Meeting Date: **2/9/2016**

Report Type: Staff/Discussion

Report ID: 2016-00083

City of SACRAMENTO 02

Law and Legislation Committee Report

915 I Street, 1st Floor

www.CityofSacramento.org

Title: Ordinance Amending Titles 15, 17, and 18 of the Sacramento City Code Relating to Floodplain Management Findings for an Urban Level of Flood Protection (LR15-005)

Location: Citywide

Recommendation: Pass a Motion: 1) reviewing an ordinance amending Titles 15, 17, and 18 of the Sacramento City Code Relating to Floodplain Management Findings for an Urban Level of Flood Protection; and 2) forwarding to City Council for approval.

Contact: Remi Mendoza, Associate Planner, (916) 808-5003, Community Development Department; Jim McDonald, Principal Planner, (916) 808-5723, Community Development Department

Presenter: Remi Mendoza, Associate Planner, (916) 808-5003, Community Development Department

Department: Community Development Dept

Division: Long Range Planning

Dept ID: 21001222

Attachments:

1-Description/Analysis
2-Background
3-Findings Flowchart
4-SPFC Covered Area
5-SAFCA Improvements
6-Areas of Localized Flooding
7-Floodplain Findings Ordinance (Redline)
8-Floodplain Findings Ordinance (Clean)

City Attorney Review

Approved as to Form
Jeffrey Heeren
2/2/2016 1:00:09 PM

Approvals/Acknowledgements

Department Director or Designee: Ryan Devore - 1/26/2016 1:40:18 PM

Description/Analysis

Issue Detail: In light of the catastrophic flooding of New Orleans following Hurricane Katrina in 2005, there was an increased focus on flood risk management in California. In 2007 the California legislature passed a package of six bills (SB 5, SB 17, AB 5, AB 70, AB 156, and AB 162) that mandated comprehensive planning for flood protection at the state and local level. The Central Valley Flood Protection Act of 2008 (enacted by SB 5), specified that beginning on July 1, 2016, cities and counties could not enter into development agreements, approve discretionary or ministerial permits, or approve tentative or parcel maps for areas located within a flood hazard zone unless the city or county made certain findings regarding flood protection (Government Code §65865.5). The findings require at least a 200-year level of flood protection (<=0.5 % chance of flooding in any year) for urban and urbanizing areas within the Sacramento – San Joaquin Valley. Specifically state law requires that one of the following findings be made:

(1) The facilities of the State Plan of Flood Control or other flood management facilities protect the [project or property] to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in non-urbanized areas;

(2) The city or county has imposed conditions … that will protect the [project or property] to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in non-urbanized areas;

(3) The local flood management agency has made adequate progress on the construction of a flood protection system which will result in flood protection equal to or greater than the urban level of flood protection in urban or urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in non-urbanized areas for property located within a flood hazard zone, intended to be protected by the system; or

(4) The property in an undetermined risk area has met the urban level of flood protection based on substantial evidence in the record.

Last year, Assembly Member Eggman authored AB 2108 that outlined further implementation steps for the 2008 law including a compliance trigger 15 months from when Flood Risk maps are received. The City received its maps in 2014. The legislation also required local agencies to revise their zoning codes to reflect this new standard within one year following adoption of their revised General Plans. The proposed ordinance amends the City Code to comply with state law.

Policy Considerations: The 2035 General Plan includes the following goals and policies related to flood protection:

GOAL EC 2.1
Protect life and property from flooding.

EC 2.1.4 200-Year Flood Protection. The City shall work with local, regional, state, and federal agencies to achieve at least 200-year flood protection for all areas of the City by 2025.

EC 2.1.5 Funding for 200-year Flood Protection. The City shall continue to cooperate with local, regional, State, and Federal agencies in securing funding to obtain the maximum level of flood protection that is practical, with a minimum goal of achieving at least 200-year flood protection as quickly as possible.

Economic Impacts: Not applicable.

Environmental Considerations: Policies to achieve a 200-year level of flood protection were included in the 2035 General Plan and evaluated in the certified Master Environmental Impact Report. The proposed amendments to the City Code would achieve compliance with state law that would require the City to make required findings regarding a 200-year level of flood protection. The amendments would not result in any specific physical changes, and any physical changes that may occur in the future would be subject to the appropriate level of environmental review by the City or by other agencies that could undertake improvements, such as the Sacramento Area Flood Control Agency (SAFCA).

Approval of the required amendments constitutes an administrative action that will not result in direct or indirect physical changes in the environment, and the action is not a project that requires environmental review under the California Environmental Quality Act (CEQA). See CEQA Guidelines section 15378(b)(5)

Sustainability: The proposed ordinance will reduce flood risk by strengthening the linkage between local land use planning decisions and flood management practices. This ordinance would also support the City's efforts to promote urban infill and redevelopment.

Commission/Committee Action: After the Law and Legislation Meeting, the ordinance will go to the Planning and Design Commission on February 11, then on to the City Council on February 23, 2016.

Rationale for Recommendation: The City must comply with provisions of the Central Valley Flood Protection Act of 2008 and amend its Zoning Code accordingly. The proposed flood protection ordinance is also identified as an implementation measure in the Sacramento 2035 General Plan. Approval of this ordinance will achieve compliance with state law thereby allow the City to make the required findings related to flood protection for approval of developments projects.

Financial Considerations: Not applicable.

Local Business Enterprise (LBE): Not applicable.

BACKGROUND

The Central Valley Flood Protection Act of 2008 (enacted by SB 5)

In light of the catastrophic flooding of New Orleans following Hurricane Katrina in 2005, there was an increased focus in flood risk management in California. The legislature recognized that the current federal flood standard (100-year flood protection) was not sufficient to protect urban and urbanizing areas within flood prone areas throughout the Central Valley. Nationally, levees have typically been constructed to a 100-year federal flood standard (level of protection that is necessary to withstand flooding that has a 1% chance of occurring in any given year). California has adopted an even tougher 200-year flood standard for levees protecting urban areas.

