

RESOLUTION NO. R2021-XXXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MANTECA, STATE OF CALIFORNIA, ACTING AS THE
LAND USE AGENCY, VALIDATING THE JULY 5, 2016,
URBAN LEVEL OF FLOOD PROTECTION FINDING OF
ADEQUATE PROGRESS IN THE RECLAMATION
DISTRICT 17 MOSSDALE TRACT AREA

WHEREAS, Senate Bill 5 (SB5), and related companion bills, created a new requirement for certain land use decisions made by cities and counties in the California Central Valley; and

WHEREAS, prior to approving discretionary land use decisions for non-residential projects, and prior to approving ministerial land use decisions (building permits) for new residential buildings, land use agencies are required to make findings related to the provision of of 200-year or Urban Level of Flood Protection (ULOP); and

WHEREAS, on July 5, 2016, and on July 5, 2017, City Council approved an Adequate Progressing Finding Report toward provision of 200-year ULOP in Reclamation District 17 (Mosssdale Tract Area); and

WHEREAS, this allowed the City of Manteca to continue to issue, within Mosssdale Tract Area, discretionary permits to commercial and industrial uses, and ministerial permits (building permits) for new residential homes for a period of 10 years subject to ongoing validation of that finding; and

WHEREAS, effective January 1, 2018, the Joint Exercise of Powers Agreement establishing San Joaquin Area Flood Control Agency (SJAFCA) was amended to include the Cities of Manteca and Lathrop; and

WHEREAS, with this modification of SJAFCA membership, SJAFCA has taken over the role of Local Flood Management Agency for the Mosssdale Tract Area and providing the annual adequate progress reports to support all land use agencies within the Mosssdale Tract Area; and

WHEREAS, on July 17, 2018, based on the approval by SJAFCA of the 2018 Annual Adequate Progress Report Update for 200-year ULOP in the Mosssdale Tract Area, City Council adopted a resolution validating prior findings of Adequate Progress made by the City on July 5, 2016; and

WHEREAS, on August 20, 2019, based on the approval by SJAFCA of the 2019 Annual Adequate Progress Report Update for 200-year ULOP in the Mosssdale Tract Area, City Council adopted a resolution validating prior findings of Adequate Progress made by the City on July 5, 2016; and

ATTACHMENT 1

WHEREAS, on July 21, 2020, based on the approval by SJAFCA of the 2020 Annual Adequate Progress Report Update for 200-year ULOP in the Mossdale Tract Area, City Council adopted a resolution validating prior findings of Adequate Progress made by the City on July 5, 2016; and

WHEREAS, based on the approval by SJAFCA, of the 2021 Annual Adequate Progress Report Update (Exhibit "A") for 200-year ULOP in the Mossdale Tract Area, staff requests that the City Council adopt a resolution validating prior findings of Adequate Progress made by the City on July 5, 2016; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Manteca, as follows:

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the City Council's adoption of this Resolution.

2. The City Council of the City of Manteca, acting as the land use agency, hereby validates and reaffirms the July 5, 2016, finding of Adequate Progress toward providing a 200-year Urban Level of Flood Protection in the Mossdale Tract Area by the year 2028.

3. Based upon the hereby referenced and incorporated substantial evidence in the record, that the City Council of the City of Manteca hereby validates and affirms that the Adequate Progress Finding adopted, pursuant to SB 5 and its companion legislation, shall serve as the Adequate Progress Finding for the City of Manteca's approval of any and all discretionary permits and approvals issued pursuant to State Planning and Zoning Law, the California Subdivision Map Act, and Development Agreement Law to any commercial and industrial uses, and any and all ministerial permits (building permits) for new residential homes for a period of 10 years' subject to ongoing validation of that finding, as applied to urban development in the Mossdale Tract Area which urban development is approved in accordance with local and State laws; and

4. Based upon the hereby referenced and incorporated substantial evidence in the record, hereby and above referenced reports and all documents comprising the record of proceedings, affected land use decisions for development in Mossdale Tract Area will have 200-year flood protection by 2028.

ATTACHMENT 1

5. This Resolution shall take effect immediately upon its adoption.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Manteca at a public meeting of said City Council held on the ____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

MAYOR: _____

BENJAMIN J. CANTU
Mayor

ATTEST: _____

CASSANDRA CANDINI-TILTON
City Clerk