

## URBAN LEVEL OF FLOOD PROTECTION CRITERIA

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The [Urban Level of Flood Protection Criteria](#) was developed in response to requirements from the Central Valley Flood Protection Act of 2008, enacted by Senate Bill (SB) 5 (2007), to strengthen the link between flood management and land use; specifically, California Government Code Section 65007(n):

*“Urban level of flood protection” means the level of protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year using criteria consistent with, or developed by, the Department of Water Resources. “Urban level of flood protection” shall not mean shallow flooding or flooding from local drainage that meets the criteria of the national Federal Emergency Management Agency standard of flood protection.*

SB 5 (2007) as amended does not specify any enforcement authority for the urban level of flood protection, but instead relies on the due diligence of cities and counties to incorporate flood risk considerations into floodplain management and planning. However, the law tasked the California Department of Water Resources (DWR) with developing criteria that cities and counties could use to make findings related to an urban level of flood protection. The law also provides that cities and counties may develop their own criteria as long as it is consistent with the criteria developed by DWR. In this context, DWR sought to develop the *Urban Level of Flood Protection Criteria* in a manner that would satisfy the legislative requirements without interfering with local land use authority, provide reasonable details and flexibility for viability, and promote prudent floodplain management in concert with other State law provisions related to smart growth and climate change adaptation strategies. Since 2007, there have been several legislative amendments to SB 5 regarding an urban level of flood protection.

The criteria were refined through a collaborative effort with input from a diverse work group of representatives from cities, counties, other State and federal agencies, and associated professional organizations. While the work group was not conducted in a consensus-driven process, input from the work group on the criteria and assistance in clarifying local land use planning and decision-making processes were critical additions. To the greatest extent possible, the team used existing criteria for similar practices to minimize additional burdens on cities and counties. Also addressed were extensive comments from the April 2012 draft *Urban Level of Flood Protection Criteria* as well as changes resulting from legislation that amended the original SB 5 (2007) legislation. DWR may update the *Urban Level of Flood Protection Criteria* in the future to reflect any changes in legislative requirements. DWR may also include the *Urban Level of Flood Protection Criteria* in future requirements for determining eligibility for grants.

### **Urban Level of Flood Protection Criteria Refinement Work Group (2013)**

DWR engaged in additional discussions with affected stakeholders about revising the draft criteria to address public comments on the April 2012 draft criteria, legislative amendments passed in 2012, and several implementation challenges that remain. The ULOP Criteria Refinement Work Group consisted of local government planners and other related topic experts to discuss and identify what can be done to support pragmatic implementation of the urban level of flood protection requirements. As part of this effort, DWR also convened some topic-specific subgroups to work through details with a smaller group of representative experts to provide suggestions for the larger plenary work group to discuss regarding refining the criteria.

The 2012 legislation also extended the original compliance schedule for cities and counties to amend their General Plans and Zoning Ordinances, which in turn starts the timeline for implementing the urban level of flood protection provisions. General Plans must be amended by no later than July 2, 2015, and Zoning Ordinances must be amended within 12 months after completion of the General Plans amendments. The urban level of flood protection requirements apply once the General Plan and Zoning Ordinance amendments become effective, but no later than July 2, 2016. The 2013 Workgroup requested technical assistance from DWR to incorporate CVFPP data and ULOP criteria in their General Plans. DWR is developing a guidance document in response to their request.

The ULOP Criteria will be posted on Oct. 1 at <http://www.water.ca.gov/floodsafe/urbancriteria/>.