

CITY OF YUBA CITY
STAFF REPORT

Date: August 16, 2022
To: Honorable Mayor & Members of the City Council;
From: Development Services Department
Presentation By: Doug Libby, Deputy Director of Development Services

Summary

Subject: 200-Year Urban Level of Flood Protection Finding
Recommendation: Adopt a Resolution acting as the land-use agency for the City of Yuba City accepting evidence in support of a Finding of 200-year flood protection
Fiscal Impact: None.

Purpose:

To adopt a Resolution accepting the substantial evidence provided by the Sutter Butte Flood Control Agency (SBFCA) establishing there exists a 200-year Urban Level of Flood Protection for the City as it pertains to approving future development projects.

Council's Strategic Goal:

Public Safety

Background:

California Senate Bill 5 (SB5), passed in 2007 and later amended by subsequent legislative actions, required 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.

SB5 required all cities and counties in the Central Valley to incorporate the CVFPP into their General Plans and Zoning Ordinances, which the City of Yuba City did on September 6, 2016 (Ordinance No. 009-16).

SB5 restricted development unless a jurisdiction could make one of the following Findings:

- (1) There exists a 200-year Urban Level of Flood Protection (ULOP) (Type I ULOP Finding)
- (2) conditions are imposed on a development project to achieve 200-year protection (Type II Finding).
- (3) Adequate progress is being made toward 200-year protection by 2025 (Type III Finding)

These Findings correspond with Yuba City Municipal Code Sections 6-9.601 through 6-9.603.

Analysis:

Due to the work SBFCA has completed as part of the Feather River West Levee Project, substantial evidence now exists to allow the City to make a Type 1 Finding in its land-use decisions, that there now exists a 200-year Urban Level of Flood Protection for the City. This is supported by SBFCA's Engineer's Report which is available at the SBFCA office located at 1445 Butte House Road, Suite B, Yuba City CA 95993 or on the SBFCA website at: www.sutterbutteflood.org/projects/feather-river-west-levee-project.

This is a significant accomplishment that supports enhanced public safety, economic development, and lower insurance costs for residents going into the future.

Fiscal Impact:

Existing budgeted monies have paid for preparation of this staff report and draft Resolution.

Alternatives:

Although not recommended, the Council could choose to not adopt the Resolution as presented.

Recommendation:

Adopt a Resolution accepting the substantial evidence provided by SBFCA in support of a Type 1 Urban Level of Flood Protection Finding that the facilities of the State Plan of Flood Control as rehabilitated by SBFCA through the Feather River West Levee Project provide an urban level of flood protection as defined by the State's Urban Levee Design Criteria.

Attachments:

1. Attachment 1 - SBFCA resolution of Type 1 Finding of 200-year flood protection

Prepared By:

Doug Libby
Deputy Director of Development Services

Submitted By:

Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
ACTING AS THE LAND USE AGENCY, ACCEPTING EVIDENCE IN
SUPPORT OF A FINDING OF 200-YEAR URBAN LEVEL OF FLOOD
PROTECTION**

WHEREAS, California Senate Bill 5 (SB5), passed in 2007 and later amended by subsequent legislative actions, 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; and

WHEREAS, SB5 required all cities and counties in the Central Valley to incorporate the CVFPP into their General Plans and Zoning Ordinances; and

WHEREAS, on September 6, 2016, the City Council adopted Resolution No. 16-058 to incorporate State flood legislation into the Yuba City General Plan (General Plan Amendment No. 16-03); and

WHEREAS, on September 6, 2016, the City Council adopted Ordinance No. 009-16 incorporating State flood legislation into the City Municipal Code as required by State law; and

WHEREAS, SB5 restricted development beyond July 2, 2016, unless a land use agency makes one of the following three types of findings: (1) there exists a 200-year Urban Level of Flood Protection (ULOP) (Type I ULOP Finding), (2) conditions are imposed on a develop project to achieve 200-year protection (Type II Finding), or (3) adequate progress is being made toward 200-year protection by 2025 (Type III Finding) and these correspond with Municipal Code Sections 6-9.601 through 6-9.603; and

WHEREAS, in October 2021 the Sutter Butte Flood Control Agency (SBFCA), as the local flood management agency responsible for implementing the Feather River West Levee Project, approved and posted substantial evidence in the record in support of Urban Levee Design Criteria (ULDC) compliance for the Project and accordingly in support of a Type I ULOP Finding which corresponds with Municipal Code Section 6-9.601(a), Section 6-9.602(a) and Section 6-9.603(a); and

WHEREAS, SBFCA's substantial evidence of ULDC compliance for the Project will support a Type I ULOP Finding made by the City, when required as part of approval of discretionary or ministerial permits which corresponds with Municipal Code Section 6-9.601(a), Section 6-9.602(a) and Section 6-9.603(a); and

WHEREAS, the substantial evidence developed by SBFCA in support of a Type I ULOP Finding is described in a certified Engineer's Report by SBFCA which is available at the SBFCA office located at 1445 Butte House Road, Suite B, Yuba City CA 95993 or on

the SBFCA website at: www.sutterbutteflood.org/projects/feather-river-west-levee-project; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Yuba City, acting as the Land Use Agency as defined by State law, hereby accepts the substantial evidence provided by SBFCA in support of a Type I ULOP Finding that the facilities of the State Plan of Flood Control as rehabilitated by SBFCA through the Feather River West Levee Project provide an urban level of flood protection as defined by the State of California's Urban Levee Design Criteria.

The foregoing Resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 16th day of August, 2022.

AYES:

NOES:

ABSENT:

Dave Shaw, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM
COUNSEL FOR YUBA CITY

Shannon L. Chaffin, City Attorney
Aleshire & Wynder, LLP