In 2007, the State legislature passed the Central Valley Flood Protection Act (CVFPA) of 2008 (enacted by SB 5). The CVFPA set in motion the State's plan for improvement of flood protection statewide, establishes the 200-year flood protection standard, and ensures that 200-year protection will be provided to all Central Valley urban and urbanizing areas as soon as possible but no later than 2025 by requiring amendment of local general plans and zoning to institute the requirements. As required by the State law, after July 1, 2016, new development in areas potentially exposed to 200-year flooding more than three feet deep will be prohibited unless the local land use agency certifies that 200-year flood protection has been provided, or that "adequate progress" has been made toward provision of 200-year flood protection by 2025.

The CVFPA of 2008 Created New Local Agency Requirements

The State now requires local agencies to amend their General Plans to address flood risk for affected land use decisions based on an Urban Level of Flood Protection (ULOP). The ULOP is defined by the legislation as the level of protection necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year. The legislation also requires local agencies to revise their zoning codes to reflect this new standard within one year following adoption of their revised General Plans.

On March 3, 2015, the City of Sacramento 2035 General Plan was adopted by City council. It included new goals, policies, and implementation measures consistent with the Central Valley Flood Protection plan and State flood protection standards. As required by State law the next step is to revise the Zoning Code to reflect the new 200-year flood protection standard.

The proposed ordinance amends the Zoning Code to comply with provisions of state law that require the City to make specific findings (Attachment 3 –Findings Flowchart) prior to approving certain land use entitlements and other permits for projects located

within a flood hazard zone. In summary, the ordinance ensures that in order to enter into a development agreement or issue a permit to construct a residence, or approve parcel maps within a flood hazard zone, the city must:

1. Find existing facilities protect urban and urbanizing areas to a 1-in-200 chance of flooding, or
2. Impose conditions on the development that will provide the required level of protection, or
3. Find that the local flood management agency has made *adequate progress* on construction of the flood protection system to provide a 200-year level of flood protection, or
4. Find that the property is in an undetermined risk area

Although the Sacramento Area Flood Control Agency (SAFCA) is the local partner in projects improving the flood protection system, the flood legislation placed the responsibility for making flood findings on local land use agencies. Therefore beginning July 1, 2016, the city will make findings based on an Urban Level of Flood Protection (ULOP) plan being prepared by SAFCA. The plan will aid the City in making the finding that adequate progress is being made on the State Plan of Flood Control system which will provide a 200-year level of flood protection (Attachment 4-Area Covered by SAFCA's Improvements to the State Plan of Flood Control System). The SAFCA ULOP plan will be presented before city council in June 2016. The ULOP plan will highlight key planned improvements that will provide Sacramento with a 200-year level of flood protection by 2025. Key planned improvements of the SAFCA ULOP plan are identified in the section below.

Sacramento Area Flood Control Agency – Urban Level of Flood Protection Plan

The centerpiece of SAFCA's 200-year flood protection plan (Attachment 5–Map of SAFCA Planned Improvements) is improvements to Folsom Dam, including the Folsom Joint Federal Project and the Folsom Dam Raise, which will allow Folsom Dam to limit 200-year flood releases to 160,000 cubic feet per second. The Folsom Dam improvements are supplemented by major levee improvements along the American River, around Natomas, along the Sacramento River southward to Freeport, and along major tributary creeks in the north area and south area, such that the improved levees will be compliant with current 200-year design criteria as required under SB 5 (Machado, 2007). The major plan elements are briefly described below:

Folsom Dam Modifications, Joint Federal Project:
Folsom Joint Federal Project (JFP) – The Folsom JFP is a joint project of the US Bureau of Reclamation, United States Army Corps of Engineers (USACE), California Department of Water Resources (DWR), and SAFCA authorized by Congress in 2007 and currently under construction. The JFP addresses dam safety and flood control needs by creating a new auxiliary spillway with closure gates on the east abutment of the dam. The new structure will enable higher flows to be released from the dam at

lower reservoir levels, enabling the dam to be operated in a way that will safely accommodate a 200-year flood with discharges no greater than 160,000 cfs. The JFP is planned for completion in 2017, and is essential to provide ULOP to the Sacramento region.

Folsom Dam Raise Project:
In 2003, Congress authorized USACE to raise the height of the structures comprising Folsom Dam, including the main dam, wing dams and dikes that contain Folsom Reservoir. The current height of the main dam is 484.0 feet Mean Sea Level (msl) and the height of the wing dams and dikes is 480.5 feet msl. The 2003 authorization allowed the height of each of these facilities to be increased to 487.5 feet. In 2007, as recommended by USACE, Congress reduced the scope of the project and directed that the wing dams and dikes be raised by 3.5 feet to equal the existing height of the main dam. This increased height will allow flood operators to store more flood water behind Folsom Dam when forecasted inflows are decreasing (resulting in no imminent threat to the safety of the dam) and the additional storage is required to maintain releases from the dam at a level that can be safely contained by the downstream levee system (LWA, 2015). The dam raise is essential to provide ULOP to the Sacramento region.

Folsom Dam Water Control Manual Update:
Since 1995, Bureau of Reclamation (Reclamations) has operated Folsom Dam to provide variable flood storage based on how much empty space is available in three large non-Federal reservoirs located in the upstream watershed. Current operations require a minimum flood storage reservation (i.e. available capacity) in the reservoir during flood season of 400,000 cfs, with the flood reservation increased to 670,000 cfs when the upstream reservoirs are full.

