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DEPARTMENT OF  
UTILITIES  
OFFICE OF THE DIRECTOR

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May 11, 1994

Law and Legislation Committee  
Sacramento, California

Honorable Members in Session:

**SUBJECT: CALIFORNIA STATE ASSEMBLY BILL AB2673 (CORTESE) - SUPPORT**

**LOCATION AND COUNCIL DISTRICT**

State-wide.

**RECOMMENDATION**

Staff concurs that AB2673 is sound public policy and recommends that the City support AB2673 sponsored by Assembly member Cortese and co-authored by Assembly member Isenberg.

**CONTACT PERSON**

Jim Sequeira, Director of Utilities, 433-6607

**FOR COMMITTEE MEETING OF**

May 17, 1994

## **SUMMARY**

AB2673 (copy attached) is an attempt to relate general land use plans and general plan amendments to water supply planning. This bill would create a linkage between the City or County's general plan process and a water agency's planning process for proposed development in those areas where water service is not currently being provided.

The State of California has forecast chronic future water shortages for the State. Responsible planning that will insure adequate water supplies for future local development is needed. AB2673 will help provide that protection.

## **BACKGROUND INFORMATION**

As California's population continues to grow many water agencies report that they will not be able to provide reliable water supplies adequate to meet projected future demand, particularly during periods of drought. Problems arise when development is approved in areas that have insufficient water supplies to meet projected needs.

AB2673 introduced by Assembly Member Cortese (co-authored by Assembly Member Isenberg) would require that the land use element of the general plan include information concerning water supply availability. It would also require a city or county to refer a proposed general plan or general plan amendment to the appropriate public water agency when the area covered by the proposed amendment is outside the area in which water service is currently provided before the city or county can act on the general plan or amendment.

Highlights of the bill can be summarized as follows:

- Would require water supply information compiled by a water agency be incorporated as part of a general plan.
- Requires the city or county referral of the general plan to a water agency for review only when development is proposed in those area currently not receiving water service.
- Requires the general plan which proposes development in those areas currently not receiving water service to either:

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(a) be consistent with findings of a public water system that it can meet the water needs of 1) existing customers; 2) future expected customers within an existing service area; as well as 3) future expected customers outside the service area, through periods of forecasted drought; or

(b) identify its own source of water for the proposed development in those areas currently not receiving water service.

- Requires a water agency to identify system improvements and the timeframe for implementing improvements to meet the water needs associated with the proposed general plan amendments.
- Allows a city or county to approve a general plan amendment proposing new development if it identifies water system improvements or other measures which will result in adequate water supplies to serve the new development. However, the development project may not be approved and constructed until those water system improvements are completed.
- Does not change existing law concerning a water agency's duty to serve.

The bill is supported by the following agencies and groups:

East Bay Municipal Utility District (Principle Sponsor)  
Sierra Club of California  
California Farm Bureau Federation  
National Audubon Society  
City of Folsom  
Western Growers Association  
Planning and Conservation League  
League of Conservation Voters  
Grassland Water District  
Agricultural Council of California  
United Anglers of California  
Community Alliance with Family Farmers  
California Cattlemen's Association  
Pacific Coast Federation of Fishermen's  
Associations Incorporated  
Northern California Water Association

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Public Officials of Water and Environmental Reform  
Greenbelt Alliance  
Clean Water Action  
Mono Lake Committee  
City of Albany  
City of El Cerrito  
Save the American River Association  
Sacramento Metropolitan Water Authority  
Andrew Getz, Developer  
Numerous Individuals

The bill is opposed by:

Bay Area Council  
California Building Industry Association  
California Business Properties Association  
California State Association of Counties  
Contra Costa County  
H-Y-H Corporation  
League of California Cities

Although opposed by the state-wide League of California Cities, it is supported by the Sacramento Valley Division of the League (see attached letter).

#### **FINANCIAL CONSIDERATIONS**

There are no fiscal impacts associated with supporting this legislation.

#### **POLICY CONSIDERATIONS**

If this legislation is passed and ultimately signed into law, the result will be little or no impact to the City of Sacramento. The City has an adequate water supply and a clearly defined service area. Unfortunately not all regions are in the same circumstance.

As the State continues to grow, existing water supplies will become strained. When new developments are being considered the adequacy of water supply should be reviewed.

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AB2673 ensures that cities and counties recognize water supply availability prior to making decisions on growth.

