

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION OF THE CITY COUNCIL APPROVING THE 2020 ANNUAL PROGRESS REPORT TO CONFIRM THE 200-YEAR URBAN LEVEL OF FLOOD PROTECTION ADEQUATE PROGRESS FINDING FOR THE MOSSDALE TRACT

State Regulation (Central Valley Flood Protection Act of 2008, Chapter 364, Stats. 2007), commonly referred to as Senate Bill (SB) 5, required the City of Stockton to amend its Development Code by July 2, 2016, to ensure that specific findings related to 200-year urban level of flood protection are made prior to approving certain land development projects located within a floodplain hazard zone; and

On May 24, 2016, City Council approved an amendment to Stockton Municipal Code Titles 15. Buildings and Construction and 16. Development Code to comply with SB 5 (Resolution 2016-05-24-1605), which became effective on July 2, 2016; and

Stockton Municipal Code Section (SMC) 16.90 Floodplain Management Findings requires that the applicable review authority for the City shall not approve certain land development permits and entitlements unless the review authority makes one of six possible findings related to having 200-year urban level of protection, based on substantial evidence in the record; and

Mossdale Tract (also known as Reclamation District 17 (RD 17) Basin) includes undeveloped properties some of which are approved by the City of Stockton for residential development, but still require ministerial building permits to be obtained, which are subject to the City's Floodplain Management Findings; and

Mossdale Tract is in a deeper floodplain area per the 200-year floodplain map. An engineering analysis was prepared by the Cities of Lathrop and Manteca and RD 17 for the Mossdale Tract ("RD 17 Area Adequate Progress Report for Urban Level of Flood Protection", dated March 2016). An independent panel of experts (IPE) reviewed and accepted the final report in accordance with SB 5 urban level of flood protection criteria and the report was subsequently submitted to the State of California Central Valley Flood Protection Board (Exhibit 1); and

The first annual progress report was prepared by the Cities of Lathrop and Manteca and RD 17 for the Mossdale Tract ("RD 17 Area 2017 Annual Adequate Progress Report for Urban Level of Flood Protection", dated June 13, 2017) in accordance with SB 5 urban level of protection criteria (ULOP) and was subsequently submitted to the California Central Valley Flood Protection Board; and

The San Joaquin Area Flood Control Agency (SJAFCA), as designated by the "San Joaquin Area Flood Control Agency Amended and Restated Joint Exercise of Power

Agreement” between SJAFCA, the Cities of Stockton, Lathrop, and Manteca, and County of San Joaquin is responsible for preparing the annual report for the Mossdale Tract for urban level of flood protection for use by all local agencies within the Mossdale Tract, effective on January 1, 2018; and

City Council approved Annual Adequate Progress Reports for the Mossdale Tract to confirm the 200-year Urban Level of Flood Protection for the years 2018 (Resolution No. 2018-09-18-1105) and 2019 (Resolution No. 2019-09-17-1106); and

A 2020 annual progress report was prepared by SJAFCA for the Mossdale Tract (“Mossdale Tract Program 2020 Annual Adequate Progress Report Update Report for Urban Level of Flood Protection Final Report”, dated June 29, 2020) and subsequently submitted to the Central Valley Flood Protection Board on June 30, 2020 (Exhibit 2); and

City staff recommends that City Council approve the 2020 annual progress report to confirm the 200-Year Urban Level of Flood Protection Adequate Progress Finding for the Mossdale Tract, which will allow subsequent development applications and construction permits to be approved within the Mossdale Tract, based on this same finding; now, therefore,

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

1. The City Council hereby approves the 2020 annual progress report to confirm the following 200-year urban level of flood protection adequate progress finding, based on substantial evidence in the record, as set forth in the attached Exhibits 1 and 2, attached hereto and incorporated by this reference:

a. The local flood management agency, SJAFCA, has made adequate progress (as defined in California Government Code section 65007) on the construction of flood protection system improvements that will result in flood protection equal to or greater than the urban level of flood protection in the Mossdale Tract.

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- b. SJAFCA prepared the Mossdale Tract Program 2020 Annual Adequate Progress Report for Urban Level of Flood Protection Final Report, dated June 29, 2020, and will be providing annual reports to the State Department of Water Resources, Central Valley Flood Protection Board and City in compliance with SB 5 urban level of flood protection criteria to insure adequate progress finding remains valid.

PASSED, APPROVED, and ADOPTED September 29, 2020.

MICHAEL D. TUBBS
Mayor of the City of Stockton

ATTEST:

ELIZA R. GARZA, CMC
City Clerk of the City of Stockton