dry water years*  
20 *during a 20-year projection will meet the projected water demand*  
21 *associated with the proposed project, in addition to the public*  
22 *water system's existing and planned future uses, including*  
23 *agricultural and manufacturing uses.*

24 (d) (1) ~~The assessment shall also~~ *required by this section shall*  
25 *include an identification of any existing water supply entitlements,*  
26 *water rights, or water service contracts relevant to the identified*  
27 *water supply for the proposed project, and a description of the*  
28 *quantities of water deliveries received in prior years by the public*  
29 *water system under the existing water supply entitlements, water*  
30 *rights, or water service contracts.*

31 (2) An identification of existing water supply entitlements,  
32 water rights, or water service contracts held by the public water  
33 system shall be demonstrated by providing information related to  
34 all of the following:

35 (A) Written contracts or other proof of entitlement to an  
36 identified water supply.

37 (B) Copies of a capital outlay program for financing the  
38 delivery of a water supply; that has been adopted by the public  
39 water system.



1 (C) Federal, state, and local permits for construction of  
2 necessary infrastructure associated with delivering the water  
3 supply.

4 (D) Any necessary regulatory approvals that are required in  
5 order to be able to convey or deliver the water supply.

6 (e) If no water deliveries have been received in prior years  
7 by the public water system under the existing water supply  
8 entitlements, water rights, or water service contracts, the public  
9 water system shall also include in its water supply assessment  
10 pursuant to subdivision (c), an identification of the other public  
11 water systems or water service contractholders that receive a water  
12 supply or have existing water supply entitlements, water rights, or  
13 water service contracts, to the same source of water as the public  
14 water system has identified as a source of water supply within its  
15 water supply assessments.

16 (f) If a water supply for a proposed project includes  
17 groundwater, the following additional information shall be  
18 included in the water supply assessment:

19 ~~(1) A copy of any groundwater management plan adopted by~~  
20 ~~the urban water supplier, including plans adopted pursuant to Part~~  
21 ~~2.75 (commencing with Section 10750), or any other specific~~  
22 ~~authorization for groundwater management.~~

23 *(1) A review of any information contained in the urban water*  
24 *management plan relevant to the identified water supply for the*  
25 *proposed project.*

26 (2) A description of any groundwater basin or basins from  
27 which a court or the board the proposed project will be supplied.  
28 For those basins for which a court or the board has adjudicated the  
29 rights to pump groundwater, a copy of the order or decree adopted  
30 by the court or the board and a description of the amount of  
31 groundwater the urban water supplier has the legal right to pump  
32 under the order or decree. For basins that have not been  
33 adjudicated, information as to whether the department has  
34 identified the basin or basins as overdrafted or ~~in critical condition~~  
35 ~~in its Bulletin 118 series~~ *has projected that the basin will become*  
36 *overdrafted if present management conditions continue, in the*  
37 *most current bulletin of the department that characterizes the*  
38 *condition of the groundwater basin, and a detailed description by*  
39 *the urban water supplier of the efforts being undertaken to*  
40 *eliminate the long-term overdraft condition.*



1 (3) A detailed description and analysis of the amount and  
2 location of groundwater pumped by the urban water supplier for  
3 the past five years *from any groundwater basin from which the*  
4 *proposed project will be supplied. The description and analysis*  
5 *shall be based on information that is reasonably available,*  
6 *including, but not limited to, historic use records.*

7 (4) A detailed description and analysis of the amount and  
8 location of groundwater that is projected to be pumped by the  
9 urban water supplier from any basin from which the proposed  
10 project will be supplied. The description and analysis shall be  
11 based on information that is reasonably available, including, but  
12 not limited to, historic use records.

13 (5) An analysis of the sufficiency of the groundwater from the  
14 basin or basins from which the proposed project will be supplied  
15 to meet the projected water demand associated with the proposed  
16 project. A project shall not be required to comply with this  
17 subparagraph if the water agency determines, as part of the review  
18 required by subparagraph (1), that the amount of groundwater  
19 necessary to meet the initial and projected water demand  
20 associated with the project was included in the description and  
21 analysis required by paragraph (4) of subdivision (b) of Section  
22 10631.

23 (g) (1) The governing body of each public water system shall  
24 approve the assessment prepared pursuant to subdivision (c), at a  
25 regular or special meeting and submit the assessment to the city or  
26 county not later than 90 days from the date on which the request  
27 was received.

