

**Water and Land Use Planning:**  
**Assessing the Effects of**  
**SB 221 (Kuehl, 2001) & SB 610 (Costa, 2001)**

The Background Policy Paper for the Joint Hearing of the  
Senate Agriculture and Water Resources Committee  
Senate Local Government Committee

9:00 a.m. to 12:00 noon  
Wednesday, October 15, 2003  
Board Room, Tracy Unified School District  
1975 West Lowell Avenue, Tracy

**Table of Contents**

	<b><u>Page</u></b>
Introduction	1
About This Paper	1
What The Bills Required	1
What Went Before	4
Implementation	11
Sources and Credits	14
Appendix: Water Code §10910	15

**Copying this report.** This report is not copyrighted and its contents are in the public domain. Anyone may copy this report without further permission from the Senate Agriculture and Water Resources Committee or the Senate Local Government Committee.

## Water and Land Use Planning

Two years after passing landmark legislation that more closely linked water and land use planning, legislators want to know how the two bills are working.

Senator Michael J. Machado, chair of the Senate Agriculture and Water Resources Committee, and Senator Tom Torlakson, chair of the Senate Local Government Committee, have called a joint interim hearing to learn more about the implementation of SB 221 (Kuehl, 2001) and SB 610 (Costa, 2001). The Committees will hold their joint hearing on Wednesday morning, October 15, in Tracy.

An *interim hearing* is a special meeting that a legislative committee holds during the Legislature's interim recess. Legislative committees cannot act on bills at hearings that are held outside of Sacramento. However, during interim recesses, committees can hold informational hearings.

The Committees' October 15 joint interim hearing is an opportunity for state legislators to learn more about the early implementation of SB 221 and SB 610.

### About This Paper

This background policy paper prepares members of the two Senate policy committees and those who are interested in the October 15 interim hearing. The Committees will hear from an expert in water and land use planning. There will be a general discussion about the two bills' general implementation, followed by a discussion about how the bills affected the Tracy Gateway development. The Committees will also reserve time for others to give their advice to legislators.

There are questions throughout the paper which legislators may want to ask the witnesses at the hearing. The suggested questions appear in *italics* and are preceded with the ► symbol.

### What The Bills Required

**Senate Bill 610** expanded the requirement for public water systems to prepare water supply assessments for large development projects. Specifically, SB 610:

- Required every large development project to have a water supply assessment, not just projects that need environmental impact reports (EIRs), or amendments to general plans and specific plans.
- Required smaller public water systems to prepare water supply assessments on projects that would increase their service connections by 10% or more.
- Expanded the information required in water supply assessments to include more information about water supply contracts, capital outlay programs, permits, and regulatory approvals in their water supply assessments.
- Expanded the time for public water systems to approve their water supply assessments from 30 days to 60 days.
- Allowed a city or county to seek a writ of mandate if a public water system fails to submit the required water supply assessment.
- Required the city or county to prepare the water supply assessment if it cannot identify a public water system to provide the assessment.
- Made an urban water supplier that does not submit an urban water management plan ineligible for bond funds from Proposition 204 (1996) and Proposition 13 (2000), or for state drought assistance.
- Required the State Department of Water Resources to consider when allocating program funds whether an urban water supplier has an updated urban water management plan. This requirement sunsets on January 1, 2006.
- Exempted projects in San Diego County from the requirement to prepare water supply assessments only if the Governor's Office of Planning and Research determines that local and regional officials have met specific conditions.
- Required urban water management plans to include more information about groundwater supplies.