In 1999, Congress directed USACE to implement a new water control manual for Folsom Dam once the modifications to the dam's outlet works have been completed. USACE is to perpetuate the variable storage operation initiated by Reclamation with a slightly reduced flood storage envelope (from a minimum 400,000 acre-feet to a maximum 600,000 acre-feet) with the actual storage reservation to be determined not only by the availability of creditable upstream storage space but also by forecasted inflows to Folsom Dam. USACE and Reclamation along with the State and SAFCA are currently developing the new water control manual with the aim of having it ready when the Folsom Dam JFP project is completed at the end of 2017. A key objective of the new manual is to ensure that Folsom Dam can safely contain a 200-year flood in the American River watershed without releasing more than 160,000 cfs into the American River channel (LWA, 2015).

Depending on modeling of 200-year inflows and the outcome of the update, maximum discharges into the American River could be much lower, possibly as low as 115,000 cfs. The water control manual update is essential to provide ULOP to the Sacramento region.

American River Common Features (ARCF) General Re-evaluation Report and Natomas Supplemental Information Report (GRR and SIR):
Under the Common Features authorization, USACE initiated a GRR in 2007 to include planning for measures needed to provide 200-year flood protection for Natomas, the Sacramento River East levee south of the American River and the Lower American River. This comprehensive GRR under the American River Common Features Authority addresses all elements needed to improve the levees to provide 200-year level of protection to the area.

Sacramento River Bank Protection Project (SRBPP):
The SRBPP is an ongoing project to provide bank protection along critically eroding reaches of the Sacramento River flood control system, including tributaries like the American River. The SRBPP may accomplish a portion of the bank protection described in the ARCF GRR. The implementation of the SRBPP on an as-needed basis in the Sacramento region is assumed to continue and to support ULOP. Any critical erosion risks identified in the region that are not expeditiously addressed by the SRBPP or other means may need to be addressed in future “adequate progress” reports on this plan.

American River Levees:
Because of the recent history of improvements on the American River levees, SAFCA has determined that no physical improvements to the American River levee system are required at this time to achieve ULOP standards for geometry, seepage and stability. However, additional measures are required to meet Urban Levee Design Criteria (ULDC) standards which are incorporated in the ULOP document by reference (DWR 2012; DWR 2014). Structures and vegetation encroaching on the levees will be removed as part of the Levee Accreditation Project if necessary to meet National Flood Insurance Program (NFIP) standards and the State’s ULDC. These standards and criteria require removal or modification of encroachments that pose an unacceptably high risk to the performance and safety of a levee by undermining its structural integrity prior to accreditation. Those encroachments impeding inspection, operation, and maintenance of the levee will be removed within 3 years of levee accreditation.

Vegetation management would consist of removal of “high-hazard trees” and other vegetation from the levees. The ULDC provides criteria that reflect the underlying risk management objectives of the NFIP. Under these criteria, vegetation on levees must be modified or removed if it presents an unacceptable risk to levee structural integrity or if it impedes levee operation and maintenance. The Levee Accreditation Project is essential to provide ULOP to the Sacramento region.

Sacramento East River Levee
Levee Accreditation Project - A combination of measures is proposed to address existing seepage and stability conditions along the Sacramento River East Levee. Previous enhancements have left a patchwork of reaches where conditions are acceptable and where they are not. Within the 5.1 miles where conditions warrant

repair, SAFCA's Levee Accreditation Project will install, depending on the reach, stability berms, relief wells, relief well improvements, cutoff walls, or toe drains.

The Levee Accreditation Project will also include approximately 3,000 feet of erosion repairs as well as encroachment removal and vegetation management at nine sites along the Sacramento River east levee.

Natomas East Main Drainage Canal

Levee Accreditation Project - The Levee Accreditation Project will construct slurry cutoff walls along about 1,700 feet of the NEMDC east levee from the Arcade Creek confluence south. The project will also construct approximately 9,200 feet of cutoff walls along the south side of Arcade Creek and 8,500 feet of cutoff walls along the north side

The Levee Accreditation Project will address NEMDC and Arcade Creek height deficiencies identified in the ARCF GRR not by raising levees, but by implementing a NEMDC/Steelhead Creek Corridor Management Plan (CMP). This plan will remove beaver dams and vegetative undergrowth, including non-native species such as red sesbania, to restore the NEMDC/Steelhead Creek channel capacity (AECOM, 2015). Modeling done for SAFCA has shown that by implementing the CMP, the stage will be reduced in both in the channel and in tributaries such as Arcade Creek enough to attain ULOP without levee height increases.

