

Date of Hearing: July 15, 2025

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Diane Papan, Chair

SB 639 (Ashby) – As Amended July 8, 2025

SENATE VOTE: 34-0

SUBJECT: Zoning: Sacramento-San Joaquin Valley

SUMMARY: Extends the deadline to achieve urban level of flood protection for the Natomas and Beach Lake subareas in the City of Sacramento, portions of the Natomas Basin in the Counties of Sacramento and Sutter, and the City of Marysville from 2025 to 2030. Specifically, **this bill:**

- 1) Extends the deadline to achieve urban level of flood protection from 2025 to 2030 for the following areas:
 - a) The Natomas subarea of the City of Sacramento;
 - b) The Beach Lake subarea of the City of Sacramento;
 - c) The portions of the Natomas Basin located in the unincorporated area of the Counties of Sacramento and Sutter; and
 - d) The City of Marysville protected by the Marysville Ring Levee.
- 2) Defines “City of Sacramento,” “Natomas subarea,” “Beach Lake subarea,” and “City of Marysville” for purposes of this bill.
- 3) Provides the City of Sacramento, City of Marysville, County of Sacramento, County of Sutter, and the County of Yuba may be required to contribute their fair and reasonable share of any property damage caused by a flood in the areas subject to this bill to the extent that the state’s exposure to liability for property damage has been increased by the city or county unreasonably approving development in the areas subject to this bill before these areas have achieved urban level of flood protection.
- 4) Makes technical and conforming changes.

EXISTING LAW:

- 1) Provides the Department of Water Resources (DWR) with authority to plan and fund projects to protect lands subject to flooding and to maintain and operate specified facilities of the Sacramento River Flood Control Project (Water Code §§ 8330 *et seq.* and 8360 *et seq.*).
- 2) Defines “State Plan of Flood Control” as the state and federal flood control works, lands, programs, plans, conditions, and modes of maintenance and operations of the Sacramento River Flood Control Project and authorizes flood control projects in the Sacramento River and San Joaquin River watersheds for which the Central Valley Flood Protection Board (CVFPB) or DWR has provided the assurances of nonfederal cooperation to the United States (Public Resources Code § 5096.805).

- 3) Provides that a city or county may be required to contribute its fair and reasonable share of the property damage caused by a flood to the extent to which that city or county has increased the state's exposure to liability for property damage by unreasonably approving a new development in an area protected by a state flood control project (Water Code § 8307).
- 4) Charges CVFPB with ensuring that appropriate standards are met for the construction, maintenance, and protection of flood infrastructure for the Central Valley (Water Code § 8590 *et seq.*).
- 5) Requires CVFPB to adopt the Central Valley Flood Protection Plan (CV Flood Plan) prepared by DWR after holding two public hearings by January 1, 2012 and to update the CV Flood Plan every five years thereafter (Water Code § 9603 *et seq.*).
- 6) Defines "urban level of flood protection" as the level of protection necessary to withstand a flood event that has a 1-in-200 chance of occurring in any given year (Water Code § 9602).
- 7) Prohibits a city or county in the Sacramento-San Joaquin Valley from approving a new subdivision, a new development, or an increase in housing density within an existing development unless the city or county finds, based on substantial evidence in the record, that flood management facilities protect the property to the "urban level of flood protection" or the local flood management agency has made "adequate progress" towards achieving "urban level of flood protection" (Government Code § 65865.5).
- 8) Prohibits a city or county in the Sacramento-San Joaquin Valley from approving a discretionary permit or entitlement that would allow new construction, or an increase in occupancy in an existing building, or a ministerial permit that would allow construction of a new residence in a flood hazard zone unless the city or county finds, based on substantial evidence in the record, that flood management facilities protect the area where the construction will occur to the "urban level of flood protection" or the local flood management agency has made "adequate progress" towards achieving "urban level of flood protection" (Government Code § 65962).
- 9) Prohibits a city or county in the Sacramento-San Joaquin Valley from approving a tentative map or parcel map for a subdivision located in a flood hazard zone unless the city or county finds, based on substantial evidence in the record, that flood management facilities protect the area where the construction will occur to the "urban level of flood protection" or the local flood management agency has made "adequate progress" towards achieving "urban level of flood protection" (Government Code § 66474.5).
- 10) Requires urban or urbanizing areas protected by a levee that is part of the State Plan of Flood Control (generally, throughout the Sacramento-San Joaquin Valley) to achieve "urban level of flood protection" by 2025 (Government Code §§ 65865.5, 65962, and 66474.5).

