



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Authorize the Mayor, on Behalf of the City Council, to Send a Letter of Support for SB 920 – Flood Protection Systems (Galgiani)

MEETING DATE: March 5, 2014

PREPARED BY: City Clerk

RECOMMENDED ACTION: Authorize the Mayor, on behalf of the City Council, to send a letter of support for SB 920 (Galgiani).

BACKGROUND INFORMATION: On February 12, 2014, the City received a request from San Joaquin County to have each member of the Delta Coalition support SB 920 (Galgiani), legislation pertaining to flood protection.

Currently, planning and zoning law prohibits legislative bodies of cities or counties within the Sacramento-San Joaquin Valley, after certain general plan amendments have been made, and corresponding zoning ordinances adopted, from taking specified action regarding property located within a flood hazard zone unless the city or county makes certain findings. Among other requirements, the findings must state that the local flood management agency has made adequate progress on the construction of a flood protection system that will result in a specified level of flood protection in urban or urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas. That law defines adequate progress as meaning that, among other conditions being met, the total project scope, schedule, and cost of the completed flood protection system have been developed to meet the appropriate standard of protection and critical features of the flood protection system are under construction. This bill would revise the definition of adequate progress to include the critical features of the flood protection system being planned and designed or under construction and the completion of a levee safety plan for those flood protection systems that are a part of the State Plan of Flood Control.

For the reasons stated above and in the attached draft correspondence, it is recommended that the City Council authorize the execution and delivery of the proposed correspondence.

FISCAL IMPACT: Not applicable at this time.

FUNDING AVAILABLE: Not applicable at this time.



Randi Johl-Olson
City Clerk

APPROVED: 

Stephen Schwabauer, Interim City Manager

Randi Johl

From: Randi Johl
Sent: Wednesday, February 19, 2014 10:08 AM
To: Randi Johl
Subject: FW: SB 920 Support
Attachments: SJC BOS Ltr in Support of SB 920.pdf

From: Florence Low [mailto:Florence.Low@stocktongov.com]
Sent: Wednesday, February 12, 2014 5:18 PM
To: dnelson@agspanos.com; norfanos@agspanos.com; anne.baird@asm.ca.gov; johnb@biagv.org; rbatista@cambaygroup.com; sdelloso@cambaygroup.com; ggebhardt@ci.lathrop.ca.us; sdhaliwal@ci.lathrop.ca.us; dmoorhead@ci.manteca.ca.us; kmclaughlin@ci.manteca.ca.us; mhoughton@ci.manteca.ca.us; andrew.malik@ci.tracy.ca.us; brent.ives@ci.tracy.ca.us; daniel.sodergren@ci.tracy.ca.us; michael.Maciel@ci.tracy.ca.us; william.dean@ci.tracy.ca.us; dfox@cityofescalon.org; ealves@cityofescalon.org; ghaskin@cityofescalon.org; mmnplanningsolutions@gmail.com; tdermody94@gmail.com; nbahler@grupe.com; kharrigfeld@herumcrabtree.com; sherum@herumcrabtree.com; Sfd47@hotmail.com; Alan Nakanishi; Charles Swimley; Larry Parlin; Phil Katzakian; wwetherford@mantecagov.com; deltakeep@me.com; rattebery@neumiller.com; ngmplcs@pacbell.net; bob.gutierrez@paqinc.com; Barbara@restorethedelta.org; kcarido@sewd.net; kstephens@sewd.net; smooty@sewd.net; Tcurtis@sewd.net; bgarcia@sjchipsanicchamber.com; achesley@sjcog.org; boyd@sjcog.org; dial@sjcog.org; mayo@sjcog.org; bruceb@sjfb.org; bnakagawa@sjgov.org; dwooten@sjgov.org; ereyes@sjgov.org; fbuchman@sjgov.org; jmaguire@sjgov.org; kvogel@sjgov.org; lruhstaller@sjgov.org; tgau@sjgov.org; raddington@sjpnet.org; dkelly@somachlaw.com; jshields@ssjid.com; Doug@stocktonchamber.org; David Stagnaro; Forrest Ebbs; Jim Giottonini; John Lueberke; Juan Neira; Kathy Miller; Kurt Wilson; Mel Lytle; Moses Zapien; Steve Chase; jwingfield@stocktonport.com; raschieris@stocktonport.com; tmz@talavera.us; uecker105@yahoo.com; ambarkett@ymail.com
Subject: SB 920 Support

Delta Coalition Members,

Attached is a letter of support for SB920 from San Joaquin County. We are asking that each of our members send letter in support of SB920.