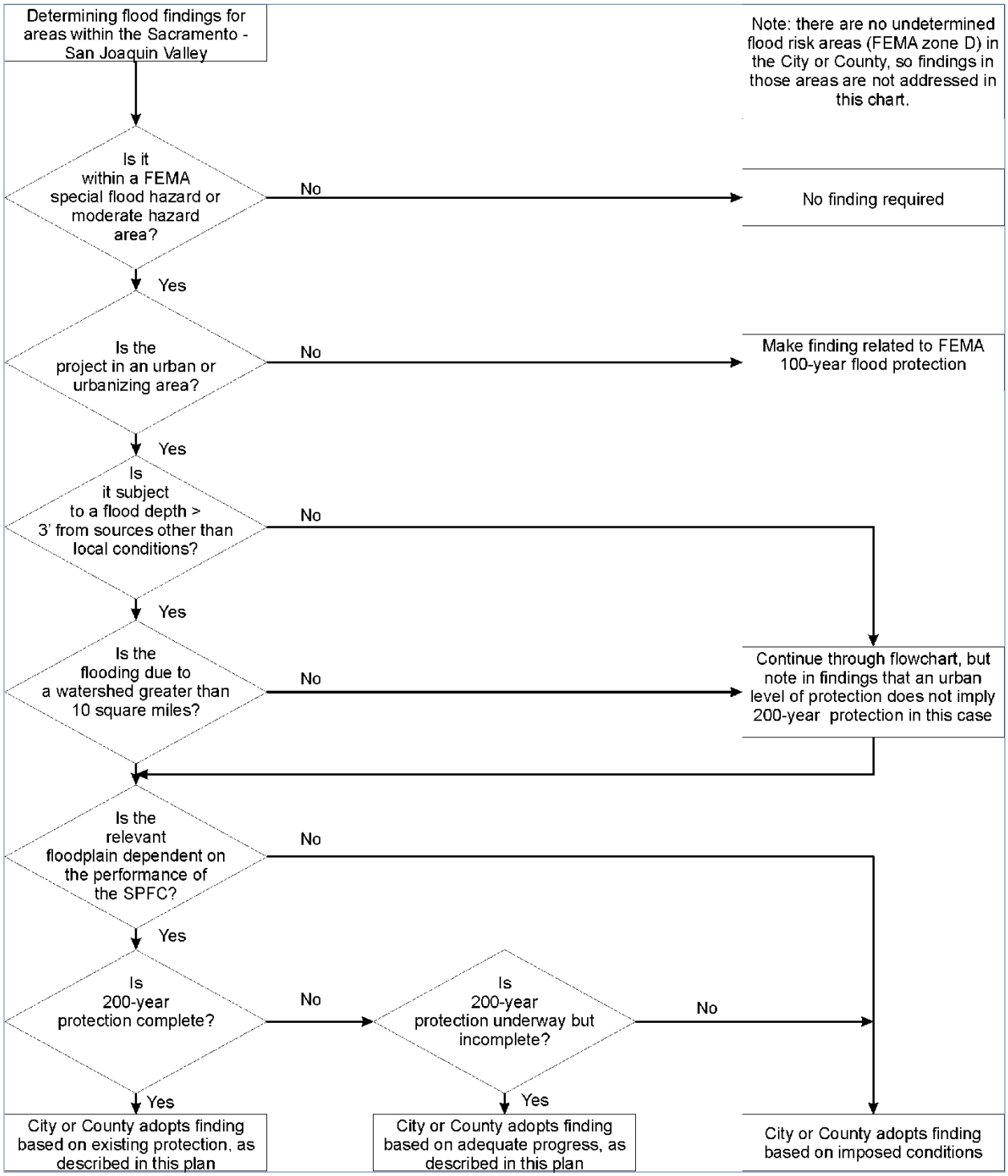
Natomas Levee Improvement Project (NLIP)

Natomas Levee Improvement Project (NLIP) – The SAFCA-led NLIP has consisted of completed improvements on 18 of the 42 miles of levees surrounding the Natomas Basin. Remaining SAFCA-led work to be completed on the NLIP consists of construction of a short reach of seepage berm on the Sacramento River East Levee at Interstate 80 and ongoing mitigation planting care. This work is essential for achieving a ULOP for Natomas.