**Senate Bill 221** required cities and counties to include as a condition in their approval of a tentative subdivision map for a larger residential subdivision that a sufficient water supply must be available. Specifically, SB 221:

- Required that proof of the availability of a sufficient water supply must be based on a written verification from the applicable public water system.
- Allowed either the applicant or the city or county to request the written verification and gave the public water system 90 days to respond.
- Allowed the city or county or any other interested party to seek a writ of mandate if the public water system fails to deliver the water supply assessment.
- Allowed a city or county to find that sufficient water supplies will be available, even if the public water system does not provide written verification.
- Required that, when a public water system's written verification relies on projected water supplies, the verification must be based on written contracts, adopted capital outlay programs, and infrastructure construction permits.
- Required that, when a public water system's written verification relies on groundwater, the public water system must evaluate whether the landowner has additional groundwater rights.
- Applied these requirements to residential subdivisions with more than 500 dwelling units. The requirements also apply to subdivisions that increase service connections by 10% or more in public water systems with less than 5,000 connections.
- Applied this same requirement to development agreements that include larger residential subdivisions.
- Exempted residential projects from these requirements if the projects are:
  - In urbanized areas that were previously developed for urban uses, or
  - Surrounded by immediately contiguous developed properties, or
  - Exclusively for very low and low-income households.
- Exempted the County of San Diego from these requirements if:
  - There is a regional growth management strategy, and
  - All public water systems have urban water management plans, and
  - A local process is substantially similar to these requirements.

## What Went Before

To understand the changes made by SB 221 and SB 610, it's useful to know more about the underlying statutes that set the context for the two bills.

**Land use planning.** The *Planning and Zoning Law* (Government Code §65000, et seq.) requires counties and cities to adopt comprehensive policy documents called general plans.

General plans. Since 1937, state law has required every county and city to adopt a *general plan* (Government Code §65300). The Planning and Zoning Law requires each local general plan to contain seven *mandatory elements*: land use, circulation, housing, conservation, open space, noise, and safety (Government Code §65302). The conservation element and the open space element specifically mention topics related to water supply.

Conservation elements. The *conservation element* of a local general plan must discuss “the conservation, development, and utilization of natural resources including ... water and its hydraulic force, ... rivers and other waters.” Cities and counties must develop this part of the conservation element “in coordination with any countywide water agency and with all district and city agencies which have developed, served, controlled or conserved water for any purpose.” This coordination must include water supply and demand information submitted by water agencies. A conservation element may also cover water reclamation and water pollution topics (Government Code §65302 [d]).

➤ *Should the Legislature add explicit references to water supply and water availability to the required contents of the conservation element?*

➤ *Should the conservation element use the term “public water supplier” instead of referring to water agencies, districts, and cities?*

➤ *Should the conservation element specifically mention “urban water management plans” as one of the required sources of information?*

Open space elements. The *open space element* of a local general plan must cover four types of open space land (Government Code §65560 [b]):

- Natural resource preservation, including rivers, streams, lakes, and watersheds.
- Managed production of resources, including groundwater recharge basins.

- Outdoor recreation, including the banks of lakes, rivers, and streams.
- Public health and safety, including floodplains, watersheds, and reservoirs.

► *Should the open space element specifically mention any other types of open space lands that are related to water supply?*

Optional elements. A city or county may adopt any other *optional element* or include other topics in a general plan (Government Code §65303). Once adopted, however, an optional element has the same standing as a required element. More than two dozen cities (but no counties) reported to OPR that they have adopted *optional water resources elements*:

Arcata	Eureka	Mountain View	San Juan Bautista
Calabasas	Fremont	Porterville	San Luis Obispo
Capitola	Huron	Portola	Shafter
Cathedral City	Indian Wells	Rancho Mirage	St. Helena
Crescent City	Lathrop	Rio Vista	Sunnyvale
Davis	Lompoc	San José	Wheatland
Woodland		Yucca Valley	

In 1980, Wheatland became the first city to adopt an optional water resources element. Most of the other cities adopted their elements during the 1990s. The most recent communities to adopt water resources elements were Cathedral City and Portola in 2002.

