

**ITEM V-C: GENERAL PLAN AMENDMENT – CITYWIDE – GENERAL PLAN UPDATE 2015:
FLOOD LEGISLATION – PL15-0053**

REQUEST

The City is processing a General Plan Amendment to update the text and policies within the Land Use Element, Open Space and Conservation Element, and Safety Element consistent with the requirements of SB 5, which requires cities and counties to amend their general plans to reflect new informational requirements and standards for flood protection.

Applicant – City of Roseville

SUMMARY RECOMMENDATION

The Planning Division recommends that the Planning Commission take the following action:

- A. Recommend the City Council approve the General Plan Amendment.

SUMMARY OF OUTSTANDING ISSUES

There are no outstanding issues associated with this request.

BACKGROUND

The Central Valley Flood Protection Act of 2008 (SB 5, 2007) and its subsequent amendments, SB 1278 (2012), AB 1965 (2012), and AB 1259 (2013) includes new requirements and standards for flood protection that relate to land use planning. The fundamental change imposed through this legislation is the directive for local agencies to revise their General Plans no later than July 2, 2015 to address flood risk for affected land use decisions based on an Urban Level of Flood Protection. The Urban Level of Flood Protection (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 or 0.5% chance of occurrence during any storm season (also referred to as the 200-year floodplain). The legislation also requires the local agencies to revise their zoning codes to reflect this new standard within one year following the adoption of their revised General Plans. In areas not subject to the ULOP standards, the 100-year floodplain standards will continue to apply.

Key provisions within the legislation require that five locational criteria must all be met in order for the ULOP to apply. While all areas of the City meet two of the criteria (the City is an urban area of more than 10,000 people and the City is within the Sacramento-San Joaquin Valley) only certain areas of the City meet the remaining three criteria. These are:

- 1) Areas located within a flood hazard zone that is mapped as either a special hazard area or an area of moderate hazard on FEMA's official (i.e., effective) Flood Insurance Rate Map for the National Flood Insurance Program;
- 2) Areas located within an area with a potential flood depth above 3 feet, from sources other than localized conditions; and
- 3) Areas located within a watershed with a contributing area of more than 10 square miles.

As required by SB 5 and its subsequent amendments, the project includes the following:

- The combination of the City’s 100-year floodplain, ULOP floodplain, and FEMA floodplain is referred to in the updated General Plan as the City’s Regulatory Floodplain.
- Amendment of the Land Use Element to include a reference to the Safety Element map identifying existing and planned development areas within the regulated floodplain according to Federal Emergency Management Agency (FEMA), City 100-year floodplain mapping, and ULOP floodplain mapping.
- Amendment of the Open Space and Conservation Element setting and background to reflect the current regulatory environment.
- Amendment of the Safety Element to identify and revise flood hazard information and policies which protect communities from flooding risks as follows:
 - Revise the Setting, Outlook, and Floodplain Designations portions of the Flood Protection section to reflect the updated regulatory environment and to identify sources of floodplain mapping and hazard data.
 - Revise the Floodplain Designation Policy and the Implementation Measures sections to include definitions and floodplain development regulations/implementation for the ULOP floodplain.
 - Provide new floodplain maps showing the extent of the FEMA 100-year, City’s regulatory 100-year, and ULOP floodplains.

The redline version of the proposed amendments are included as attachments to this staff report. Exhibit A is change-pages for the Land Use Element. Exhibit B is change-pages for the Open Space and Conservation Element. Exhibit C is change-pages for the Safety Element, a map of the City’s Regulatory Floodplain (Figure VIII-2 of the Safety Element), and the land use map with the City’s Regulatory Floodplain overlay (Figure VIII-3 of the Safety Element).

The fundamental directive of the State legislation is the requirement for new development to demonstrate the attainment of the ULOP. The motivation of the floodplain legislation was to protect urban areas from damaging floods resulting from levee failure. This is why the ULOP legislation only applies to the Sacramento-San Joaquin Valley—the greater part of which relies heavily on levees—rather than statewide. It is also why the legislation is further restricted to creeks with relatively large watersheds of 10 square miles or more. Creeks with small watershed areas may flood, but flooding is of extremely limited duration when compared to larger river systems. The Sacramento and San Joaquin River systems may take days to reach their peak flood depths, whereas the creeks in Roseville can peak after a few hours. Finally, it excludes areas of shallow flooding (three feet or less), because shallow floods may cause some property damage but are overall less of a threat both to property and life safety. As a result of the legislation, staff undertook a process of determining which areas of the City were affected by the legislation, and what impact the updated floodplain might have on existing and proposed development in the City.

EVALUATION

Much of the proposed changes to the General Plan are in the background and text sections of the affected Elements, and simply update those sections to reflect the current regulatory and City environment. The fundamental change proposed is to alter the General Plan policy language to strike “100-year floodplain” and “Nolte study floodplain” and replace them with the “City’s Regulatory Floodplain.”, which includes the ULOP or 200-year floodplain. As required by adopted State law, the various City regulations requiring preservation of the floodplain and elevation of structures above the floodplain will include the ULOP floodplain.