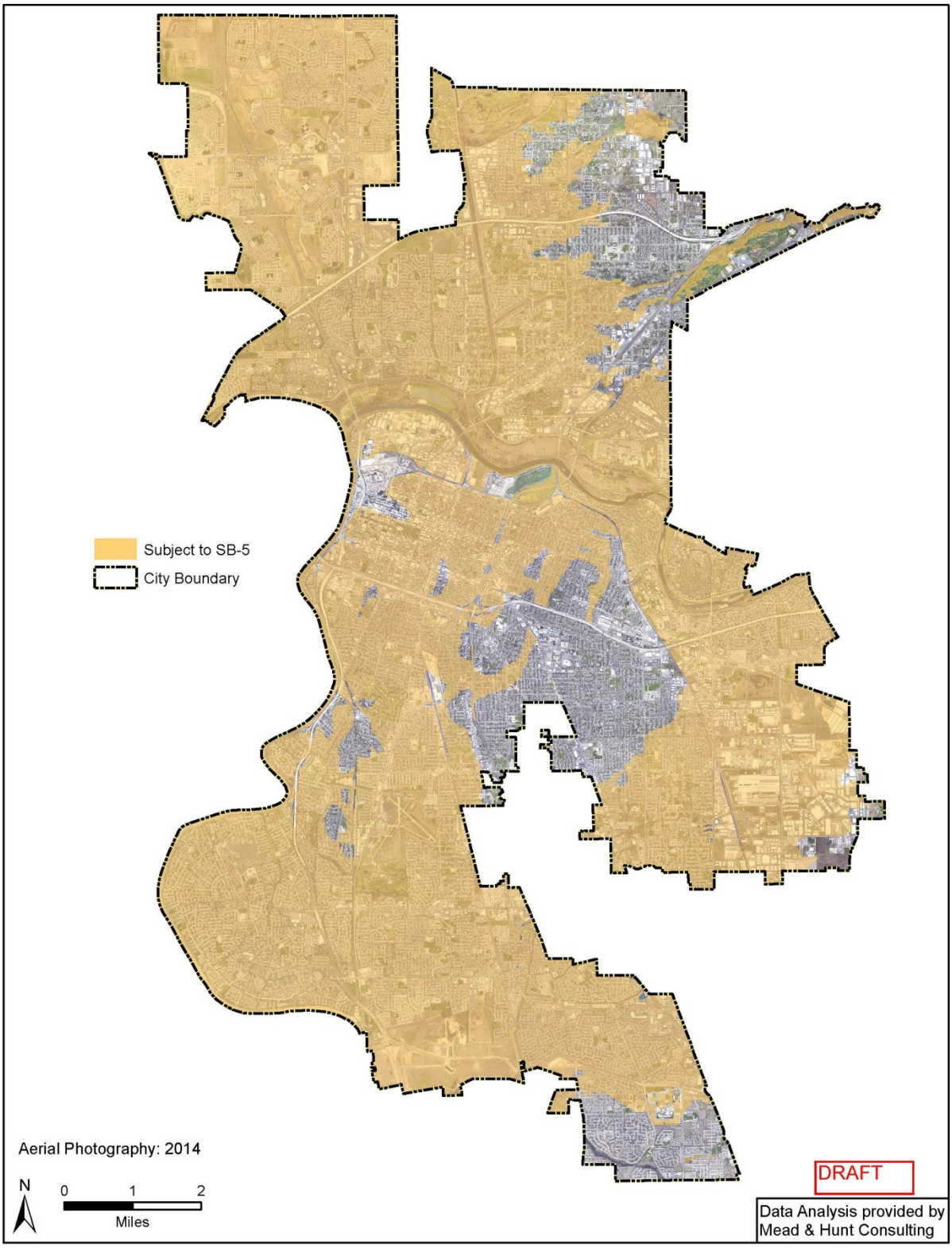
Areas of Localized Flooding

The 200-year storm event modeling demonstrates that non-riverine sources of flooding, such as localized rainfall or overflow of creeks, would subject some areas in the City to a flood depth above 3.0 feet (Attachment 6 – Areas of Localized Flooding). For approval of new development in these areas, beginning on July 1, 2016, the City will be required to adopt findings based on imposed conditions (i.e. require elevating or flood proofing) in order to meet the new 200-year level of flood protection standard.

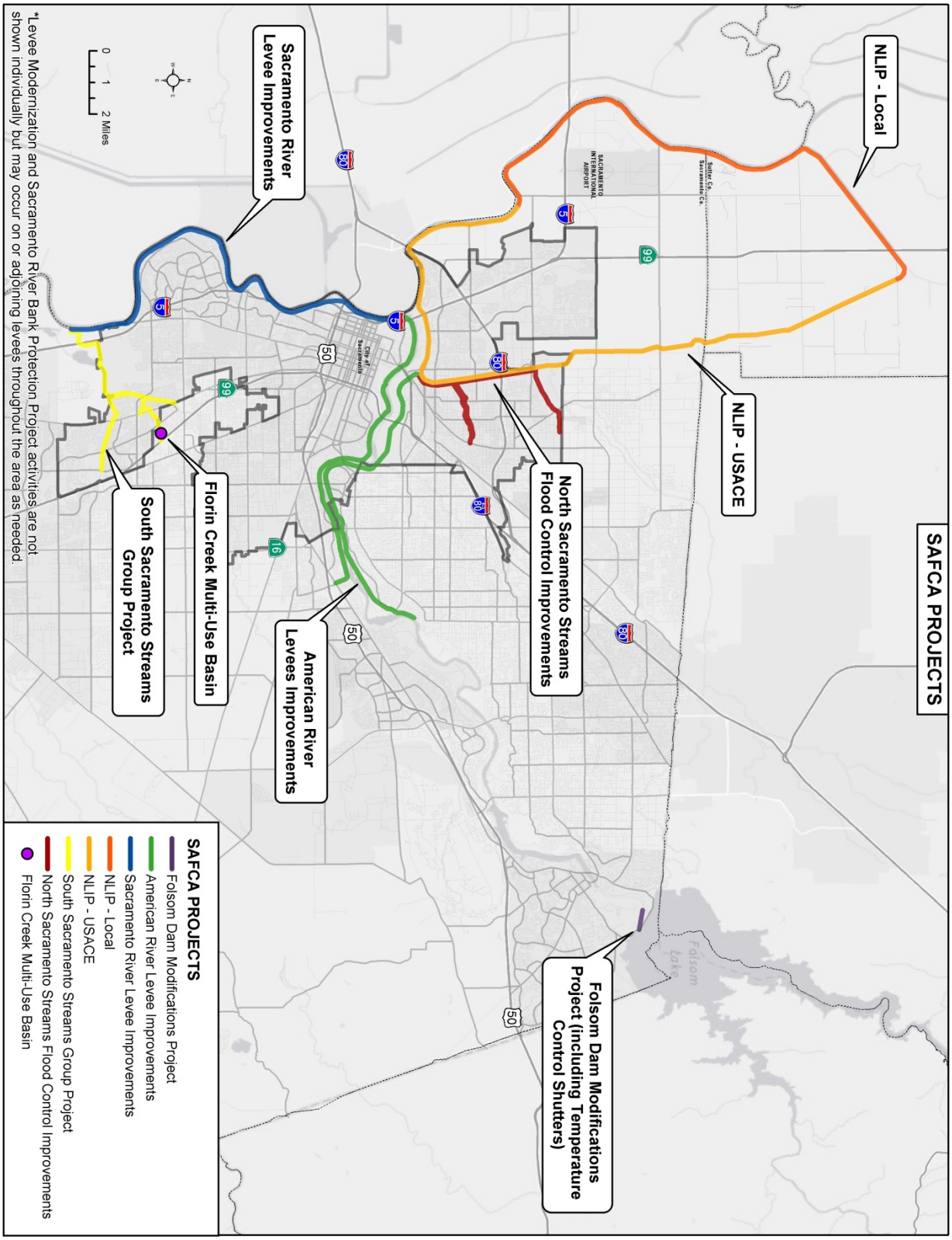
Flowchart to Determine Projects Subject to Flood Findings