FISCAL EFFECT: Unknown. This bill is keyed fiscal.

COMMENTS:

- 1) **Purpose of this bill.** This bill extends the deadline by five years for certain areas in the counties of Sacramento, Sutter, and Yuba to achieve urban level of flood protection to accommodate unforeseen delays in the implementation of flood risk reduction projects to

protect these areas. The author asserts, “the extension is essential to prevent negative impacts on transportation and infrastructure in the Greater Sacramento Region.”

- 2) **Background.** Today, the level of flood risk in California’s Central Valley is among the highest in the nation. According to the *CV Flood Plan 2022 Update*, 1.23 million people and more than \$223 billion in structures and property are at risk from flooding. With historic storms like the Great Flood of 1862 and even more recent events like the series of atmospheric river-fed storms from the winter of 2023, human-made flood management efforts struggle to compete against the natural state of the Central Valley. Analysis done as part of ARkStorm 2.0 indicates that climate change has already increased the frequency and magnitude of severe storms that result in “megaflood” events.¹ Perhaps more concerning relative to this bill, the researchers that produced ARkStorm 2.0 conclude “that extremely severe winter storm sequences, once thought to be exceptionally rare events, are likely to become much more common under essentially all plausible future climate trajectories—suggesting the 20th century hazard mapping, emergency response plans, and even physical infrastructure design standards may already be out of date in a warmer 21st century climate.”²

Urban level of flood protection. The “urban level of flood protection” is the level of protection necessary to withstand a flood event that has a 1-in-200 chance of occurring in any given year. Under existing law, cities and counties in the Sacramento-San Joaquin Valley that are protected by the State Plan of Flood Control are prohibited from approving new development or increasing the housing density within existing developments unless the area is protected by flood risk reduction projects that provide urban level of flood protection. Areas that do not have urban level of flood protection must achieve, or make adequate progress towards achieving, urban level of flood protection by this year (2025). These requirements were enacted by the Legislature in 2007 as part of a comprehensive flood package resulting from increased awareness of the flood threat to Central Valley communities in the wake of Hurricane Katrina and the decision in *Paterno v. State of California* (2003) 114 Cal.App.4th 308. In *Paterno*, the court determined that the State of California can be liable for failure of levees if the state fails to have a “reasonable plan” for operating and maintaining the levees in the Sacramento and San Joaquin Valleys.

Deadline extensions. In recent years, the Legislature has passed a series of bills (see “Related Legislation,” below) extending the deadline for certain urban areas to achieve urban level of flood protection. Local agencies that have sponsored these bills have done so because of delays they have experienced in completing planned flood risk reduction projects. The process to plan, authorize, fund, and construct a flood risk reduction project is inherently lengthy and, oftentimes, a given flood risk reduction project is delayed for reasons well beyond the control of a local agency. Because of this fact, the Legislature has been amenable to targeted extensions of the urban level of flood protection deadline. However, previous deadline extensions limit the state’s liability by requiring the local agency that approves development in an area that has not achieved urban level of flood protection to shoulder some liability for damages in the event of a major flood. Under SB 586, for example, the flood management agencies for Mossdale Tract and the City of West Sacramento are liable for their “fair and reasonable share of any property damage caused by a flood” that occurs

¹ Xingying Huang and Daniel Swain, “Climate change is increasing the risk of a California megaflood,” *Science Advances* 8, no. 31 (2022).

² *Ibid*, 10.

between 2025 and 2040. This bill imposes similar liability on the cities of Marysville and Sacramento and the counties of Sacramento, Sutter, and Yuba.