28 (2) If the governing body does not approve and submit the  
29 ~~assessment within 90 days, the city or county may seek~~ *assessment*  
30 *within 90 days, it shall be assumed, without a request for a specific*  
31 *extension of time, that the public water system has no information*  
32 *to submit that is in addition to, or different from, the plan provided*  
33 *to the city or county required under Section 10635.*

34 (3) *Nothing in this section prohibits the city or county from*  
35 *seeking a writ of mandamus to compel the governing body of the*  
36 *public water system to comply with the requirements of this part*  
37 *relating to the submission of the water supply assessment prepared*  
38 *pursuant to subdivision (c).*

39 (h) Notwithstanding any other provision of this part, if a project  
40 has been the subject of a water supply assessment that complies



1 with the requirements of this part, no additional water supply  
2 assessment shall be required unless one or more of the following  
3 changes occurs:

4 ~~(1) Substantial changes in the project.~~

5 ~~(2) Substantial changes in the circumstances or conditions~~  
6 ~~under which the project is being undertaken. assessment shall be~~  
7 ~~required for subsequent projects that were part of a larger project~~  
8 ~~for which a water supply assessment was completed and that has~~  
9 ~~complied with the requirements of this part and for which the~~  
10 ~~public water system has concluded that its water supplies are~~  
11 ~~sufficient to meet the projected water demand associated with the~~  
12 ~~proposed project, in addition to the public water system's existing~~  
13 ~~and planned future uses, including, but not limited to, agricultural~~  
14 ~~and industrial uses, unless one or more of the following changes~~  
15 ~~occurs:~~

16 *(1) Changes in the project that result in a substantial increase*  
17 *in water demand for the project.*

18 *(2) Changes in the circumstances or conditions substantially*  
19 *affecting the public water agency's ability to provide a sufficient*  
20 *supply of water for the project.*

21 (3) Significant new information becomes available which was  
22 not known and could not have been known at the time when the  
23 assessment was prepared.

24 SEC. 5. Section 10911 of the Water Code is amended to read:

25 10911. (a) If, as a result of its assessment, the public water  
26 system concludes that its water supplies are, or will be,  
27 insufficient, the public water system shall provide to the city or  
28 county its plans for acquiring additional water supplies, setting  
29 forth the measures that are being undertaken to acquire and  
30 develop those water supplies. Those plans may include, but are not  
31 limited to, information concerning all of the following:

32 (1) The estimated total costs, and the proposed method of  
33 financing the costs, associated with acquiring the additional water  
34 supplies.

35 (2) All federal, state, and local permits, approvals, or  
36 entitlements that are anticipated to be required in order to acquire  
37 and develop the additional water supplies.

38 (3) Based on the considerations set forth in paragraphs (1) and  
39 (2), the estimated timeframes within which the public water  
40 system expects to be able to acquire additional water supplies.



1 (b) The city or county shall include the water supply  
2 assessment provided pursuant to Section 10910, and any  
3 information provided pursuant to subdivision (a), in any  
4 environmental document prepared for the project pursuant to  
5 Division 13 (commencing with Section 21000) of the Public  
6 Resources Code.

7 (c) The city or county may include in any environmental  
8 document an evaluation of any information included in that  
9 environmental document provided pursuant to subdivision (b).  
10 The city or county shall determine, based on the entire record,  
11 whether projected water supplies will be sufficient to satisfy the  
12 demands of the project, in addition to existing and planned future  
13 uses. If the city or county determines that water supplies will not  
14 be sufficient, the city or county shall include that determination in  
15 its findings for the project.

16 SEC. 6. Section 10912 of the Water Code is amended to read:  
17 10912. For the purposes of this part, the following terms have  
18 the following meanings:

19 (a) "Project" means any of the following:

20 (1) A proposed residential development of more than 500  
21 dwelling units.

22 (2) A proposed shopping center or business establishment  
23 employing more than 1,000 persons or having more than 500,000  
24 square feet of floor space.

25 (3) A proposed commercial office building employing more  
26 than 1,000 persons or having more than 250,000 square feet of  
27 floor space.

28 (4) A proposed hotel or motel, or both, having more than 500  
29 rooms.

30 (5) A proposed industrial, manufacturing, or processing plant,  
31 or industrial park planned to house more than 1,000 persons,  
32 occupying more than 40 acres of land, or having more than  
33 650,000 square feet of floor area.