City staff undertook a process of hiring a consultant to determine which creeks the ULOP location criteria would apply to within the City's two primary watersheds: The Dry Creek and Pleasant Grove Creek watersheds, and how the ULOP could affect City lands. Staff determined that the ULOP criteria will apply to Dry Creek and four major tributaries within the Dry Creek watershed, consisting of Linda Creek, Antelope Creek, Secret Ravine, and Miners Ravine. The ULOP criteria will also apply to the main stem of Pleasant Grove Creek within the Pleasant Grove watershed.

Even in these locations, the hydraulic modeling analysis performed by the City's consultant concluded that very little area along these creeks was affected by the ULOP. The resulting maps are included as Exhibits to this staff report, for inclusion in the General Plan. In some cases, the ULOP floodplain extends over less area than the City's 100-year floodplain. This is partly due to differences in the topographical data used to map the two floodplains; the 100-year floodplain data within the Dry Creek watershed is derived primarily from FEMA's terrain model and is based on older information. The other reason is because the regulated 100-year floodplain extends all the way to the shallow floodplain boundary, while the ULOP boundary ends when the flood depth is three feet or less.

After the modeling analysis was completed, City staff examined the data to determine the effect on land uses. As can be seen in the map contained in Exhibit A, both the ULOP and the 100-year floodplains along Pleasant Grove Creek are almost entirely contained within existing or planned open space and recreation areas. This is generally because these areas of Roseville were planned and/or developed relatively recently in the City's history, based upon more modern floodplain management practices and more accurate topographical mapping data.

The areas where the floodplain extends out into residential or commercial areas is found in the older areas of the City along Dry Creek, where development was planned and implemented prior to the creation of the National Flood Insurance Program (in 1968) and prior to more modern floodplain management practices. These areas are already affected by the 100-year floodplain, and some areas will now also be affected by the ULOP. In the future, any new habitable structure along those streams affected by the ULOP floodplain will need to be elevated slightly higher (less than one foot) than it would have been prior to the legislation. For existing structures, additional elevation would only be required if the owner undertook a "substantial improvement" to the structure (as defined within the City's Flood Damage Prevention Ordinance as any work in a 10-year period which is worth 50% or more of the value of the structure). While the ULOP will affect the required elevation of structures, it has no impact on flood insurance. The National Flood Insurance Program is a federal program, and is not affected by state legislation.

COMMUNITY OUTREACH

City staff held an informational meeting at the Civic Center on April 2, 2015 at 6:00 pm. Notices for the meeting were mailed to agencies, neighboring jurisdictions, and to all of the neighborhood associations in the City. Staff verified that the notice for the informational meeting was posted to the Roseville Coalition of Neighborhood Associations website. In addition, a legal notice was placed in the Press Tribune on . However, despite outreach efforts, there were no attendees. These same groups also received the notice of intent for the Initial Study/Negative Declaration and the notice of the Planning Commission hearing. At the time of staff report preparation, no written comments on the Initial Study/Negative Declaration had been received.

CONCLUSION

The proposed General Plan Amendments will have only minor effects on properties within the City. The majority of land within the City is unaffected by the legislation, and most of the affected areas are

already within areas designated for open space or recreation land uses. Only small areas of residential or commercial development are affected by the ULOP, and these areas are already affected by the 100-year floodplain. Potentially affected property owners will need to check with the City to determine how the ULOP may affect their properties. The City has existing processes in place to handle floodplain information requests, at no cost to citizens. The process is easy. Citizens complete a Request for Flood Hazard Information form, available from the City; the form only requires a name, address, and contact information. City staff would complete the form with floodplain information, including the base floodplain elevation.

Staff has reviewed the new requirements and concludes that incorporating the adopted State legislation into the City's General Plan will have relatively minimal effects on citizens, and recommends adoption.

ENVIRONMENTAL DETERMINATION

Pursuant to the CEQA Guidelines, an Initial Study was prepared to examine the potential environmental effects of the project. The Planning Division determined that the project will not have a significant adverse effect on the environment, and proposes the adoption of a Negative Declaration with no mitigation required. The Initial Study was circulated for a 30-day public review period that began on March 20 and ended on April 20, 2015. At this time, no comment letters have been received.

RECOMMENDATION

The Planning Division recommends the Planning Commission take the following action:

- A. Recommend the City Council approve the **GENERAL PLAN AMENDMENT – CITYWIDE – GENERAL PLAN UPDATE 2015: FLOOD LEGISLATION – PL15-0053.**

Attachments

1. Initial Study/Negative Declaration

Exhibits

- A. Land Use Element change pages
- B. Conservation and Open Space Element change pages
- C. Safety Element change pages and Floodplain Exhibits

Note to Applicant and/or Developer: Please contact the Planning Division staff at (916) 774-5276 prior to the Commission meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Commission in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning Manager at, or prior to, the public hearing.