

RESOLUTION NO. 16-60

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIPON APPROVING THE GENERAL PLAN AMENDMENT COMMUNITY HEALTH AND SAFETY ELEMENT PURSUANT TO THE REQUIREMENTS OF CALIFORNIA SENATE BILL 5 AND ASSOCIATED LEGISLATION RELATED TO PROVISION OF 200-YEAR FLOOD PROTECTION FOR CALIFORNIA URBAN AREAS

WHEREAS, in 2008 the California Legislature enacted, and the Governor signed, the Central Valley Protection Act ("Act"), which directed the Department of Water Resources ("DWR") to prepare and the Central Valley Flood Protection Board ("CVFPB") to adopt the Central Valley Flood Protection Plan ("CVFPP") by July 1, 2012; and

WHEREAS, on June 29, 2012, the CVFPB adopted a CVFPP that established a vision and process for reducing flood risk in the Sacramento and San Joaquin River basins; and

WHEREAS, the Act requires the City to revise its General Plan and Municipal Code to provide additional information and planning with regards to potential flooding; and

WHEREAS, to comply with the Act's requirements, City staff prepared an amendment to the general plan and municipal code, which provides additional flood planning, flood data and State-mandated findings related to 200-year flood protection; and

WHEREAS, notice of the proposed General Plan Amendment was delivered by first class mail to the Native American Heritage Commission on June 15, 2016 for a ninety (90) day review and consultation period; and

WHEREAS, the Government Code Section 65353 requires the Planning Commission to hold at least one noticed, public hearing on any proposed general plan amendment; and

WHEREAS, the Government Code further requires that the City Council receive input from the Planning Commission on any proposed general plan amendment and code text amendment; and

WHEREAS, the Planning Commission has reviewed the proposed general plan amendment and code text amendment and conducted a public hearing on July 18, 2016 and with a 4-0 vote, approved Planning Commission Resolution No. 16-04, recommending to the City Council approve the General Plan Amendment and Zoning Text Amendment; and

WHEREAS, notice of the public hearing on the proposed Resolution was published in the *Manteca Bulletin*, a newspaper of general circulation, on July 21, 2016; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ripon, after all proceedings have been duly held as required by law, as follows:

1. Approve the Amendments to the General Plan Community Health and Safety Element attached hereto as Exhibit A and incorporated herein by this reference, based on the following findings:
 1. General Plan Amendment Findings. That pursuant to California Government Code section 65358, the Planning Commission finds as follows:
 - a. It is in the public interest to adopt the proposed General Plan Amendment.
 - b. The City has provided opportunities for the involvement of citizens, California Native American Indian tribes, public agencies, public utility companies, and civic, education, and other community groups pursuant to Government Code 65351.
 - c. That the proposed amendments have been processed in accordance with the California Government Code, the Ripon Municipal Code and the California Environmental Quality Act.
 2. That, based on the findings set forth in this Resolution, the evidence in the City Staff Report, and such other evidence as received at the public hearings on this matter before the City Council, the City Council hereby approves the General Plan Amendment as included as Exhibit A to this Resolution.
 3. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City Council of the City of Ripon hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), clause(s), phrase(s), or word(s) be declared invalid.
 4. The City has completed the environmental review on the General Plan Amendment to the Community Health and Safety Element and has determined that the proposed General Plan Amendment exempt from

analysis under the California Environmental Quality Act (CEQA) under the general rule that CEQA applies only to projects that have the potential for causing significant environmental effects, as specified in Section 15061(b)(3). The General Plan Amendment implements State-mandated requirements related to 200-year flood protection. All future requests for discretionary approvals relating to a Project would be required to comply with the City's General Plan, Codes and Regulations and will be subject to CEQA compliance.

PASSED AND ADOPTED at a regular meeting of the City of Ripon City Council this 9th day of August, 2016, by the following vote:

AYES: Uecker, Winchell, Restuccia, Zuber, Parks

NAYS: None

ABSENT: None

ABSTAINING: None

THE CITY OF RIPON,
A Municipal Corporation

By: _____



Jacob Parks, MAYOR

ATTEST:



Lisa Roos, City Clerk

Attachments:
Exhibit A: General Plan Amendment