

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION ADOPTING FINDINGS AND A GENERAL PLAN AMENDMENT TO MODIFY EXISTING AND INCORPORATE NEW GOALS, POLICIES, AND IMPLEMENTATION MEASURES RELATED TO 200-YEAR FLOOD RISK AND PROTECTION

In 2007, five interrelated pieces of legislation were enacted to address the problem of flood protection and liability; and

The Central Valley Flood Protection Act of 2008 (Chapter 364, Stats. 2007), California Government Code section 65302.9, commonly referred to as SB 5, contained provisions for local agencies to incorporate flood risk considerations into land use planning; and

This legislation primarily focused on flood requirements for the Sacramento-San Joaquin Valley within an area defined as the Sacramento-San Joaquin Hydrologic Regions, which includes the City of Stockton; and

SB 5 identified the California Department of Water Resources (DWR) as the agency responsible for preparing a strategic Central Valley Flood Protection Plan by July 1, 2012. The Flood Protection Plan was primarily intended to identify necessary improvements to state flood control facilities and establish flood protection building standards where flood levels are anticipated to exceed three feet for a 200-year flood event; and

A 200-year flood event is generally considered a flood of a magnitude that statistically occurs once every 200 years, or has a 0.5% likelihood of occurring in any given year. SB 5 defines this as the “urban level of flood protection”; and

The Central Valley Flood Protection Board adopted the Flood Protection Plan by the July 1, 2012 deadline; and

California Government Code section 65302.9 requires that each city and county within the Sacramento-San Joaquin Valley amend its general plan within 24 months of July 2, 2013, to include information specific to flood risk and goals, policies, and implementation measures for the protection of lives and property from a 200-year flood event; and

The Stockton General Plan 2035 Goals & Policies Report, adopted on December 11, 2007, contains 11 elements, each of which identify goals, policies, and implementation measures to guide future land use, development, and environmental protection decisions; and

The Health and Safety Element of Stockton General Plan 2035, Section 11, subsection 11.6 - Flood Hazards identifies goals, policies, and implementation measures related to flood hazards; and

In order to comply with California Government Code section 65302.9, and based on guidance provided in DWR's document entitled Guidance on General Plan Amendments for Addressing Flood Risk, dated September 2014, staff reviewed Stockton General Plan 2035 and determined that an amendment is necessary; and

On May 14, 2015, the Planning Commission adopted a Resolution forwarding a recommendation to the City Council to adopt a General Plan Amendment to modify existing and incorporate new goals, policies, and implementation measures related to 200-year flood risk and protection in compliance with California Government Code section 65302.9; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. The City Council hereby makes the following findings required for approval of a General Plan Amendment as specified in Stockton Municipal Code section 16.116.050 Findings and Decision:

- a) The proposed General Plan Amendment will modify existing and incorporate new goals, policies, and implementation measures related to "flood hazards" in the Health and Safety Element of the General Plan. This Amendment is being proposed to comply with State law, specifically California Government Code section 65302.9. As required by California Government Code section 65860.1, a subsequent amendment of the Development Code will be required to ensure conformance with the General Plan Amendment.
- b) The proposed General Plan Amendment will modify existing and incorporate new goals, policies, and implementation measures to strengthen the relationship between land use planning decisions and consideration of potential floodplain hazards. Therefore, it is not anticipated that this Amendment will endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the City.

- c) The proposed action is in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The General Plan Amendment is exempt from CEQA under the "general rule" that CEQA applies only to projects that have the potential to cause significant effects, as specified in section 15061(b)(3). All future requests for any discretionary approval relating to a project will be required to comply with the General Plan and is subject to compliance with CEQA based on its own merit.

2. The City Council hereby adopts a General Plan Amendment as set forth in Exhibit 1, attached hereto and incorporated by this reference.

3. The City Manager is authorized and directed to take whatever actions are necessary and appropriate to carry out the purpose and intent of this resolution.

PASSED, APPROVED, and ADOPTED June 23, 2015

AYES:

NAYS:

ABSENT:

ANTHONY SILVA
Mayor of the City of Stockton

ATTEST:

BONNIE PAIGE
City Clerk of the City of Stockton