**MBE/WBE**


None.

Respectfully submitted,



Jim Sequeira  
Director of Utilities

RECOMMENDATION APPROVED:



Robert Thomas  
Deputy City Manager

APPROVED:



William Edgar  
City Manager

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AMENDED IN ASSEMBLY APRIL 26, 1994  
AMENDED IN ASSEMBLY APRIL 5, 1994  
AMENDED IN ASSEMBLY MARCH 17, 1994

CALIFORNIA LEGISLATURE—1993-94 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2673**

Introduced by Assembly Member Cortese  
(Principal coauthor: Assembly Member Campbell)  
(Principal coauthor: Senator McCorquodale)  
(Coauthors: Assembly Members Bronshvag, Cannella,  
Gotch, Hauser, and Isenberg)  
(Coauthors: Senators Kelley, Petris, and Presley)

February 3, 1994

An act to amend Sections 65302, 65352, and 65352.5 of, and to add Section 65352.6 to, the Government Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2673, as amended, Cortese. Local public water systems: service needs: findings of fact.

Existing law requires a city or county to prepare and adopt a general plan for its jurisdiction that includes certain mandatory elements, including a land use element. Under existing law, when a city or county proposes to adopt or substantially amend a general plan, a public water system, as defined, must provide the city's or county's planning agency with specified information relating to the availability and use of existing and planned future water supplies. Existing law requires a planning agency to refer the proposed action to several entities, including and affected public water system, as specified.

This bill would make legislative findings and declarations

with respect to the relationship between future growth and water provision. The bill would require that the land use element of the general plan include specified information concerning water supply availability. It would also require a city or county to refer a proposed general plan adoption or general plan amendment to the appropriate public water system, when the area covered by the proposed action is outside the area in which water service is currently being provided, as specified, before the agency may act on the general plan or amendment.

This bill would add to a public water system's duties with respect to a proposed general plan adoption or general plan amendment proposing new development, by requiring the public water system to make specified findings of fact concerning its ability to provide water service to meet the reasonable needs, consistent with the provisions of the urban water management plan adopted by the public water system, through periods of forecasted drought, of certain customers within and outside the public water system's existing service area. *The bill would permit the city or county to adopt the general plan or general plan amendment if the public water system fails to make these findings within specified time limits.* The bill would provide procedures to be followed by the public water system if it finds that it cannot provide water service sufficient to meet these reasonable needs. The bill would also prescribe the necessary findings and other duties of the affected city or county with respect to the public water system's findings, and the circumstances under which the proposed action on the general plan or amendment may be taken. Because it would require cities and counties to perform new local planning duties under certain circumstances, this bill would impose a state-mandated local program.

*The bill would state that it is not intended to create a right or entitlement to water service, or to change existing law regarding a public water system's obligation to provide this service to future customers, but is intended to provide assistance carrying out long-term planning responsibilities, as specified.*

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, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

*This bill would provide that, if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$1,000,000, shall be made from the State Mandates Claims Fund state that no reimbursement is required 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. The Legislature finds and declares the
- 2 following:
- 3 (a) California's overall water delivery system has
- 4 become less reliable over the last 20 years because
- 5 demand for water has continued to grow while supplies
- 6 available for consumptive uses have diminished.
- 7 (b) More and more often, California's water agencies
- 8 are required to impose water rationing on their
- 9 residential and business customers during this state's
- 10 frequent and severe periods of drought.
- 11 (c) Water supply planning to meet future growth
- 12 needs has become more critical than ever, and will
- 13 become an increasingly important water utility activity
- 14 as we approach the 21st century.
- 15 (d) Because of the diminishing water supplies
- 16 available to most water agencies today, and a need to
- 17 meet an ever increasing water demand, all water
- 18 agencies must plan carefully to ensure that they can meet
- 19 the needs of their customers through periods of drought
- 20 with minimal disruption to residential, commercial, and
- 21 industrial activities within their service areas.
- 22 (e) Approval and construction of major new water
- 23 supply facilities to maintain a reliable water delivery

1 system has become increasingly costly, complex, and  
2 requires longer lead times in today's climate.

3 (f) The basic and fundamental decisions concerning  
4 growth within a community should be made by cities and  
5 counties, the general land use authority at a local level.