► *Should the Legislature encourage counties and cities to adopt optional water resources elements as part of their general plans?*

► *If so, which incentives would encourage local officials to act? Should the Legislature appropriate state money to help pay for the new local plans? Should the Legislature ask DWR and OPR to provide technical assistance? Should the Legislature direct DWR and OPR to write an advisory handbook on how to prepare an optional water resources element?*

Special topics. Depending on the community's location or physical setting, general plans must also contain *special topics*. Various statutes require local general plans to include discussions of coastal resources, surface mining and reclamation, waste management, hazardous waste, seismic hazards, floodplain management, and airport land use. For example, if the State Geologist formally identifies an area that has mineral deposits of state or regional significance, the *Surface Mining and Reclamation Act (SMARA)* (Public Resources Code §2710, et seq.) re-

quires the affected county or city to amend its general plan to recognize that designation and then “emphasize the conservation and development” of those minerals (Public Resources Code §2762). None of these special planning requirements focuses on water supply.

► *Should the Legislature require the cities and counties that are located in overdrafted groundwater basins to adopt water supply plans as part of their local general plans?*

► *Should the Legislature require the counties with more than one urban water supplier to coordinate their urban water management plans by preparing and adopting countywide water supply plans as part of their local general plans?*

**Procedural requirements.** California’s elaborate statutes that govern local officials’ land use decisions tell counties and cities how to proceed but rarely tell them why. The Planning and Zoning Law focuses on the procedures and processes of planning without spelling out statewide goals and policies for local officials to follow. Critics say that these state laws are like “jello without the mold.”

**General Plan Guidelines.** To guide local officials in the preparation, adoption, and implementation of their general plans, state law requires the Governor’s Office of Planning and Research (OPR) to issue *General Plan Guidelines* (Government Code §65040.2). Although OPR’s Guidelines are clearly advisory and not binding on local officials, they represent the best thinking of the state’s official planning office.

The October 2003 edition of the General Plan Guidelines contains an eight-page discussion of how local officials can integrate the topic of water supply and availability into county and city general plans. After explaining why an option water element is useful, OPR’s Guidelines include ideas for data and analysis, as well as suggested development policies.

**Water planning.** The Planning and Zoning Law spells out the formal steps that planning commissions and local elected officials must follow when they prepare, adopt, and amend their general plans (Government Code §§65350-65362). For example, before they adopt or amend their general plans, county and city planners must notify other local governments, including public water system with 3,000 or more service connections (Government Code §65352).



In 1992, the Legislature augmented these procedures to create “a standardized process for determining the adequacy of existing and planned future water supplies to meet existing and planning future demands” (AB 455, Cortese, 1992; now Government Code §65352.5). When a public water system receives notice of a proposed general plan adoption or amendment, it has 45 days to give the planners:

- Its current urban water management plan.
- Its current capital improvement program.
- A description of total water supplies.
- A description of recent deliveries of surface water.
- A description of recent deliveries of groundwater.
- A description of proposed additional sources of water supplies.
- A description of its customers and the amount of water consumed.
- Reductions in water demand, based on the urban water management plan.
- Other relevant information regarding water supplies.

The Planning and Zoning Law states that these procedures are “directory, not mandatory” and failure to comply does not affect the validity of a county or city’s planning decisions (Government Code §65352 [c][1]). Nevertheless, counties and cities must use an urban water management plan “as a source document” for their general plans (Government Code §65302.2).

► *Should the Legislature explicitly require counties and cities to consider the water supply information provided by water agencies before they adopt or amend their general plans?*

► *Should the Legislature make these review procedures mandatory rather than directory for water supply information?*

Environmental review. The *California Environmental Quality Act (CEQA)* requires public officials to consider the environmental effects of a proposed project before making a decision (Public Resources Code §21000, et seq.). The adoption or amendment of a local general plan is a “project” subject to environmental review under CEQA, as is the local approval of a proposed subdivision or a rezoning request (Public Resources Code §21065).

**Land use and development decisions.** Following the principle that planners refer to as *vertical consistency*, all major local land use decisions must be consistent with a community’s general plan:

- Zoning ordinances.