American River Watershed Common Features Project (Common Features Project). This bill extends the urban level of flood protection deadline for certain features of the larger Common Features Project. The aspects of this project subject to the extension include: levee upgrades to protect the Natomas area of the City of Sacramento (area immediately northwest of downtown Sacramento), levee upgrades to protect unincorporated areas of Sacramento and Sutter counties in the Natomas Basin (areas north of City of Sacramento and east of Sacramento International Airport), and levee upgrades to protect the “Beach Lake subarea” (in south Sacramento). The Common Features Project provides flood protection to urban and urbanizing areas in the general vicinity of the confluence of the Sacramento and American Rivers and includes levee upgrades along the American River, around the Natomas Basin, and along parts of the Sacramento River. Initially, the Sacramento Area Flood Control Agency expected to complete all aspects of this project by the 2025 deadline; however, the sponsors City of Sacramento and County of Sacramento state that “the projects are at risk to not be completed by 2026 due to internal procedures and anticipated changes in staffing at the [U.S. Army Corps of Engineers].”

Marysville Ring Levee. This bill extends the urban level of flood protection deadline for the Marysville Ring Levee project, a multi-phase project to strengthen a 7.6 mile levee that surrounds (hence “ring” moniker) and protects the City of Marysville. Most of this project has already been completed, but, due to delays that the City claims are beyond its control, a short stretch of levee along the southeast side of the City (“Reach 3, Phase 2B” of the project) is not expected to be completed until 2026 or early 2027. An extension is necessary so the City of Marysville can proceed with infill housing and redevelopment projects that are already underway.

- 3) **Arguments in support.** The City of Sacramento is a co-sponsor of this bill and argues that it is necessary because there have been unforeseen delays in the completion of some levee projects to achieve urban level of flood protection for the areas specified in this bill. The City of Sacramento asserts that “without an extension, the City would be facing a de facto suspension of approvals by imposing cost-prohibitive conditions for the majority of projects, such as requiring new buildings to be elevated 10 or more feet above ground level. There would be significant impacts to the City and our efforts to build more housing and other projects. For example, in the Natomas Sub-area there are several projects that could be delayed, including a new hospital and various residential projects, which together could add up to approximately 1,900 residential units. In the Beach Lake Sub-area, approximately 735 new residential units could be hindered.”
- 4) **Technical amendment.** Recent amendments inaccurately describe the portions of the Natomas subarea in the unincorporated portions of the County of Sutter. The following amendment will correct this error:

Government Code § 65962.4.... (5) “Natomas subarea” means any of the following:

(A) The area within the City of Sacramento bounded on the north and west by the city limits, on the south by the Garden Highway or Arden-Garden Connector, and on the east by East Levee Road.

(B) The unincorporated area of the County of Sacramento that is bounded on the north and west by the unincorporated County of Sacramento limits, on the east by East Levee Road, and on the south by Interstate 80.

(C) The unincorporated area of the County of Sutter that is bounded by the Sacramento River, the Natomas Cross Canal, the Pleasant Grove Creek Canal or Steelhead Creek, and the ***American River unincorporated County of Sutter limits.***

- 5) **Related legislation.** SB 586 (Eggman), Chapter 10, Statutes of 2024, extends the deadline to achieve urban level of flood protection from 2028 to 2040 for Mossdale Tract and from 2030 to 2040 for the City of West Sacramento.

SB 901 (Pan), Chapter 708, Statutes of 2022, updates the authorization for the West Sacramento Project for flood risk reduction and extends the deadline for the City of West Sacramento to achieve urban level of flood protection from 2025 to 2030.

AB 838 (Eggman), Chapter 208, Statutes of 2020, extends the date for the Mossdale Tract in San Joaquin County to achieve urban level of flood protection from 2025 to 2028.

SB 580 (Pan), Chapter 309, Statutes of 2017, revises the authorization for the flood control project along the American and Sacramento Rivers, and the Natomas Basin, as further modified by Congress.

SB 5 (Machado), Chapter 364, Statutes of 2007, requires DWR and CVFPB to prepare and adopt a CV Flood Plan by 2012 and requires urban and urbanizing areas in the Central Valley to achieve urban level of flood protection by 2025.

REGISTERED SUPPORT / OPPOSITION:

Support

City of Sacramento (co-sponsor)
County of Sacramento (co-sponsor)
California Central Valley Flood Control Association
County of Sutter
Sacramento Area Flood Control Agency

Opposition

None on file

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