

**WATER CODE - WAT**

**DIVISION 5. FLOOD CONTROL [8000 - 9651]**

*( Division 5 added by Stats. 1943, Ch. 369. )*

**PART 2. STATE FLOOD CONTROL [8300 - 8457]**

*( Part 2 added by Stats. 1943, Ch. 369. )*

**CHAPTER 4. Cobey-Alquist Flood Plain Management Act [8400 - 8415]**

*( Chapter 4 added by Stats. 1965, Ch. 506. )*

**ARTICLE 1. Declaration of Policy [8400 - 8401]**

*( Article 1 added by Stats. 1965, Ch. 506. )*

**8400.**

This chapter may be cited as the Cobey-Alquist Flood Plain Management Act.

*(Added by Stats. 1965, Ch. 506.)*

**8401.**

The Legislature finds and declares that:

- (a) A large portion of the state's land resources is subject to recurrent flooding by overflow of streams and watercourses causing loss of life and property, disruption of commerce, and interruption of transportation and communications, all of which are detrimental to the health, safety, welfare, and property of the people of this state.
- (b) The public interest necessitates sound development of land use, as land is a limited, valuable, and irreplaceable resource, and the flood plains of this state are a land resource to be developed in a manner which, in conjunction with economically justified structural measures for flood control, will result in (1) prevention of loss of life, and (2) prevention of economic loss caused by excessive flooding.
- (c) The primary responsibility for planning, adoption, and enforcement of land use regulations to accomplish flood plain management rests with local levels of government.
- (d) It is the policy of this state to encourage local levels of government to plan land use regulations to accomplish flood plain management and to provide state assistance and guidance therefor as appropriate.

*(Added by Stats. 1965, Ch. 506.)*

**ARTICLE 2. Definitions [8402- 8402.]**

*( Article 2 added by Stats. 1965, Ch. 506. )*

**8402.**

Unless the context otherwise requires, the following definitions apply throughout this chapter:

- (a) "Department" means Department of Water Resources.
- (b) "Board" means the State Reclamation Board.
- (c) Wherever the words "department or board" or "department and board" are used together in this chapter they shall mean board as to any area within a project which by law is under the jurisdiction of the State Reclamation Board, and the department in all areas of the state outside these areas.
- (d) "Public agency" means any city, city and county, county, or district organized, existing, and acting pursuant to the laws of this state.
- (e) "Design flood" means the selected flood against which protection is provided, or eventually will be provided, by means of flood protective or control works. When a federal survey has been authorized the design flood will be determined by the appropriate federal agency and in all other cases it will be determined by the responsible local agency. It is the basis for design and operation of a particular project after full consideration of flood characteristics, frequencies, and potentials and economic and other practical considerations.
- (f) "Designated floodway" means the channel of a stream and that portion of the adjoining flood plain required to reasonably provide for the construction of a project for passage of the design flood including the lands necessary for construction of project levees.
- (g) "Restrictive zone" means the portion of the natural floodway between the limits of the designated floodway and the limits of the flood plain where inundation may occur but where depths and velocities are generally low.

*(Added by Stats. 1965, Ch. 506.)*

### **ARTICLE 3. Review of Flood Plain Management Plans [8403 - 8404]**

*( Article 3 added by Stats. 1965, Ch. 506. )*

#### **8403.**

Prior to the establishment by a public agency of flood plain management regulations, the public agency may request and receive a review by the department or the board of the public agency's flood plain management plans and shall furnish with the request necessary hydrologic studies, including flood routings or surveys adequate to properly delineate flood plain categories together with such additional supporting data as the department or the board may require.

*(Added by Stats. 1965, Ch. 506.)*

**8404.**

Where adequate personnel are not available to a public agency to prepare the necessary flood routing or other engineering data needed for support of its flood plain management plans, the department or board may, upon request of the public agency, make or cause to be made the necessary investigation and provide the data to the requesting public agency for its use in developing such plans. The cost of such investigations shall be borne by the public agency making the request.