*Government Code §65860.*

- Subdivision approvals.  
*Government Code §66474.*
- Public works projects.  
*Friends of B Street v. City of Hayward (1980) 106 Cal.App.3d 988.*
- Use permits.  
*Neighborhood Action Group v. Co. of Calaveras (1984) 156 Cal.App.3d 1176.*

Vertical consistency means that an implementing action (such as approving a proposed subdivision) must adhere to adopted policies (such as a general plan). For example, if the land use, conservation, and open space elements of a city's general plan contain goals, policies, and standards that link water supply to land uses, then the city planning commission and the city council must follow its own general plan when acting on an applicant's request to rezone property from agricultural use to residences. Similarly, if the city has adopted an optional water resources element with water availability goals, policies, and standards, then the city council must follow those goals, policies, and standards when it approves an applicant's request to subdivide property.

Although the Planning and Zoning Law does not define "consistency," OPR, the Attorney General, and two appellate courts have settled on this description:

An action, program, or project is consistent with a general plan, if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.

(58 Ops.Cal.Atty.Gen. 21 [1975], *Corona-Norco Unified School Dist. v. City of Corona* [1993] 17 Cal.App.4<sup>th</sup> 985, *City of Irvine v. Irvine Citizens Against Overdevelopment* [1994] 25 Cal.App.4<sup>th</sup> 879)

► *Should the Legislature codify the accepted definition of "consistency"?*

**Urban water management plans.** In 1983, the Legislature required urban water suppliers to adopt *urban water management plans* (AB 797, Klehs, 1983; Water Code §10620). An *urban water supplier* is any public or privately-owned water supplier with more than 3,000 customers (Water Code §10617).

State law spells out the contents of an urban water management plan (Water Code §10632), which must:

- Describe the supplier's service area, including its demographics.
- Identify existing and planned water sources, with details for groundwater.
- Describe water reliability for average, single-dry, and multiple-dry years.
- Describe opportunities for water exchanges or transfers.
- Quantify water use for specific types of users.
- Describe the supplier's water demand management measures.
- Evaluate the water demand management measures that aren't used.
- Describe the water supply projects and programs that may meet needs.

In addition, an urban water management plan must provide an urban water shortage contingency analysis, information on recycled water, and information on water quality (Water Code §10632, §10633, and §10634). An important component of every urban water management plan is an assessment of water reliability service during normal, dry, and multiple-dry years (AB 1845, Cortese, 1995; Water Code §10635).

Urban water suppliers must revise their urban water management plans at least every five years in years that end in "0" and "5," after consulting with the underlying cities and counties (AB 2552, Bates, 2000; Water Code §10621).

DWR's Office of Water Use Efficiency reports that there are 416 urban water suppliers that must submit urban water management plans. Because some of these urban water suppliers are investor-owned water utilities that serve more than one area, they have multiple plans. DWR says that 338 (81%) of these urban water suppliers submitted revised plans for the 2000 revision cycle. Of those 338 urban water management plans, DWR identified 169 plans as complete. In other words, just about 40% of the 416 urban water suppliers have valid urban water management plans. Another 30 water suppliers that do not have to submit urban water management plans voluntarily submitted plans anyway. DWR identified 12 of those 30 plans as complete.

► *What can the Legislature do to boost the percentage of urban water suppliers with revised urban water management plans?*

► *What incentives would encourage compliance? What penalties would prompt remedial action?*

► *How can counties and cities include water supply concerns in their general plans if urban water suppliers don't have current urban water management plans?*

**Agricultural water management plans.** An *agricultural water supplier* is any public or private-owned entity that supplies more than 50,000 acre feet a year for agricultural purposes (Water Code §10816). In 1986, the Legislature required agricultural water suppliers to prepare informational reports that described their water deliveries and service areas and to determine whether there were opportunities to save water and improve water quality (AB 1658, Isenberg, 1986; Water Code §10821).