6 (g) In order for retail water agencies to do the best  
7 possible job in planning for meeting the future water  
8 needs associated with the growth plans of their cities and  
9 counties, they must closely link their water supply  
10 planning process to the city and county's general  
11 planning process to clearly understand the projections for  
12 growth within and adjacent to the water agencies'  
13 existing service area and sphere of influence.

14 (h) In order for cities and counties to properly plan  
15 the timing, location, and density of new development  
16 within their jurisdiction, they must fully understand the  
17 proximate water agency's current ability to meet the  
18 water needs of its existing and potential future customers,  
19 through periods of drought.

20 (i) In assessing the ability of water agencies to serve  
21 customers through periods of drought, cities and counties  
22 must recognize the hierarchy of categories of customers  
23 or potential customers along a continuum, with differing  
24 degrees of legitimacy to their claim to water service.  
25 These categories, ranked from highest degree of  
26 legitimacy to lowest degree of legitimacy in their  
27 expectation that water service must be provided to them  
28 upon demand, are as follows:

29 (1) Existing customers within the existing service area  
30 of retail water agency.

31 (2) Future expected customers associated with new  
32 development within an existing service area of a retail  
33 water agency.

34 (3) Future expected customers associated with new  
35 development outside of the existing service area, but  
36 within the sphere of influence, of a retail water agency.

37 (4) Future expected customers associated with new  
38 development outside of the sphere of influence of a retail  
39 agency.

40 (j) Absent a hierarchy of the degree of legitimacy of

1 claims upon water service, the basic concept of a water  
2 agency's service area would be rendered meaningless. In  
3 California's current era of water scarcity, if this hierarchy  
4 of water claims were not in effect, water agencies would  
5 be compelled to serve the "first development in time"  
6 rather than first serving those within their service area.  
7 Planned businesses and prospective home buyers within  
8 urbanized areas would have absolutely no assurance that  
9 they would receive a water hookup when their plant or  
10 home is built and ready for occupancy. This kind of  
11 uncertainty would devastate the current local planning  
12 process upon which proper growth is based.

13 (k) Given each of the above principles, any general  
14 planning by cities or counties for growth outside of  
15 existing water agency service areas must be conditioned  
16 upon findings by the water agency of either adequate  
17 existing water supplies or firm future water supplies to  
18 meet the water needs through periods of drought of  
19 customers in categories (1), (2), and (3) before a growth  
20 plan outside of the existing service area, but within the  
21 water agency's sphere of influence, is approved.  
22 Furthermore, before a growth plan outside of both the  
23 existing service area and the water agency's sphere of  
24 influence is approved, the water agency must find that  
25 either adequate existing water supplies or firm future  
26 water supplies exist to meet the water needs of customers  
27 in the categories specified in paragraphs (1), (2), (3), and  
28 (4) of subdivision (i).

29 SEC. 2. Section 65302 of the Government Code is  
30 amended to read:

31 65302. The general plan shall consist of a statement of  
32 development policies and shall include a diagram or  
33 diagrams and text setting forth objectives, principles,  
34 standards, and plan proposals. The plan shall include the  
35 following elements:

36 (a) A land use element, which shall designate the  
37 proposed general distribution and general location and  
38 extent of the uses of the land for housing, business,  
39 industry, open space, including agriculture, natural  
40 resources, recreation, and enjoyment of scenic beauty,

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1 education, public buildings and grounds, solid and liquid  
 2 waste disposal facilities, and other categories of public  
 3 and private uses of land. The land use element shall  
 4 include a statement of the standards of population  
 5 density and building intensity recommended for the  
 6 various districts and other territory covered by the plan.  
 7 The land use element shall identify areas covered by the  
 8 plan which are subject to flooding, and shall be reviewed  
 9 annually with respect to those areas. The land use  
 10 element shall designate, in a land use category that  
 11 provides for timber production, those parcels of real  
 12 property zoned for timberland production pursuant to  
 13 the California Timberland Productivity Act of 1982,  
 14 Chapter 6.7 (commencing with Section 51100) of Part 1  
 15 of Division 1 of Title 5, and shall include the information  
 16 relating to water supply availability provided pursuant to  
 17 Section 65352.5.

18 (b) A circulation element, consisting of the general  
 19 location and extent of existing and proposed major  
 20 thoroughfares, transportation routes, terminals, and  
 21 other local public utilities and facilities, all correlated  
 22 with the land use element of the plan.