Florence

>>> "Reyes, Elena" <ereyes@sjgov.org> 2/12/14 >>>

Hi Flo:

Please share SJC's letter in support of SB 920 with the Delta Coalition. Please ask Delta Coalition members to a letter in support.

Thank You,

Elena

Elena Reyes
 Senior Deputy County Administrator/
 Legislative Coordinator
 County Administrator's Office
San Joaquin County
 (209) 468-3399

02/19/2014

CITY COUNCIL

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Interim City Manager
RANDI JOHL-OLSON
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JANICE D. MAGDICH
Interim City Attorney

March 5, 2014

The Honorable Cathleen Galgiani
State Senator District 5
State Capitol, Room 2059
Sacramento, California 95814

**SUBJECT: SB 920 Planning and Zoning: Flood Protection
NOTICE OF SUPPORT**

Dear Senator Galgiani:

On behalf of the City Council of the City of Lodi, I would like to extend our sincere appreciation to you for introducing SB 920 on January 28, 2014. SB 920, if enacted, would adjust the definition of "adequate progress" relating to the construction of flood control improvements needed to comply with SB 5/AB 5 (2007) requirements. The City of Lodi is pleased to support this flood protection measure.

The City of Lodi recognizes the importance of properly maintaining and improving the flood control system to protect those who live and work in the areas it protects and is working with San Joaquin County and local partners to address these important needs.

San Joaquin County continues to work diligently on levee and other flood control improvements. However, in many cases additional partners, such as the federal government, must issue permits for this work. These permits often take years to secure. SB 5/AB 5 imposes a deadline of July 1, 2016 to be in hard construction of 200-year level flood protection improvements in order to make a finding of "adequate progress." This looming deadline will be nearly impossible to meet for many Central Valley communities, including the City of Lodi. Not meeting the July 2016 deadline could effectively result in a moratorium on new development, as local land use authorities will be unable to approve development applications or issue permits for new home construction until an adequate progress finding can be made. Developer fees associated with development applications and construction permits will be a critical component in developing a funding plan to pay for needed flood control improvements. Without new development, there will be insufficient funding. Without sufficient funding, no flood control improvements can be made, which defeats the purpose of the SB /AB 5 requirements for cities and counties to provide a higher level of flood protection.

The City of Lodi, in conjunction with San Joaquin County, seeks this reasonable adjustment to State statute in order to ensure that our flood control improvement efforts can continue without unnecessarily disrupting the development community. In the meantime, we are continuing efforts to evaluate our flood control system and identify work that needs to be done.

The City Council appreciates your willingness to work on this extremely important flood protection issue in your district. It is imperative that these changes be made to the statute in order to ensure that necessary funding can be obtained to make the flood control improvements already required under law. If you have any questions regarding this matter, please feel free to contact me or our Public Works Director, Wally Sandelin, at (209) 333-6702.

Sincerely,

Phil Katzakian
Mayor

C: Monica Nino, County Administrator, San Joaquin County
Tom Gau, Public Works Director, San Joaquin County

Introduced by Senators Galgiani and Cannella
(Principal coauthors: Assembly Members Eggman and Olsen)

January 28, 2014

An act to amend Section 65007 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 920, as introduced, Galgiani. Planning and zoning: flood protection.

The Planning and Zoning Law prohibits the legislative body of a city or county within the Sacramento-San Joaquin Valley, after specified general plan amendments have been made, and corresponding zoning ordinances adopted, from taking specified actions regarding property located within a flood hazard zone unless the city or county makes specified findings including, among other requirements, that the local flood management agency has made adequate progress on the construction of a flood protection system that will result in a specified level of flood protection in urban or urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas, as specified. That law defines adequate progress as meaning that, among other conditions being met, the total project scope, schedule, and cost of the completed flood protection system have been developed to meet the appropriate standard of protection and critical features of the flood protection system are under construction.

This bill would revise the definition of adequate progress to include the critical features of the flood protection system being planned and designed or under construction and the completion of a levee safety plan for those flood protection systems that are a part of the State Plan of Flood Control.

