

Resolution No.

STOCKTON PLANNING COMMISSION

RESOLUTION RECOMMENDING THE CITY COUNCIL APPROVE AN AMENDMENT TO TITLES 15 AND 16 OF THE STOCKTON MUNICIPAL CODE TO COMPLY WITH STATE LAW (SENATE BILL 5) RELATED TO FLOODPLAIN MANAGEMENT AND DEVELOPMENT IN 200-YEAR FLOODPLAINS

The Central Valley Flood Protection Act of 2008 (Chp. 364, Stats. 2007), commonly referred to as SB 5, contained provisions requiring local agencies to incorporate flood risk considerations into land use planning; and

SB 5 requires each city and county within the Sacramento-San Joaquin Valley, including charter cities like Stockton, to amend its general plan by July 2, 2015 to include data and analysis from the State's Flood Protection Plan and goals and policies for the protection of lives and property that will reduce the risk of flood damage from a 200-year flood event; and

Additionally, SB 5 requires each of those cities and counties to amend its zoning ordinance to be consistent with its general plan within 12 months of amending its general plan (Government Code Section 65860.1); and

In accordance with the law, Stockton completed its SB 5 required General Plan amendment on June 23, 2015; and

As a result, the 12-month period to complete the mandated zoning ordinance amendment ends on June 23, 2016; and

City staff prepared and is recommending an amendment to Title 16 that addresses revisions necessary to comply with SB 5; and

The Planning Commission is authorized by Section 16.212.040 of the Stockton Municipal Code (SMC) to review and make a recommendation to the Council to amend the provisions of Title 15 and Title 16 related to floodplain management and development in 200-year floodplains; and

The code amendment will bring the City into compliance with Senate Bill 5; now, therefore:

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF STOCKTON AS FOLLOWS:

1. The Planning Commission of the City of Stockton, in accordance with Section 16.116.050B, finds and determines:

A. The proposed amendment of the SMC's provisions for floodplain management is consistent with applicable General land uses, objectives, policies, programs, and actions of all elements of the General Plan on balance and will not create any inconsistencies with the Development Code. The proposed amendment will serve to comply with Senate Bill 5 and be consistent with the following General Plan goals and policies:

- i HS-6.1 New Urban Development. The City shall regulate new urban development within floodplains in accordance with State and Federal requirements. Specifically, the City shall comply with Federal requirements pertaining to 100-year level of flood protection and State requirements for 200-year level of flood protection, where applicable.
- ii HS-6.2 Existing Urban Development. The City shall investigate, and implement when feasible, mitigation measures that offer protection from flooding for existing urban development in flood prone area. Also, the City shall strive to achieve 200-year level of flood protection for developed areas, where feasible.
- iii HS-6.3 Preservation of Floodway and Floodplains. The City shall preserve floodways and floodplains for non-urban uses in an effort to maintain existing flood carrying capacities, except that development may be allowed in a floodplain with mitigation measures that are in conformance with the City's floodplain management program.

B. The proposed amendment will amend Titles 15 16 of the SMC to address floodplain management and development in 200-year floodplains, including Section 15.44.040, "Definitions;" and adding Section 15.44.135, "Construction or development in a flood hazard zone;" Section 16.20.020, Table 2-2, "Allowable Land Uses and Permit Requirements;" Section 16.36.110, "Setback regulations and exceptions;" and adding Chapter 16.90 "Floodplain Management Findings." The amendment will not 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, because the amendment will bring the City into compliance with Senate Bill 5 and result in an extra level of development review and management in the 200-year floodplain area.

C. The proposed SMC amendments are exempt from the California Environmental Quality Act (CEQA) under the "general rule" that CEQA applies only to projects that have the potential for causing significant environmental effects, as specified in Section 15061(b)(3). Approval of the required amendments will bring the City into compliance with Senate Bill 5 and constitutes an administrative action that will not result in direct or indirect physical changes in the environment, and any future projects that would rely on these amendments, will require further case-specific environmental review under CEQA.

D. The proposed amendments address flood plain management and establishment of findings for development within 200-year floodplains in several areas of Titles 15 and 16 and are internally consistent with other applicable provisions of the Development Code.

2. The Planning Commission hereby recommends that the City Council adopt an amendment to Title 15, Chapter 15.44, Section 15.44.040 and Chapter 15.44, adding Section 15.44.135; and Title 16, Chapter 16.20, Section 16.20.020; Chapter 16.36, Section 16.36.110; and adding Chapter 16.90 to the SMC related to floodplain management and development in 200-year floodplains as set forth in Exhibit 1, attached hereto and incorporated by this reference.

PASSED, APPROVED and ADOPTED: May 12, 2016.

AYES:

NAYS:

ABSENT:

KEVIN HERNANDEZ, CHAIR
CITY OF STOCKTON PLANNING COMMISSION

ATTEST:

DAVID KWONG, SECRETARY
CITY OF STOCKTON PLANNING COMMISSION