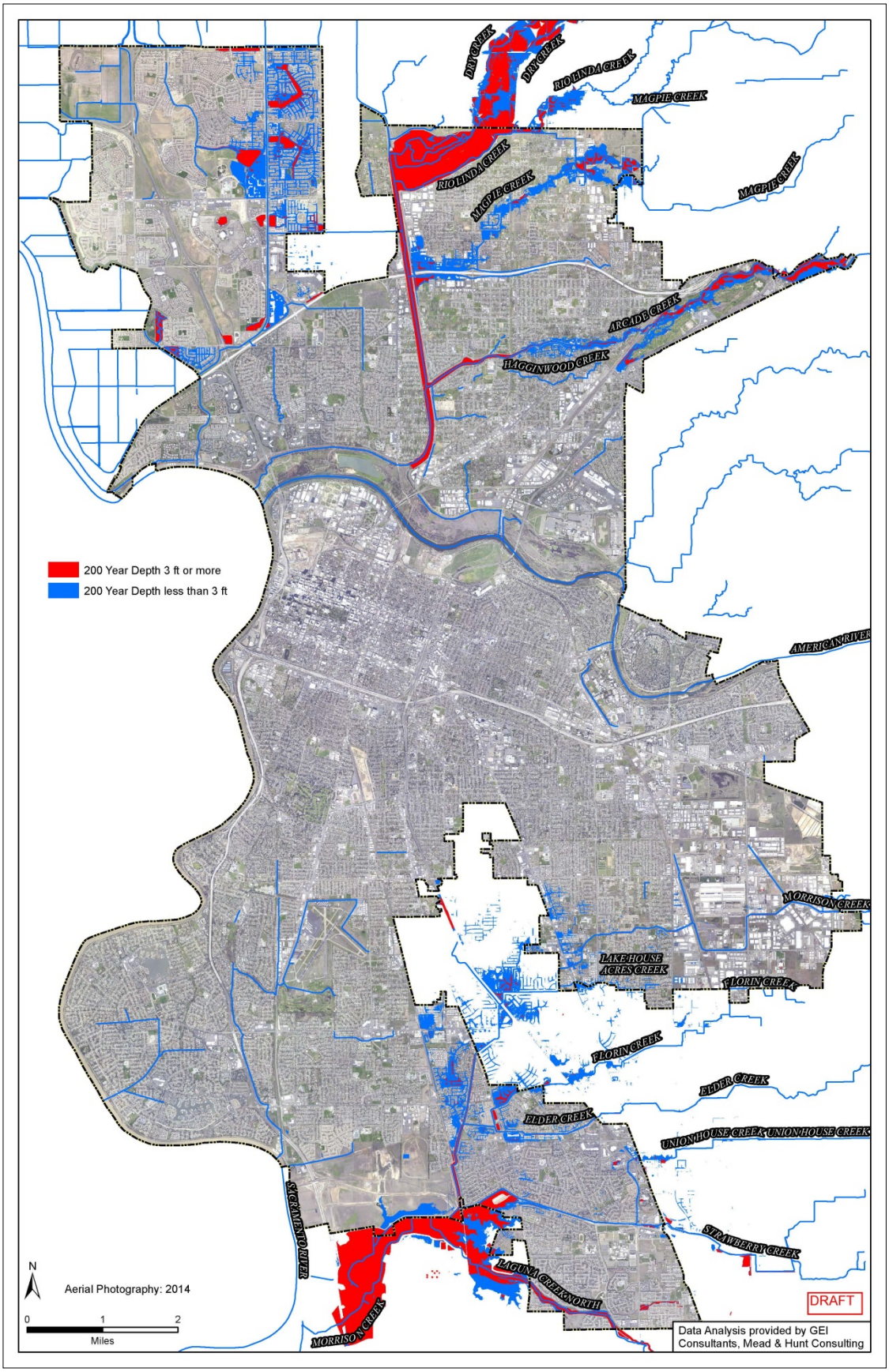
Area Covered by SAFCA's Improvements to the State Plan of Flood Control System



ATTACHMENT 5 –SAFCA Planned Improvements



Areas of Localized Flooding


DRY CREEK
DRY CREEK
RIO LINDA CREEK
MAGPIE CREEK
RIO LINDA CREEK
MAGPIE CREEK
MAGPIE CREEK
ARCADE CREEK
HAGGINWOOD CREEK
200 Year Depth 3 ft or more
200 Year Depth less than 3 ft
AMERICAN RIVER
MORRISON CREEK
LAKE HOUSE ACRES CREEK
FLORIN CREEK
FLORIN CREEK
ELDER CREEK
ELDER CREEK
UNION HOUSE CREEK
UNION HOUSE CREEK
SACRAMENTO RIVER
STRAWBERRY CREEK
LAGUNA CREEK NORTH
MORRISON CREEK
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Data Analysis provided by GEI Consultants, Mead & Hunt Consulting

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDINGVARIOUS SECTIONS OF CHAPTERS 15.104 AND 17.108, ADDING CHAPTER 17.810, AND AMENDING SECTION 18.116.110 OF THE SACRAMENTO CITY CODE, RELATING TO FLOODPLAIN MANAGEMENT

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

A. The definition of "flood hazard zone" is added to section 15.104.020 of the Sacramento City Code to read as follows:

> "Flood hazard zone" means an area subject to flooding that is delineated as either a special hazard area or an area of moderate hazard on an official flood insurance rate map issued by FEMA. The identification of flood hazard zones does not imply that areas outside the flood hazard zones, or uses permitted within flood hazard zones, will be free from flooding or flood damage.

B. Except as amended by subsection A above, all other provisions of section 15.104.020 remain unchanged and in effect.

SECTION 2.

Section 15.104.045 is added to the Sacramento City Code to read as follows:

> **15.104.045 Construction or development in flood hazard zone.**
>
> The decision-maker specified in title 17 must make one of the findings in chapter 17.810 prior to approving any of the following for construction or development within a flood hazard zone:
>
> 1. A development agreement;
>
> 2. A discretionary permit or other discretionary entitlement that would result in the construction of a new building or construction that would result in an increase in allowed occupancy for an existing building;

3. A ministerial permit that would result in the construction of a new residence; or

4. A tentative map, or a parcel map for which a tentative map is not required, for a subdivision.

SECTION 3.

