

Resolution No.

STOCKTON CITY COUNCIL

RESOLUTION OF THE CITY COUNCIL APPROVING A 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

Mosssdale 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

Mosssdale 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 Mosssdale Tract ("RD 17 Area Adequate Progress Report for Urban Level of Flood Protection", dated June 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 1a incorporated by this reference); and

The first annual report was prepared by the Cities of Lathrop and Manteca and RD 17 for the Mosssdale 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 (Exhibit 1b incorporated by this reference); 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 Mosssdale Tract for

urban level of flood protection for use by all local agencies within the Mosssdale Tract, effective on January 1, 2018 (Exhibit 1c incorporated by this reference); and

A 2018 annual report was prepared by SJAFCA for the Mosssdale Tract (“Mosssdale Tract Program 2018 Annual Adequate Progress Report Update Report for Urban Level of Flood Protection Final Report”, dated June 28, 2018) and subsequently submitted to the Central Valley Flood Protection Board on June 28, 2018 (Exhibit 1d incorporated by this reference); and

City staff recommends that City Council make a 200-Year Urban Level of Flood Protection Adequate Progress Finding for the Mosssdale Tract, which will allow subsequent development applications and construction permits to be approved within the Mosssdale 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 makes 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 Exhibit 1, attached hereto and incorporated by this reference:

a. The local flood management agency, SJAFCA, has made adequate progress (as defined in California Government Code § 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 Mosssdale Tract.

b. SJAFCA submitted the Mosssdale Tract Program 2018 Annual Adequate Progress Report for Urban Level of Flood Protection Final Report, dated June 28, 2018 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 ensure the adequate progress finding remains valid.

PASSED, APPROVED, and ADOPTED September 18, 2018.

MICHAEL D. TUBBS
Mayor of the City of Stockton

ATTEST:

CHRISTIAN CLEGG, Deputy City Manager/
Interim City Clerk of the City of Stockton