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

25 (d) A conservation element, for the conservation,  
 26 development, and utilization of natural resources  
 27 including water and its hydraulic force, forests, soils,  
 28 rivers and other waters, harbors, fisheries, wildlife,  
 29 minerals, and other natural resources. That portion of the  
 30 conservation element including waters shall be  
 31 developed in coordination with any countywide water  
 32 agency and with all district and city agencies which have  
 33 developed, served, controlled or conserved water for any  
 34 purpose for the county or city for which the plan is  
 35 prepared. The conservation element may also cover:

- 36 (1) The reclamation of land and waters.
- 37 (2) Prevention and control of the pollution of streams  
 38 and other waters.
- 39 (3) Regulation of the use of land in stream channels  
 40 and other areas required for the accomplishment of the

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- 1 conservation plans.
- 2 (4) Prevention, control, and correction of the erosion  
 3 of soils, beaches, and shores.
- 4 (5) Protection of watersheds.
- 5 (6) The location, quantity and quality of the rock, sand  
 6 and gravel resources.

7 (7) Flood control.

8 The conservation element shall be prepared and  
 9 adopted no later than December 31, 1973.

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

12 (f) A noise element, which shall identify and appraise  
 13 noise problems in the community. The noise element  
 14 shall recognize the guidelines established by the Office of  
 15 Noise Control in the State Department of Health Services  
 16 and shall analyze and quantify, to the extent practicable,  
 17 as determined by the legislative body, current and  
 18 projected noise levels for all of the following sources:

- 19 (1) Highways and freeways.
- 20 (2) Primary arterials and major local streets.
- 21 (3) Passenger and freight on-line railroad operations  
 22 and ground rapid transit systems.
- 23 (4) Commercial, general aviation, heliport, helistop,  
 24 and military airport operations, aircraft overflights, jet  
 25 engine test stands, and all other ground facilities and  
 26 maintenance functions related to airport operation.
- 27 (5) Local industrial plants, including, but not limited  
 28 to, railroad classification yards.
- 29 (6) Other ground stationary noise sources identified  
 30 by local agencies as contributing to the community noise  
 31 environment.

32 Noise contours shall be shown for all of these sources  
 33 and stated in terms of community noise equivalent level  
 34 (CNEL) or day-night average level ( $L_{dn}$ ). The noise  
 35 contours shall be prepared on the basis of noise  
 36 monitoring or following generally accepted noise  
 37 modeling techniques for the various sources identified in  
 38 paragraphs (1) to (6), inclusive.

39 The noise contours shall be used as a guide for  
 40 establishing a pattern of land uses in the land use element

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1 that minimizes the exposure of community residents to  
2 excessive noise.

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

8 (g) A safety element, for the protection of the  
9 community from any unreasonable risks associated with  
10 the effects of seismically induced surface rupture, ground  
11 shaking, ground failure, tsunami, seiche, and dam failure;  
12 slope instability leading to mudslides and landslides;  
13 subsidence, liquefaction and other seismic hazards  
14 identified pursuant to Chapter 7.8 (commencing with  
15 Section 2690) of the Public Resources Code, and other  
16 geologic hazards known to the legislative body; flooding;  
17 and wild land and urban fires. The safety element shall  
18 include mapping of known seismic and other geologic  
19 hazards. It shall also address evacuation routes, peakload  
20 water supply requirements, and minimum road widths  
21 and clearances around structures, as those items relate to  
22 identified fire and geologic hazards. Prior to the periodic  
23 review of its general plan and prior to preparing or  
24 revising its safety element, each city and county shall  
25 consult the Division of Mines and Geology of the  
26 Department of Conservation and the Office of  
27 Emergency Services for the purpose of including  
28 information known by and available to the department  
29 and the office required by this subdivision.

30 To the extent that a county's safety element is  
31 sufficiently detailed and contains appropriate policies  
32 and programs for adoption by a city, a city may adopt that  
33 portion of the county's safety element that pertains to the  
34 city's planning area in satisfaction of the requirement  
35 imposed by this subdivision.