If these opportunities existed, then the agricultural water supplier had to adopt a detailed *agricultural water management plan* and send it to DWR (Water Code §10826). Each agricultural water management plan must address:

- Quantities and sources of surface water, groundwater, and recycled water.
- Descriptions of water deliveries and beneficial uses.
- Water conservation and recycling measures and their impacts.
- Other significant impacts on habitat, water quality, and energy use.
- An implementation schedule for cost-effectiveness conservation practices.

Legislators appropriated about \$200,000 so that DWR could give agricultural water suppliers grants worth up to \$5,000 for their reports and up to \$25,000 for preparing the plans (Water Code §10853). This law does not apply after January 1, 1993, except to agricultural water suppliers that failed to submit their management plans to DWR (Water Code §10855).

About 70% of the 72 agricultural water suppliers complied with the 1986 law by preparing the required reports and, if necessary, the agricultural water management plans. This cooperation led to the passage of the “Agricultural Water Suppliers Efficiency Management Practices Act” (AB 3616, Kelley, 1990; Water Code §10900, et seq.) and eventually to the current cooperative efforts to conserve irrigation water and improve the drainage water quality.

► *Should the Legislature reinstate the requirement for agricultural water suppliers to prepare agricultural water management plans?*

► *Should the Legislature require counties and cities to use these agricultural water management plans when preparing their own local general plans?*

► *Should the Legislature make the statute on agricultural water management plans parallel to the statute for urban water management plans, including requirements for regular five-year revisions and more detailed water reliability assessments in normal, dry, and multiple-dry years?*

► *If the 1986 statute is now obsolete, should the Legislature repeal the requirement for agricultural water management plans?*

**Water supply and land use decisions.** In 1995, the Legislature required counties and cities to consider information provided by water suppliers when they act on proposals for large-scale residential commercial, hotel, industrial, or mixed-use projects. If a project required an EIR under CEQA, the public water system had to assess whether its total projected water supplies would meet the projected water demand from the proposed development project (SB 901, Costa, 1995; Public Resources Code §21151.9). The Legislature exempted projects in San Diego County because local officials argued that the voters' creation of a regional planning and growth management review board was a functional equivalent of these requirements (Water Code §10915).

By the turn of the century, legislators became worried that local officials were not including this information in their EIRs. A survey by the East Bay Municipal Water District suggested that only 2% of the 119 studied projects complied with all of the statutory requirements. That survey and related concerns prompted legislators to pass SB 610 (Costa, 2001). The 2001 Costa bill rewrote the 1995 statute, broadening its application, increasing the required information, and tightening the San Diego exemption.

As amended by the 2001 Costa bill, Water Code §10910 now requires counties and cities to include detailed water supply and water demand information in their environmental review documents for large-scale development projects. The Appendix reprints the statutory requirements.

### **Implementation**

One of the central purposes of any legislative body is to study public policy issues before they become crises. Standing policy committees, for example, can observe how public officials implement recent legislation so they can adjust the statutes to fit practical realities or avoid unintended consequences.

**DWR Guidelines.** Although not required by the 2001 bills, the State Department of Water Resources wrote a set of advisory guidelines to help practitioners implement the Kuehl and Costa bills. The September 2002 Draft Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001 provides a step-by-step approach for complying with the statutory requirements. Prepared by the Office of Water Use Efficiency, DWR's guidelines walks local officials and water suppliers through a series of questions about water supplies and demands.

► *When will DWR convert its draft guidebook into a final document?*

► *In preparing and reviewing the draft guidebook, did DWR and the other participants find statutory shortcomings that invite legislative reforms?*

► *Should the Legislature require local officials and water suppliers to follow DWR's guidebook by converting its advice into binding regulations?*

**San Diego's situation.** When SB 901 (Costa, 1995) required local officials to add special water supply and demand information in their EIRs for larger development projects, the bill exempted projects in San Diego County. San Diego officials successfully argued that the voters' creation of a regional planning and growth management review board achieved the same goal.