34 (6) A mixed-use project that includes one or more of the  
35 projects specified in this subdivision.

36 ~~(7) A general plan, element, or amendment that provides for~~  
37 ~~one or more of the projects specified in this subdivision.~~

38 ~~(8)~~



1 (7) A project that would demand an amount of water equivalent  
2 to, or greater than, the amount of water required by a 500 dwelling  
3 unit project.

4 (b) If a public water system has fewer than 5,000 service  
5 connections, then “project” means any proposed residential,  
6 business, commercial, hotel or motel, or industrial development  
7 that would account for an increase of 10 percent or more in the  
8 number of the public water system’s existing service connections,  
9 or a mixed-use project that would demand an amount of water  
10 equivalent to, or greater than, the amount of water required by  
11 residential development that would represent an increase of 10  
12 percent or more in the number of the public water system’s existing  
13 service connections.

14 (c) “Public water system” means a system for the provision of  
15 piped water to the public for human consumption that has 3000 or  
16 more service connections. A public water system includes all of  
17 the following:

18 (1) Any collection, treatment, storage, and distribution facility  
19 under control of the operator of the system which is used primarily  
20 in connection with the system.

21 (2) Any collection or pretreatment storage facility not under  
22 the control of the operator that is used primarily in connection with  
23 the system.

24 (3) Any person who treats water on behalf of one or more  
25 public water systems for the purpose of rendering it safe for human  
26 consumption.

27 SEC. 7. Section 10913 of the Water Code is repealed.

28 SEC. 8. Section 10915 of the Water Code is amended to read:

29 10915. The County of San Diego is deemed to comply with  
30 this part if the Office of Planning and Research determines that all  
31 of the following conditions have been met:

32 (a) Proposition (C), as approved by the voters of the County of  
33 San Diego in November 1988, requires the development of a  
34 regional growth management plan and directs the establishment of  
35 a regional planning and growth management review board.

36 (b) The County of San Diego and the cities in the county, by  
37 agreement, ~~designates~~ *designate* the San Diego Association of  
38 Governments as that review board.

39 (c) A regional growth management strategy that provides for  
40 a comprehensive regional strategy and a coordinated economic



1 development and growth management program has been  
2 developed pursuant to Proposition C.

3 (d) The regional growth management strategy includes a water  
4 element to coordinate planning for water that is consistent with the  
5 requirements of this part.

6 (e) The San Diego County Water Authority, by agreement with  
7 the San Diego Association of Governments in its capacity as the  
8 review board, uses the association’s most recent regional growth  
9 forecasts for planning purposes and to implement the water  
10 element of the strategy.

11 (f) The procedures established by the review board for the  
12 development and approval of the regional growth management  
13 strategy, including the water element and any certification process  
14 established to ensure that a project is consistent with that element,  
15 comply with the requirements of this part.

16 (g) The environmental documents for a project located in the  
17 County of San Diego include information that accomplishes the  
18 same purposes as a water supply assessment that is prepared  
19 pursuant to Section 10910.

20 SEC. 9. No reimbursement is required by this act pursuant to  
21 Section 6 of Article XIII B of the California Constitution because  
22 a local agency or school district has the authority to levy service  
23 charges, fees, or assessments sufficient to pay for the program or  
24 level of service mandated by this act, within the meaning of  
25 Section 17556 of the Government Code.



**SB 610 (Costa) Land Use and Water Supply**

**Support**

American Planning Association (if amended)  
Attorney General Bill Lockyer  
California Association of Realtors (if amended)  
California Business Properties Association (with amendments)  
California Building Industry Association (with amendments)  
California Chamber of Commerce (with amendments)  
California Farm Bureau Federation (co-sponsor)  
California Manufacturers and Technology Association (with amendments)  
California Municipal Utilities Association  
Citizens Planning Association  
City of Los Angeles (if amended)  
Defenders of Wildlife  
East Bay Municipal Utility District (co-sponsor)  
Friends of the River  
Inland Empire Utilities Agency  
Institute for Ecological Health  
Kern County Farm Bureau, Inc.  
League of Women Voters  
National Audubon Society  
Planning and Conservation League  
Sierra Club of California  
Southern California Water Committee  
The Nature Conservancy  
Yolo County Flood Control and Water Conservation District

**Opposition**

Association of California Water Agencies (unless amended)