This bill would also require a local flood management agency's annual report to the Central Valley Flood Protection Board on the efforts in working toward completion of the flood protection system to describe the agency's compliance with specified conditions. By increasing the duties of local officials, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 65007 of the Government Code is
2 amended to read:
3 65007. As used in this title, the following terms have the
4 following meanings, unless the context requires otherwise:
5 (a) "Adequate progress" means all of the following:
6 (1) The total project scope, schedule, and cost of the completed
7 flood protection system have been developed to meet the
8 appropriate standard of protection.
9 (2) (A) Revenues that are sufficient to fund each year of the
10 project schedule developed in paragraph (1) have been identified
11 and, in any given year and consistent with that schedule, at least
12 90 percent of the revenues scheduled to be received by that year
13 have been appropriated and are currently being expended.
14 (B) Notwithstanding subparagraph (A), for any year in which
15 state funding is not appropriated consistent with an agreement
16 between a state agency and a local flood management agency, the
17 Central Valley Flood Protection Board may find that the local
18 flood management agency is making adequate progress in working
19 toward the completion of the flood protection system.
20 (3) Critical features of the flood protection system are *either*
21 *being planned and designed or are* under construction, and each

1 critical feature is progressing as indicated by the actual expenditure
2 of the construction budget funds.

3 (4) The city or county has not been responsible for a significant
4 delay in the completion of the system.

5 (5) *A levee safety plan has been completed pursuant to Section*
6 *9650 of the Water Code for any portion of the flood protection*
7 *system that is part of the State Plan of Flood Control.*

8 (5)

9 (6) The local flood management agency shall provide the
10 Department of Water Resources and the Central Valley Flood
11 Protection Board with the information specified in this subdivision
12 sufficient to determine substantial completion of the required flood
13 protection. The local flood management agency shall annually
14 report to the Central Valley Flood Protection Board on the efforts
15 in working toward completion of the flood protection system. *This*
16 *report shall describe the agency's compliance with paragraphs*
17 *(1) to (5), inclusive.*

18 (b) "Central Valley Flood Protection Plan" has the same
19 meaning as that set forth in Section 9612 of the Water Code.

20 (c) "Developed area" has the same meaning as that set forth in
21 Section 59.1 of Title 44 of the Code of Federal Regulations.

22 (d) "Flood hazard zone" means an area subject to flooding that
23 is delineated as either a special hazard area or an area of moderate
24 hazard on an official flood insurance rate map issued by the Federal
25 Emergency Management Agency. The identification of flood
26 hazard zones does not imply that areas outside the flood hazard
27 zones, or uses permitted within flood hazard zones, will be free
28 from flooding or flood damage.

29 (e) "National Federal Emergency Management Agency standard
30 of flood protection" means the level of flood protection that is
31 necessary to withstand flooding that has a 1-in-100 chance of
32 occurring in any given year using criteria developed by the Federal
33 Emergency Management Agency for application in the National
34 Flood Insurance Program.

35 (f) "Nonurbanized area" means a developed area or an area
36 outside a developed area in which there are fewer than 10,000
37 residents that is not an urbanizing area.

38 (g) "Project levee" means any levee that is part of the facilities
39 of the State Plan of Flood Control.

1 (h) "Sacramento-San Joaquin Valley" means lands in the bed
2 or along or near the banks of the Sacramento River or San Joaquin
3 River, or their tributaries or connected therewith, or upon any land
4 adjacent thereto, or within the overflow basins thereof, or upon
5 land susceptible to overflow therefrom. The Sacramento-San
6 Joaquin Valley does not include lands lying within the Tulare Lake
7 basin, including the Kings River.

8 (i) "State Plan of Flood Control" has the same meaning as that
9 set forth in subdivision (j) of Section 5096.805 of the Public
10 Resources Code.

11 (j) "Tulare Lake basin" means the Tulare Lake Hydrologic
12 Region as defined in the California Water Plan Update 2009,
13 prepared by the Department of Water Resources pursuant to
14 Chapter 1 (commencing with Section 10004) of Part 1.5 of Division
15 6 of the Water Code.

16 (k) "Undetermined risk area" means an urban or urbanizing area
17 within a moderate flood hazard zone, as delineated on an official
18 flood insurance rate map issued by the Federal Emergency
19 Management Agency, which has not been determined to have an
20 urban level of protection.

21 (l) "Urban area" means a developed area in which there are
22 10,000 residents or more.

23 (m) "Urbanizing area" means a developed area or an area outside
24 a developed area that is planned or anticipated to have 10,000
25 residents or more within the next 10 years.

26 (n) "Urban level of flood protection" means the level of
27 protection that is necessary to withstand flooding that has a
28 1-in-200 chance of occurring in any given year using criteria
29 consistent with, or developed by, the Department of Water
30 Resources. "Urban level of flood protection" shall not mean
31 shallow flooding or flooding from local drainage that meets the
32 criteria of the national Federal Emergency Management Agency
33 standard of flood protection.

34 SEC. 2. If the Commission on State Mandates determines that
35 this act contains costs mandated by the state, reimbursement to
36 local agencies and school districts for those costs shall be made
37 pursuant to Part 7 (commencing with Section 17500) of Division
38 4 of Title 2 of the Government Code.

O