36 At least 45 days prior to adoption or amendment of the  
37 safety element, each county and city shall submit to the  
38 Division of Mines and Geology of the Department of  
39 Conservation one copy of a draft of the safety element or  
40 amendment and any technical studies used for

1 developing the safety element. The division may review  
2 drafts submitted to it to determine whether they  
3 incorporate known seismic and other geologic hazard  
4 information, and report its findings to the planning  
5 agency within 30 days of receipt of the draft of the safety  
6 element or amendment pursuant to this subdivision. The  
7 legislative body shall consider the division's findings prior  
8 to final adoption of the safety element or amendment  
9 unless the division's findings are not available within the  
10 above prescribed time limits or unless the division has  
11 indicated to the city or county that the division will not  
12 review the safety element. If the division's findings are  
13 not available within those prescribed time limits, the  
14 legislative body may take the division's findings into  
15 consideration at the time it considers future amendments  
16 to the safety element. Each county and city shall provide  
17 the division with a copy of its adopted safety element or  
18 amendments. The division may review adopted safety  
19 elements or amendments and report its findings. All  
20 findings made by the division shall be advisory to the  
21 planning agency and legislative body.

22 SEC. 3. Section 65352 of the Government Code is  
23 amended to read:

24 65352. (a) Prior to action by a legislative body to  
25 adopt or substantially amend a general plan, the planning  
26 agency shall refer the proposed action to all of the  
27 following entities:

28 (1) Any city or county, within or abutting the area  
29 covered by the proposal, and any special district which  
30 may be significantly affected by the proposed action, as  
31 determined by the planning agency.

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

34 (3) The local agency formation commission.

35 (4) Any areawide planning agency whose operations  
36 may be significantly affected by the proposed action, as  
37 determined by the planning agency.

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

1 (6) Any public water system, as defined in Section  
 2 4010.1 of the Health and Safety Code, with 3,000 or more  
 3 service connections, that serves water to customers  
 4 within the area covered by the proposal. The public  
 5 water system shall have at least 45 days to comment on  
 6 the proposed plan, in accordance with subdivision (b),  
 7 and to provide the planning agency with the information  
 8 set forth in Section 65958.1. If the area covered by the  
 9 proposed general plan adoption or amendment is outside  
 10 the area in which water service is currently being  
 11 provided by any public water system, the city or county  
 12 shall identify the likely public water system to provide  
 13 water to this area, and refer the proposed action to that  
 14 entity for its review, pursuant to Sections 65352.5 and  
 15 65352.6.

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

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

23 (c) (1) Except with regard to referrals to a public  
 24 water system, as set forth in paragraph (6) of subdivision

25 (a), the provisions of this section are directory, not  
 26 mandatory, and the failure to refer a proposed action to  
 27 the other entities specified in this section does not affect  
 28 the validity of the action, if adopted. If the public water  
 29 system does not respond to a referral made pursuant to  
 30 this section within the 45-day time period set forth in  
 31 paragraph (6) of subdivision (a), or within any longer  
 32 period as may be designated by the agency, the referring  
 33 agency may act on the general plan or amendment.

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

38 SEC. 4. Section 65352.5 of the Government Code is  
 39 amended to read:

40 65352.5. (a) The Legislature finds and declares that it

1 is vital that there be close coordination and consultation  
 2 between California's water supply agencies and  
 3 California's land use approval agencies to ensure that  
 4 proper water supply planning occurs in order to  
 5 accommodate projects that will result in increased  
 6 demands on water supplies.

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

12 (c) Upon receiving, pursuant to Section 65352,  
 13 notification of a city's or a county's proposed action to  
 14 adopt or substantially amend a general plan, or upon  
 15 receiving a request from a city or county in the process  
 16 of preparing a general plan or general plan amendment,  
 17 a public water system, as defined in Section 4010.1 of the  
 18 Health and Safety Code, with 3,000 or more service  
 19 connections, shall provide the planning agency with the  
 20 following information, as is appropriate and relevant:

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

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

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

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

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

38 (6) A description of all proposed additional sources of  
 39 water supplies for the water supplier, including the  
 40 estimated dates by which these additional sources should

1 be available and the quantities of additional water  
2 supplies that are being proposed.

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

- 7 (A) Agricultural users.
- 8 (B) Commercial users.
- 9 (C) Industrial users.
- 10 (D) Residential users.

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

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

21 SEC. 5. Section 65352.6 is added to the Government  
22 Code, to read:

23 65352.6. (a) If the a proposed general plan adoption  
24 or or general plan amendment proposes new  
25 development in areas an area outside the area in which  
26 water service is being provided by any public water  
27 system, the public water system shall make findings of  
28 fact pursuant to the provisions of Section 65352.5  
29 concerning its ability to provide water service to meet  
30 the reasonable needs, consistent with the provisions of  
31 the urban water management plan adopted by the public  
32 water system, through periods of forecasted drought, of  
33 the following types of customers:

- 34 (1) Existing customers within the existing service area  
35 of the public water system.
- 36 (2) Forecasted new customers within the existing  
37 service area of the public water system.
- 38 (3) Forecasted new customers outside the existing  
39 service area of the public water system, but within that  
40 agency's its sphere of influence, including those

1 associated with new development according to the  
2 proposed general plan amendments.

