



Legislation Text

File #: 16-196, **Version:** 1

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SUBJECT: General Plan Amendment #16-02 to Amend the City's General Plan to Address State Mandates Concerning Flooding

REPORT IN BRIEF

This item amends the Safety and Conservation Elements of the *Merced Vision 2030 General Plan* to include information, maps, and policies consistent with state mandates related to protection of property and loss of life from future local flood events.

RECOMMENDATION

City Council - Adopt **Resolution 2016-18**, a Resolution of the City Council of the City of Merced, California, approving a Categorical Exemption for General Plan Amendment #16-02 and Approving General Plan Amendment #16-02 to amend the Safety and Conservation Elements of the Merced Vision 2030 General Plan to include information, maps, and policies consistent with state mandates related to protection of property and loss of life from future local flood events.

ALTERNATIVES

1. Approve, as recommended by the Planning Commission and staff; or,
2. Approve, subject to modifications (identify specific changes in the motion); or,
3. Deny, or,
4. Refer back to staff for reconsideration of specific items (specific items to be addressed in the motion); or,
5. Continue to a future Council meeting (date and time to be specified in motion).

AUTHORITY

Under California Government Code Section 65358(a), a legislative body may amend, after a public hearing, all or part of an adopted General Plan if the body deems the amendment to be in the public's interest.

CITY COUNCIL PRIORITIES

Not Applicable

DISCUSSION

Federal, state, and local flood protection infrastructure is intended to withstand and protect against various amounts of flooding. While these reduce many flood-related impacts, they are not designed to protect communities from larger events, however. After Hurricane Katrina in the State of Louisiana, in recognition that state levees built to protect agricultural lands may be inadequate to

protect urban and urbanizing areas, the State of California enacted several laws that require local communities to update their General Plans and municipal codes to require greater flood protection. Additionally, Water Code Section 8307 links flood liability with local planning decisions. Amending the General Plan to be consistent with the State's *2012 Central Valley Flood Protection Plan* (CVFPP) is the first step toward achieving the state-mandated higher flood protection standards.

Planning Staff Report #16-08 (Attachment 2), provides an overview of the state flood laws and relevance to the City of Merced, and, it describes how the recommended amendments to the City's General Plan satisfy a variety of state mandates. In general, the flood laws and mandates have added a new state flood hazard area based on a 200-year flood event. Existing federal flood hazard areas are based on 100-year and 500-year flood events. Geographically, this new event coincides within the federally mapped flood events, but it also adds a new area that is not covered by the existing federal flood hazard areas. This new area roughly covers 8 to 9 square miles of land within the City's growth area, centered on Black Rascal Creek that flows east to west, and extends just south of Olive Avenue and north of Yosemite Avenue (Attachment H of Attachment 2, Planning Commission Staff Report #16-08). Many new development projects of various types and sizes will be subject to the state mandate. Studies to identify the extent of flooding, along with recommended solutions to protect against a 200-year flood event will be required as part of the development review process of vacant lands within the 200-year flood hazard area.

On May 4, 2016, the Planning Commission held a public hearing on this matter and recommended by a 7-0 vote that the City Council adopt the General Plan Amendment as submitted. Recommended Amendments to the *Merced Vision 2030 General Plan* can be found in Attachments G, H, J, and K of Attachment 2, Planning Commission Staff Report #16-08. The state-imposed deadline for cities and counties to amend their General Plans is July 2, 2016.

Through Environmental Review #16-10, a Notice of Exemption (Attachment L of Attachment 2) was prepared.

IMPACT ON CITY RESOURCES

No appropriation of funds is needed. This state-mandate will add additional project review work for Development Services Department staff.

ATTACHMENTS

1. Planning Commission Resolution #3067
2. Planning Commission Staff Report #16-08
3. City Council Resolution