*(Added by Stats. 1965, Ch. 506.)*

**ARTICLE 4. Establishment of Flood Plain Regulations [8410 - 8414.2]**

*( Article 4 added by Stats. 1965, Ch. 506. )*

**8410.**

Flood plain regulations established to comply with requirements of Section 8411 shall meet the following criteria:

(a) Construction of structures in the designated floodway which may endanger life or significantly restrict the carrying capacity of the designated floodway shall be prohibited. For the purpose of this subdivision, the word "structures" does not include public utility electric, gas, or communication lines which may be located within the designated floodway; provided, that any permit or permits as may be required by law, other than this chapter, to so locate such lines have been granted.

(b) Developments shall be permitted within the restrictive zone in accordance with local agency policy, giving full consideration to the protection of human life and the carrying capacity of the flood plain.

*(Added by Stats. 1965, Ch. 506.)*

**8410.5.**

All public agencies shall comply with flood plain regulations established to meet the requirements of Section 8411. For the purposes of this section, "public agencies" includes the state or any department or agency thereof.

*(Added by Stats. 1971, Ch. 410.)*

**8411.**

Within any area classified "designated floodway" by the department or board after completion of a federal project report the appropriate public agency shall establish the necessary flood plain regulations within one year following notification by the department or board. The state shall not pay any of the cost of lands, easements, and rights-of-way associated with the flood control project as set forth in the project report of the federal agency unless flood plain regulations for the designated floodway are adopted in accordance with the requirements of this chapter.

*(Amended by Stats. 1972, Ch. 1304, Sec. 1.)*

**8412.**

The department or board shall review the adequacy of flood plain regulations established by a public agency to meet the requirements of Section 8411, and shall notify the appropriate public agency in the event the flood plain regulations are determined by the department or board to be inadequate to comply with the requirements of Section 8411. The department or board may recommend any provisions necessary to provide adequate flood plain regulations. Any such public agency shall within 180 days of receipt of the notice from the department or board, adopt new flood plain regulations. Upon their adoption a copy of such flood plain regulations shall be sent to the department or board.

*(Added by Stats. 1972, Ch. 1304.)*

**8413.**

Flood plain regulations adopted pursuant to Section 8412 shall take effect 60 days from the date of adoption by the public agency and shall be deemed to meet the requirements of Section 8411 unless the department or board determines that such flood plain regulations are not adequate to comply with the requirements of Section 8411. If the department or board makes such a determination, it shall so report to the public agency and shall recommend such regulations or modifications of the regulations of the agency, which it determines are necessary.

*(Added by Stats. 1972, Ch. 1304.)*

**8414.**

If a public agency fails to adopt flood plain regulations pursuant to Section 8411, or fails to adopt new flood plain regulations within 180 days of receipt of the department's or board's notice pursuant to Section 8412, or fails to adopt or modify such regulations in the manner determined as necessary by the

department or board pursuant to Section 8413 within 90 days of receipt of the department's or board's notice pursuant to Section 8413, the local flood control agency having jurisdiction over the project area may adopt flood plain regulations for the designated floodway necessary to comply with the requirements of Section 8411. Such flood plain regulations adopted by the local flood control agency shall take effect 30 days from the date of their adoption and shall be enforced by the public agency and have the same force and effect as if adopted as flood plain regulations by the public agency.

*(Added by Stats. 1972, Ch. 1304.)*

#### **8414.2.**

No public agency shall revise flood plain regulations established to meet the requirements of Section 8411 or shall grant a variance from such regulations without the consent of the department or board and of the local flood control agency having jurisdiction over the project area.

*(Added by Stats. 1972, Ch. 1304.)*

### **ARTICLE 5. Administrative Regulations [8415- 8415.]**

*( Article 5 added by Stats. 1965, Ch. 506. )*

#### **8415.**

The department and the board, within their respective jurisdictions as provided in this chapter, shall establish general policy and may prescribe such rules and regulations as may be necessary to carry out this chapter.

*(Added by Stats. 1965, Ch. 506.)*