



Legislation Text

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City Council Agenda

Memo to: Manteca City Council

From: Kevin Jorgensen II, Director of Engineering/City Engineer

Date: September 21, 2021

Subject: Findings of Adequate Progress towards 200-year flood protection

Adopt a resolution, as the land use agency, relying upon the 2021 Annual Adequate Progress Report Update provided by the San Joaquin Area Flood Control Agency (SJAFCOA), validating the July 5, 2016, Finding of Adequate Progress in the Reclamation District 17 Mossdale Tract Area.

Background:

In 2007, the Legislature passed California Senate Bill 5 (SB5), which was later amended by various other bills. SB5 requires the State to develop and adopt a comprehensive Central Valley Flood Protection Plan (CVFPP), which was approved by the Central Valley Flood Protection Board (CVFPB) in June 2012. As amended, SB5 also requires all cities and counties in the Central Valley to incorporate the CVFPP into their respective General Plans by July 2, 2015, and into their zoning ordinances by July 2, 2016. SB5 restricts development beyond July 2, 2016, unless a permitting agency can make a finding of "Adequate Progress" toward providing an Urban Level of Flood Protection (ULOP), which includes protection from a 200-year flood.

The existing Reclamation District 17 Mossdale Tract (RD 17) levees currently do not meet the updated DWR urban levee design criteria (ULDC) standards adopted in May 2012, and the existing levees are not currently certified to provide 200-year flood protection. Accordingly, the land use agencies, in coordination with RD 17, are jointly pursuing efforts to achieve ULOP by 2028.

On July 5, 2016, the City of Manteca (Manteca) adopted findings of Adequate Progress toward providing a 200-year ULOP in RD 17. The approved "Adequate Progress Findings Pursuant to Government Code Sections 65865.5, 65962 and 66474.5" relied upon technical documents of ULDC analysis, including an Engineer's Report, an Independent Panel of Experts (IPE) Report, the response to the IPE Report, and the Adequate Progress Final Report, to represent the substantial evidence on the record in support of the finding of Adequate Progress. The Adequate Progress Final Report also identified several funding sources that would fund the ULOP effort, one of which is a regional development impact fee. The CVFPB was subsequently notified of the status of progress toward completion of the flood protection system.

On July 5, 2017, the City of Manteca adopted the 2017 Annual Adequate Progress Report Update for a 200-year ULOP in RD 17, validating the prior findings of Adequate Progress, thus allowing the City

to continue issuing, within RD 17, discretionary permits for commercial and industrial uses, and ministerial permits for new residential homes while the City continues to make progress toward establishing ULOP 200-year flood protection by the year 2028. This adoption of the Annual Adequate Progress Report Update and validation of findings were reported to the CVFPB notifying them the status of progress toward completion of the flood protection system.

In order to pursue coordination of a more regional effort, representatives from San Joaquin County, and the Cities of Lathrop, Manteca, and Stockton, and RD 17, regularly met with San Joaquin Area Flood Control Agency (SJAFCA) staff to evaluate and explore options for the governance, adoption, and implementation of an expanded Joint Powers Authority (JPA). This expanded JPA would continue the efforts of developing a project that would provide a 200-year level of flood protection within the RD 17 basin.

On January 16, 2018, the Manteca City Council approved an Amended and Restated Joint Exercise of Powers Agreement for the SJAFCA to add the City of Manteca and the City of Lathrop as Members and was subsequently approved by all other member agencies. The expanded SJAFCA will be able to take a leadership role in developing and implementing a plan for 200-year ULOP for the RD 17 Mossdale Tract basin (Project) and provide a stronger more unified regional voice in advocating for state and federal funding. With this expansion, SJAFCA has taken over the role of Local Flood Management Agency (LFMA) for the RD 17 Mossdale Tract area and will engage to provide the Annual Report on Adequate Progress toward achievement of ULOP 200-year flood protection.

On July 17, 2018, on August 20, 2019, and on July 21, 2020, the City of Manteca adopted, respectively, the 2018, 2019, and 2020, Annual Adequate Progress Report Updates for a 200-year ULOP in RD 17, provided and approved by SJAFCA, validating the prior findings of Adequate Progress, thus allowing the City to continue issuing, within RD 17, discretionary permits for commercial and industrial uses, and ministerial permits for new residential homes while the City continues to make progress toward establishing ULOP 200-year flood protection by the year 2028. This adoption of the Annual Adequate Progress Report Update and validation of findings were reported to the CVFPB notifying them the status of progress toward completion of the flood protection system.

SJAFCA has now provided the 2021 Annual Adequate Progress Report Update (Report) (Attachment 2) to the local agencies and, as the role of LFMA, has transmitted the Report to the CVFPB (Attachment 3). This Report serves as a strategic plan describing and outlining the steps that the LFMA and the land use agencies in the RD 17 Mossdale Tract basin are taking to advance and ultimately implement 200-year levee improvements, and is relied upon by the land use agencies for maintaining findings of Adequate Progress toward ULOP.

This Report includes an updated cost analysis representing impacts of Climate Change and the financing plan has been revised to reflect the passage of AB 828 that extended the construction completion deadline to the year 2028. The revenues projected to come from the Enhanced Infrastructure Financing District and Overlay Assessment District have likewise been refined.

This Report further elaborates in more detail the accomplishments to date satisfying the requirements of Adequate Progress, as defined by the 2007 California Flood Legislation:

- The development of the scope, schedule, and cost to complete flood protection facilities;
- Documentation that revenues have been identified to support implementation of the flood protection facilities;
- Evidence that critical features of the flood protection facilities are under construction and progressing;
- The City or County has not been responsible for a significant delay in the completion of the system; and
- The LFMA has provided DWR and the CVFPB information to determine substantial completion of the required flood protection.

As detailed in the Report, the following schedule of milestone completion dates, provides the LFMA's updated current plan to implement the levee improvements by 2028.

- Environmental Documentation (10/31/2022)
- Right-of-Way Acquisition (12/31/2024)
- Engineering Design (12/31/2026)

It is expected that the project would be phased and the first package of engineering plans and specifications would be completed in time to commence construction in 2027.

- Construction (10/31/2028)
- Permitting & Compliance (12/31/2028)

Reflects required permitting and ongoing mitigation and monitoring requirements.

Approval by SJAFCA of the 2021 Annual Adequate Progress Report Update for a 200-year ULOP in the RD 17 Mossdale Tract area, and submission of the Report by SJAFCA to the CVFPB, allows the City of Manteca, as a land use agency, to rely on prior findings of Adequate Progress. This would then allow the City of Manteca to continue to issue, within the RD 17 Mossdale Tract area, discretionary permits for commercial and industrial uses, and ministerial permits (building permits) for residential development, while SJAFCA continues to make progress toward establishing ULOP 200-year flood protection by the year 2028.

Fiscal Impact:

There is no fiscal impact associated with this item.

Documents Attached:

1. Attachment 1 - Resolution
2. Attachment 2 - Exhibit "A" to Resolution: 2021 Annual Adequate Progress Report Update
3. Attachment 3 - SJAFCA letter of transmittal to CVFPB