A. The definition of "flood hazard zone" is added to section 17.108.070 of the Sacramento City Code to read as follows:

"Flood hazard zone" means an area subject to flooding that is delineated as either a special hazard area or an area of moderate hazard on an official flood insurance rate map issued by FEMA. The identification of flood hazard zones does not imply that areas outside the flood hazard zones, or uses permitted within flood hazard zones, will be free from flooding or flood damage.

B. Except as amended by subsection A above, all other provisions of section 17.108.070 remain unchanged and in effect.

SECTION 4.

A. The definition of "urban level of flood protection" is added to section 17.108.220 of the Sacramento City Code to read as follows:

"Urban level of flood protection" means the level of protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year using criteria consistent with, or developed by, the California Department of Water Resources. "Urban level of flood protection" shall not mean shallow flooding or flooding from local drainage that meets the criteria of the national FEMA standard of flood protection.

B. Except as amended by subsection A above, all other provisions of section 17.108.220 remain unchanged and in effect.

SECTION 5.

Chapter 17.810 is added to the Sacramento City Code to read as follows:

Chapter 17.810 FLOODPLAIN MANAGEMENT FINDINGS

17.810.010 Purpose and intent.

The purpose of this chapter is to comply with provisions of state law that require the city to make specific findings prior to approving certain land use entitlements and other permits for projects located within a flood hazard zone.

17.810.020 Development agreements.

The city council shall not approve the execution of a development agreement for property that is located within a flood hazard zone unless the city council finds, based on substantial evidence in the record, one of the following:

A. The facilities of the State Plan of Flood Control or other flood management facilities protect the property to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas;

B. The city has imposed conditions on the development agreement that will protect the property to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas;

C. The local flood management agency has made adequate progress (as defined in California Government Code section 65007) on the construction of a flood protection system that will result in flood protection equal to or greater than the urban level of flood protection in urban or urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas for property located within a flood hazard zone, intended to be protected by the system; or

D. The property in an undetermined risk area has met the urban level of flood protection.

17.810.030 Permits and entitlements.

The decision-maker, as designated in the Planning and Development Code, shall not approve a discretionary permit or other discretionary entitlement that would result in the construction of a new building or construction that would result in an increase in allowed occupancy for an existing building, or a ministerial permit that would result in

the construction of a new residence, for a project that is located within a flood hazard zone unless the decision-maker finds, based on substantial evidence in the record, one of the following:

A. The facilities of the State Plan of Flood Control or other flood management facilities protect the project to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas;

B. The city has imposed conditions on the permit or discretionary entitlement that will protect the project to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas;

C. The local flood management agency has made adequate progress (as defined in California Government Code section 65007) on the construction of a flood protection system that will result in flood protection equal to or greater than the urban level of flood protection in urban or urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas for property located within a flood hazard zone, intended to be protected by the system; or

D. The property in an undetermined risk area has met the urban level of flood protection based on substantial evidence in the record.

17.810.040 Maps.

The decision-maker, as designated in the Planning and Development Code, shall not approve a tentative map, or a parcel map for which a tentative map is not required, for a subdivision that is located within a flood hazard zone unless the decision-maker finds, based on substantial evidence in the record, one of the following:

A. The facilities of the State Plan of Flood Control or other flood management facilities protect the subdivision to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas;

B. The city has imposed conditions on the subdivision that will protect the project to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas;

C. The local flood management agency has made adequate progress (as defined in California Government Code section 65007) on the construction of a flood protection system which will result in flood protection equal to or greater than the

urban level of flood protection in urban or urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas for property located within a flood hazard zone, intended to be protected by the system; or

D. The property in an undetermined risk area has met the urban level of flood protection based on substantial evidence in the record.

SECTION 6.

A. Subsection A of section 18.16.110 of the Sacramento City Code is amended to read as follows:

A. After its public hearing, the city council in the exercise of its legislative discretion shall determine whether or not to approve and authorize execution of the proposed development agreement. The city council shall not approve the agreement unless it makes all of the following findings:

1. The agreement is consistent with the city general plan and the goals, policies, standards and objectives of any applicable specific or community plan;

2. The project should be encouraged in order to meet important economic, social, environmental or planning goals of any applicable specific or community plan;

3. The project would be unlikely to proceed in the manner proposed in the absence of a development agreement;

4. The landowner will incur substantial costs in order to provide public improvements, facilities or services from which the general public will benefit;

5. The landowner will participate in all programs established and/or required under the general plan or any applicable specific or community plan and all of its approving resolutions (including any mitigation monitoring plan), and has agreed to financial participation required under any applicable financing plan and its implementation measures, all of which will accrue to the benefit of the public;

6. The landowner has made commitments to a high standard of quality and has agreed to all applicable land use and development regulations~~.~~; and

7. One of the findings in section 17.810.020 of the Planning and Development Code.

B. Except as amended by subsection A above, all other provisions of section 18.16.110 remain unchanged and in effect.

SECTION 7.

This ordinance becomes effective July 1, 2016.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDINGVARIOUS SECTIONS OF CHAPTERS 15.104 AND 17.108, ADDING CHAPTER 17.810, AND AMENDING SECTION 18.116.110 OF THE SACRAMENTO CITY CODE, RELATING TO FLOODPLAIN MANAGEMENT

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

A. The definition of "flood hazard zone" is added to section 15.104.020 of the Sacramento City Code to read as follows:

> "Flood hazard zone" means an area subject to flooding that is delineated as either a special hazard area or an area of moderate hazard on an official flood insurance rate map issued by FEMA. The identification of flood hazard zones does not imply that areas outside the flood hazard zones, or uses permitted within flood hazard zones, will be free from flooding or flood damage.