SB 610 (Costa, 2001) removed the San Diego exemption. Instead, projects in San Diego County would be exempt from the requirement to prepare water supply assessments only if the Governor's Office of Planning and Research determined that local and regional officials had met specific conditions (Water Code 10915). SB 221 (Kuehl, 2001) contained similar language (Government Code §66473.7 [k]).

In early 2002, the San Diego County Water Authority requested the OPR director to determine that local and regional officials had met the required conditions to qualify for the statutory exemptions. OPR's response is still pending.

► *Should the Legislature set a deadline for OPR to respond to requests from San Diego officials?*

► *Should the Legislature restore the 1995 blanket statutory exemption for development projects in San Diego County?*

**Anecdotal evidence.** Observers are just beginning to understand how counties, cities, and water suppliers are implementing the 2001 bills. In OPR's 2002 survey

of local planners, counties and cities reported a wide range of strategies that respond to the Costa and Kuehl bills. Local ordinances, heightened review of subdivisions, augmented EIRs, cooperation with local water suppliers, and task forces are examples of some of the tools that local officials report using. The Kern County Planning Director credited the new laws with improving the preparation of the Mojave Specific Plan. County planners spent more time on water issues because of the new statutes. Informal conversations did not uncover any lawsuits that invoke the two-year old statutes.

► *Should the Legislature ask DWR to survey the urban water suppliers' experience with the 2001 statutes?*

► *Should the Legislature ask OPR to continue surveying counties and cities' experience with the 2001 statutes?*

**Sources and Credits**

In preparing this background policy paper, the Committees' staffs relied on:

Governor's Office of Planning and Research, California Planners' 2003 Book of Lists, Sacramento: Governor's Office of Planning and Research, 2003.  
[www.opr.ca.gov/planning/PDFs/2003\\_Book\\_of\\_Lists\\_EDITED\\_8-1-03.pdf](http://www.opr.ca.gov/planning/PDFs/2003_Book_of_Lists_EDITED_8-1-03.pdf)

Governor's Office of Planning and Research, General Plan Guidelines, Sacramento: Governor's Office of Planning and Research, October 2003.  
[www.opr.ca.gov/planning/PDFs/General\\_Plan\\_Guidelines\\_2003.pdf](http://www.opr.ca.gov/planning/PDFs/General_Plan_Guidelines_2003.pdf)

Office of Water Use Efficiency, Draft Guidebook for Implementation of Senate Bill 610 and Senate Bill 221 of 2001 to assist water suppliers, cities, and counties in integrating water and land use planning, California Department of Water Resources, September 25, 2002.

Office of Water Use Efficiency, Summary of 2000 Urban Water Management Plans, Sacramento: Department of Water Resources, 2002.

Senate Local Government Committee, "Jello Without The Mold: State Laws for Local Land Use Decisions," May 22, 2000.

\* \* \* \* \*

This background policy paper was written and produced by:

- Jane Brown, committee assistant, Senate Agriculture and Water Committee.
- Peter Detwiler, consultant, Senate Local Government Committee.
- Elvia Diaz, committee assistant, Senate Local Government Committee.
- Dennis O'Connor, consultant, Senate Agriculture and Water Committee.



**Appendix**  
**Water Code §10910 --- Water Supply and Demand Assessment**

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

(b) The city or county, at the time that it determines whether an environmental impact report, a negative declaration, or a mitigated negative declaration is required for any project subject to the California Environmental Quality Act pursuant to Section 21080.1 of the Public Resources Code, shall identify any water system that is, or may become as a result of supplying water to the project identified pursuant to this subdivision, a public water system, as defined in Section 10912, that may supply water for the project. If the city or county is not able to identify any public water system that may supply water for the project, the city or county shall prepare the water assessment required by this part after consulting with any entity serving domestic water supplies whose service area includes the project site, the local agency formation commission, and any public water system adjacent to the project site.