3 (4) Forecasted new customers outside the existing  
4 service area of the public water system and outside of its  
5 sphere of influence, including those associated with the  
6 new development, according to the proposed general  
7 plan or general plan amendment.

8 (b) If the public water system finds that it cannot  
9 provide water service sufficient to meet the reasonable  
10 needs of all four categories of customers identified in  
11 subdivision (a) through periods of forecasted droughts,  
12 the public water system shall identify the improvements,  
13 or other measures, that would be required to its water  
14 system, and the projected timeframe for implementing  
15 these improvements, or other measures, as set forth in  
16 Section 65352.5, necessary to meet the water needs of the  
17 all four categories of customers identified in subdivision  
18 (a).

19 (c) If the proposed general plan adoption or or  
20 general plan amendment proposes includes new  
21 development outside areas in which water service is  
22 currently being provided by any public water system, the  
23 city or county shall not adopt or amend its general plan  
24 until the findings of fact of the public water system  
25 pursuant to subdivision (a) have been transmitted to the  
26 city or county and have been made part of the record. If  
27 the public water system does not transmit findings to the  
28 city or county within 90 days after the receipt of the  
29 proposed action pursuant to Section 65352, the city or  
30 county may adopt the general plan or amendment. If the  
31 public water system made findings of fact that it cannot  
32 provide water service sufficient to meet the reasonable  
33 needs of all four categories of customers identified in  
34 subdivision (a) through periods of forecasted drought,  
35 the city or county shall not adopt the general plan or its  
36 amendments, unless either of the following occurs:

- 37 (1) The general plan or amendments, including those  
38 provisions identifying the location, intensity, and timing  
39 of any new development, are consistent with the findings  
40 of the public water system.

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1 (b) The city or county makes findings, based upon  
2 substantial evidence in the record, that a water supply,  
3 which is not a part of the commenting public water  
4 system's water supply, will be available to service that  
5 new development, and the city or county identifies the  
6 source of that water supply.

7 (d) A general plan identifying proposed new  
8 development outside areas where water service is  
9 currently being provided may be approved if either the  
10 findings made by the public water system, or the general  
11 plan itself, pursuant to subdivision (c), identify planned  
12 improvements, or other measures, which will result in  
13 adequate water supplies to meet the reasonable needs of  
14 the four categories of customers identified in subdivision  
15 (a). However, if the public water system finds that these  
16 improvements and measures have not yet been  
17 completed, the general plan shall require that a  
18 development project shall not be approved until the  
19 water supply improvements and measures are  
20 completed.

21 SEC. 6. Notwithstanding Section 17610 of the  
22 Government Code, if the Commission on State Mandates  
23 determines that this act contains costs mandated by the  
24 state, reimbursement to local agencies and school  
25 districts for those costs shall be made pursuant to Part 7  
26 (commencing with Section 17500) of Division 4 of Title  
27 B of the Government Code. If the statewide cost of the  
28 claim for reimbursement does not exceed one million  
29 dollars (\$1,000,000), reimbursement shall be made from  
30 the State Mandates Claims Fund. Notwithstanding  
31 Section 17580 of the Government Code, unless otherwise  
32 specified in this act, the provisions of this act shall become  
33 operative on the same date that the act takes effect  
34 pursuant to the California Constitution, general plan or  
35 general plan amendment, unless the city or county makes  
36 one of the following findings, based on substantial  
37 evidence in the record:

38 (1) The general plan or general plan amendment,  
39 including those provisions identifying the location,  
40 intensity, and timing of new development, are consistent

1 with the findings of the public water system.

2 (2) Identified water supply improvements, which are  
3 not part of the public water system's water supply system,  
4 or other measures, will be available to service new  
5 development in the area covered by the general plan or  
6 general plan amendment.

7 (d) If a city or county makes findings pursuant to  
8 subdivision (c), the general plan or general plan  
9 amendment shall include a requirement that a  
10 development project in that area shall not be approved  
11 until the other water supply improvements, or other  
12 measures, are completed.