B. Except as amended by subsection A above, all other provisions of section 15.104.020 remain unchanged and in effect.

SECTION 2.

Section 15.104.045 is added to the Sacramento City Code to read as follows:

> 15.104.045 Construction or development in flood hazard zone.
>
> The decision-maker specified in title 17 must make one of the findings in chapter 17.810 prior to approving any of the following for construction or development within a flood hazard zone:
>
> 1. A development agreement;
>
> 2. A discretionary permit or other discretionary entitlement that would result in the construction of a new building or construction that would result in an increase in allowed occupancy for an existing building;

3. A ministerial permit that would result in the construction of a new residence; or

4. A tentative map, or a parcel map for which a tentative map is not required, for a subdivision.

SECTION 3.

A. The definition of "flood hazard zone" is added to section 17.108.070 of the Sacramento City Code to read as follows:

> "Flood hazard zone" means an area subject to flooding that is delineated as either a special hazard area or an area of moderate hazard on an official flood insurance rate map issued by FEMA. The identification of flood hazard zones does not imply that areas outside the flood hazard zones, or uses permitted within flood hazard zones, will be free from flooding or flood damage.

B. Except as amended by subsection A above, all other provisions of section 17.108.070 remain unchanged and in effect.

SECTION 4.

A. The definition of "urban level of flood protection" is added to section 17.108.220 of the Sacramento City Code to read as follows:

> "Urban level of flood protection" means the level of protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year using criteria consistent with, or developed by, the California Department of Water Resources. "Urban level of flood protection" shall not mean shallow flooding or flooding from local drainage that meets the criteria of the national FEMA standard of flood protection.

B. Except as amended by subsection A above, all other provisions of section 17.108.220 remain unchanged and in effect.

SECTION 5.

Chapter 17.810 is added to the Sacramento City Code to read as follows:

Chapter 17.810 FLOODPLAIN MANAGEMENT FINDINGS

17.810.010 Purpose and intent.

The purpose of this chapter is to comply with provisions of state law that require the city to make specific findings prior to approving certain land use entitlements and other permits for projects located within a flood hazard zone.

17.810.020 Development agreements.

The city council shall not approve the execution of a development agreement for property that is located within a flood hazard zone unless the city council finds, based on substantial evidence in the record, one of the following:

A. The facilities of the State Plan of Flood Control or other flood management facilities protect the property to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas;

B. The city has imposed conditions on the development agreement that will protect the property to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas;

C. The local flood management agency has made adequate progress (as defined in California Government Code section 65007) on the construction of a flood protection system that will result in flood protection equal to or greater than the urban level of flood protection in urban or urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas for property located within a flood hazard zone, intended to be protected by the system; or

D. The property in an undetermined risk area has met the urban level of flood protection.

17.810.030 Permits and entitlements.

The decision-maker, as designated in the Planning and Development Code, shall not approve a discretionary permit or other discretionary entitlement that would result in the construction of a new building or construction that would result in an increase in allowed occupancy for an existing building, or a ministerial permit that would result in

the construction of a new residence, for a project that is located within a flood hazard zone unless the decision-maker finds, based on substantial evidence in the record, one of the following:

A. The facilities of the State Plan of Flood Control or other flood management facilities protect the project to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas;

B. The city has imposed conditions on the permit or discretionary entitlement that will protect the project to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas;

C. The local flood management agency has made adequate progress (as defined in California Government Code section 65007) on the construction of a flood protection system that will result in flood protection equal to or greater than the urban level of flood protection in urban or urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas for property located within a flood hazard zone, intended to be protected by the system; or

D. The property in an undetermined risk area has met the urban level of flood protection based on substantial evidence in the record.

17.810.040 Maps.

The decision-maker, as designated in the Planning and Development Code, shall not approve a tentative map, or a parcel map for which a tentative map is not required, for a subdivision that is located within a flood hazard zone unless the decision-maker finds, based on substantial evidence in the record, one of the following:

A. The facilities of the State Plan of Flood Control or other flood management facilities protect the subdivision to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas;

B. The city has imposed conditions on the subdivision that will protect the project to the urban level of flood protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas;

C. The local flood management agency has made adequate progress (as defined in California Government Code section 65007) on the construction of a flood protection system which will result in flood protection equal to or greater than the

urban level of flood protection in urban or urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in nonurbanized areas for property located within a flood hazard zone, intended to be protected by the system; or

D. The property in an undetermined risk area has met the urban level of flood protection based on substantial evidence in the record.

SECTION 6.

A. Subsection A of section 18.16.110 of the Sacramento City Code is amended to read as follows:

A. After its public hearing, the city council in the exercise of its legislative discretion shall determine whether or not to approve and authorize execution of the proposed development agreement. The city council shall not approve the agreement unless it makes all of the following findings:

1. The agreement is consistent with the city general plan and the goals, policies, standards and objectives of any applicable specific or community plan;

2. The project should be encouraged in order to meet important economic, social, environmental or planning goals of any applicable specific or community plan;

3. The project would be unlikely to proceed in the manner proposed in the absence of a development agreement;

4. The landowner will incur substantial costs in order to provide public improvements, facilities or services from which the general public will benefit;

5. The landowner will participate in all programs established and/or required under the general plan or any applicable specific or community plan and all of its approving resolutions (including any mitigation monitoring plan), and has agreed to financial participation required under any applicable financing plan and its implementation measures, all of which will accrue to the benefit of the public;

6. The landowner has made commitments to a high standard of quality and has agreed to all applicable land use and development regulations; and

7. One of the findings in section 17.810.020 of the Planning and Development Code.

B. Except as amended by subsection A above, all other provisions of section 18.16.110 remain unchanged and in effect.

SECTION 7.

This ordinance becomes effective July 1, 2016.