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

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

(3) If the projected water demand associated with the proposed project was not accounted for in the most recently adopted urban water management plan, or the public water system has no urban water management plan, the water supply assessment for the project shall include a discussion with regard to whether the public water system's total projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to the public water system's existing and planned future uses, including agricultural and manufacturing uses.

(4) If the city or county is required to comply with this part pursuant to subdivision (b), the water supply assessment for the project shall include a discussion with regard to whether the total projected water supplies, determined to be available by the city or county for the project during normal, single dry, and multiple dry water years during a 20-year projection, will meet the projected water demand associated with the proposed project, in addition to existing and planned future uses, including agricultural and manufacturing uses.

(d) (1) The assessment required by this section shall include an identification of any existing water supply entitlements, water rights, or water service contracts relevant to the identified water supply for the proposed project, and a description of the quantities of water received in prior years by the public water system, or the city or county if either is required to comply with

this part pursuant to subdivision (b), under the existing water supply entitlements, water rights, or water service contracts.

(2) An identification of existing water supply entitlements, water rights, or water service contracts held by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), shall be demonstrated by providing information related to all of the following:

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

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

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

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

(e) If no water has been received in prior years by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), under the existing water supply entitlements, water rights, or water service contracts, the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), shall also include in its water supply assessment pursuant to subdivision (c), an identification of the other public water systems or water service contractholders that receive a water supply or have existing water supply entitlements, water rights, or water service contracts, to the same source of water as the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), has identified as a source of water supply within its water supply assessments.

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

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

(2) A description of any groundwater basin or basins from which the proposed project will be supplied. For those basins for which a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), has the legal right to pump under the order or decree. For basins that have not been adjudicated, information as to whether the department has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue, in the most current bulletin of the department that characterizes the condition of the groundwater basin, and a detailed description by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), of the efforts being undertaken in the basin or basins to eliminate the long-term overdraft condition.

(3) A detailed description and analysis of the amount and location of groundwater pumped by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), for the past five years from any groundwater basin from which the proposed project will be supplied. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(4) A detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), from any basin from which the proposed project will be supplied. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

(5) An analysis of the sufficiency of the groundwater from the basin or basins from which the proposed project will be supplied to meet the projected water demand associated with the proposed project. A water supply assessment shall not be required to include the information required by this paragraph if the public water system determines, as part of the review required by paragraph (1), that the sufficiency of groundwater necessary to meet the initial and projected water demand associated with the project was addressed in the description and analysis required by paragraph (4) of subdivision (b) of Section 10631.

(g) (1) Subject to paragraph (2), the governing body of each public water system shall submit the assessment to the city or county not later than 90 days from the date on which the request was received. The governing body of each public water system, or the city or county if either is required to comply with this act pursuant to subdivision (b), shall approve the assessment prepared pursuant to this section at a regular or special meeting.

(2) Prior to the expiration of the 90-day period, if the public water system intends to request an extension of time to prepare and adopt the assessment, the public water system shall meet with the city or county to request an extension of time, which shall not exceed 30 days, to prepare and adopt the assessment.

(3) If the public water system fails to request an extension of time, or fails to submit the assessment notwithstanding the extension of time granted pursuant to paragraph (2), the city or county may seek a writ of mandamus to compel the governing body of the public water system to comply with the requirements of this part relating to the submission of the water supply assessment.

(h) Notwithstanding any other provision of this part, if a project has been the subject of a water supply assessment that complies with the requirements of this part, no additional water supply assessment shall be required for subsequent projects that were part of a larger project for which a water supply assessment was completed and that has complied with the requirements of this part and for which the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), has concluded that its water supplies are sufficient to meet the projected water demand associated with the proposed project, in addition to the existing and planned future uses, including, but not limited to, agricultural and industrial uses, unless one or more of the following changes occurs:

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

(2) Changes in the circumstances or conditions substantially affecting the ability of the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), to provide a sufficient supply of water for the project.

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