13 SEC. 6. Nothing in this act is intended to create a  
14 right or entitlement to water service. This statute is  
15 intended to provide assistance to cities, counties, and  
16 public water systems in carrying out their long-term  
17 planning responsibilities to ensure adequate water  
18 supplies to meet existing and future demand for water.  
19 Nothing in this act is intended to change existing law  
20 concerning a public water system's obligation to provide  
21 water service to future customers.

22 SEC. 7. No reimbursement is required by this act  
23 pursuant to Section 6 of Article XIII B of the California  
24 Constitution because the only costs which may be  
25 incurred by a local agency or school district will be  
26 incurred because this act creates a new crime or  
27 infraction, changes the definition of a crime or infraction,  
28 changes the penalty for a crime or infraction, or  
29 eliminates a crime or infraction. Notwithstanding Section  
30 17580 of the Government Code, unless otherwise  
31 specified in this act, the provisions of this act shall become  
32 operative on the same date that the act takes effect  
33 pursuant to the California Constitution.

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# League of California Cities

CITY HALL  
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SACRAMENTO VALLEY  
DIVISION

April 28, 1994

Dear Sacramento Valley Division Member:

I wanted to give you some information on two pieces of legislation concerning water issues now in process. One is being considered by the State Assembly Ways and Means Committee, AB 2673, and the other is being considered by the United States Senate, S. 1920.

I was shocked to see the League legislative bulletin of April 15, 1994 recommend opposition to AB 2673. This apparently reflects the vote by the Board of Directors. This suggests that Southern California interests and probably the Building Industry Association lobby from the south had considerable influence. I received a report on the hearing at the State Capitol on this bill when the Assembly Local Government Committee reviewed it. The BIA contingent from southern California was fiercely opposing AB 2673 while water agencies were solidly in support. This Committee approved AB 2673 despite the vigorous opposition by the BIA.

League staff is characterizing the bill as a massive erosion of land use control by cities. That is nonsense. As amended, Section 65352 (a) (6) would add "If the area covered by the proposed general plan adoption or amendment is not within the area in which water service is currently being provided by any public water system, the city or county shall identify the likely public water system to provide water to this area and refer the proposed action to that entity for its review pursuant to section 65352.5 and 65352.6." The next amendment covers areas proposed for development outside of the existing water service system allowing the water agency to make findings of fact regarding the proposed development.

Enclosed are copies of the current version of AB 2673. What water agencies seek is the opportunity to present findings of fact when there will not be water to serve proposed development. A city can still approve development---if anyone chooses to be that irresponsible---but the record will be clear. The state has forecast a permanent, chronic water shortage in Bulletin D160-93. This makes water supply planning to meet future growth needs more important than ever.

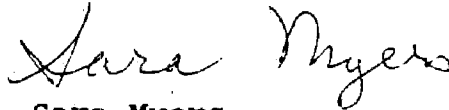
Since most of the developed water in the state comes from the north, we should be supportive of responsible planning. In the Sacramento Valley most of our cities are full service cities. When

we plan, we know we have to have the water or other resources before we develop infrastructure. In the south there are cities existing which contract for most of their services. These cities do not have water rights or contracts for Central Valley Project water. In my opinion, there should be some reality introduced when it comes to land use planning. What Cortese has proposed is not going to erode a city's power to plan but it will make a city accountable for planning without water nailed down. I urge you to contact your Assembly member and support this bill, or at a minimum contact Cortese and ask questions for yourself.

Support is also needed for the Domenici-Boren Bill, S. 1920. This pertains to the Safe Drinking Water Act amendments sought by cities and water agencies. Unless changed, the EPA will be authorized to impose standards which have the potential for driving up water treatment costs to astronomical levels. The Nation's Cities Weekly April issues (3) provided details on the Safe Drinking Water proposed amendments. Enclosed is an excerpt from April 4, 1994. I urge you to contact both California senators and your congressman to rally support for S. 1920. Carol Browner, EPA chief, is urging Democratic senators to get behind the Baucus bill. Senator Bob Graham (D-Fla) and Senator Pete Domenici (R-N.M.) are leading the charge for reforms to the drinking water bill and need our support to obtain passage of S. 1920.

Hope to see you all in Mt. Shasta in June.

Sincerely,



Sara Myers  
President, Sacramento Valley Division