

**Resolution No.**

## **STOCKTON CITY COUNCIL**

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### **RESOLUTION OF THE CITY COUNCIL APPROVING A 200-YEAR URBAN LEVEL OF FLOOD PROTECTION ADEQUATE PROGRESS FINDING FOR THE RECLAMATION DISTRICT 2042 BOUNDARY AREA**

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 (SMC) Chapter 16.90, Floodplain Management Findings, in compliance with State Regulation (Government Code §§ 65865.5, 65962, 66474.5, and 65302) 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

Reclamation District (RD) 2042 includes undeveloped properties that are approved by the City for residential development, but still require ministerial building permits to be obtained which are subject to the City's Floodplain Management Findings; and

RD 2042 is in a deep floodplain area per the 200-year floodplain map and prepared an engineering analysis entitled "Urban Levee Design Criteria (ULDC) Evaluation of the RD 2042 Levee System," dated October 2016, to evaluate its levee protection system and determine the improvements needed to comply with the SB 5 Standards; and

The City's independent panel of experts (IPE) reviewed and commented on the RD's engineering analysis in accordance with the SB 5 Standards, which resulted in responses from the RD's engineer and refinements to the RD's engineering analysis to the satisfaction of the City's IPE; and

RD 2042 prepared an adequate progress report entitled "Reclamation District No. 2042 Bishop Tract 2017 Adequate Progress Report for Urban Level of Protection", dated May 4, 2017, which specifies the necessary levee work to be performed, cost, funding sources, and schedule in accordance with the SB 5 Standards; further, RD commenced

said work in 2017, and will continue through 2024, which will result in 200-Year levee system flood protection; and

RD 2042 requests and City staff recommends that City Council make a 200-Year Urban Level of Flood Protection Adequate Progress Finding for the RD 2042 boundary area, which will allow subsequent development applications and construction permits to be approved within RD 2042, 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, RD 2042, 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 RD 2042 boundary area.
- b. RD 2042 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 the adequate progress finding remains valid.

2. The City manager is hereby authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Resolution.

PASSED, APPROVED, and ADOPTED October 17, 2017.

MICHAEL D. TUBBS, Mayor  
of the City of Stockton

ATTEST:

BRET HUNTER, CMC  
Interim City Clerk of the City of Stockton