



CITY OF RIVERBANK
**REGULAR CITY COUNCIL AND THE
 LOCAL REDEVELOPMENT AUTHORITY MEETINGS**
 (The City Council also serves as the LRA Board)
 City Hall North • Council Chambers
 6707 Third Street • Suite B • Riverbank • CA • 95367

AGENDA

TUESDAY, SEPTEMBER 13, 2016 – 6:00 P.M.

(THE AGENDA PACKET IS POSTED AT THE CITY CLERK’S OFFICE AND AT WWW.RIVERBANK.ORG)

- CALL TO ORDER:** Mayor/Chair Richard D. O’Brien
- FLAG SALUTE:** Mayor/Chair Richard D. O’Brien
- INVOCATION:** Riverbank Ministerial Association
- ROLL CALL:** Mayor/Chair Richard D. O’Brien
 Vice Mayor/Chair Jeanine Tucker
 Council/Authority Member Darlene Barber-Martinez
 Council/Authority Member Cal Campbell
 Council/Authority Member Leanne Jones Cruz
- AGENDA CHANGES:** Mayor/Chair Richard D. O’Brien

CONFLICT OF INTEREST
 Any Council/Authority Member or Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered is to declare their conflict at this time.

1. PRESENTATIONS

Item 1.1 Proclaiming September 17 through September 23 Constitution Week.

2. PUBLIC COMMENTS (No Action Can Be Taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council/LRA Board. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the City Council/LRA Board.

3. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council/LRA Board unless otherwise requested by an individual Council/Authority Member for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 3.A: Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 3.B: Approval of the May 24, 2016, City Council and Local Redevelopment Authority Minutes.

Item 3.B-1: Approval of the May 31, 2016, Special City Council Minutes.

Item 3.B-2: Approval of the June 28, 2016, City Council and Local Redevelopment Authority Minutes.

Item 3.B-3: Approval of the July 19, 2016, Special City Council Minutes.

Item 3.C: Adopt a **Resolution** Approving and Authorizing a New Wastewater Treatment Plant Maintenance Technician Trainee, I, and II, Job Classification Series, and Respective Salary Ranges.

Recommendation: It is recommended that City Council/LRA Board approve the Consent Calendar items by roll call vote.

4. UNFINISHED BUSINESS

Item 4.1: **Second Reading by Title Only and Adoption of Proposed Ordinance No. 2016-006 of the City Council of the City of Riverbank, California, Amending the Riverbank Municipal Code by Repealing in its Entirety Chapter 151: Floodplain Management of Title XV: Land Usage and Substituting it with a New Chapter 151: Floodplain Management; and Amending Chapter 152 and 153 to Address the Requirements Of California Senate Bill 5 (2007) And Associated Legislation Related To Provision of 200-Year Flood Protection to California Urban Areas –** It is recommended that the City Council conduct the second reading by title only of proposed Ordinance No. 2016-006 and consider its adoption by roll call vote.

5. PUBLIC HEARINGS

The Public Hearing Notices for public hearing items to be considered by the City Council were published in the local newspaper of general circulation on: Item 5.1 on 08/31/16, and Item 5.2 on 08/03/16 and 08/10/16, and A Notice of Continuance was posted (within 24 hours of the 08/23/16 City Council Meeting) on 08/24/16 by the City Clerk.

Item 5.1: **Adopt a Resolution of the City Council of the City of Riverbank, California, Approving the General Plan Amendment to Modify the Typical Street Design by Classification and Type Illustrated in Table CIRC-2 of the Riverbank 2005-2025 General Plan Circulation Element**

- It is recommended that the City Council consider adoption of the proposed Resolution to modify the typical street design by classification and type illustrated in Table CIRC-2 of the Riverbank 2005-2025 General Plan Circulation Element and find the project exempt under Article 12 Section 15183 of the CEQA Guidelines.

Item 5.2: **A Resolution of the City Council of the City of Riverbank, California, for the Approval of Proposed Development Services Administration Encroachment Permit Fees** – It is recommended that the City Council consider the adoption of a Resolution to approve proposed Development Services Administration Encroachment Permit Fees.

6. NEW BUSINESS There are no items to consider.

7. COMMENTS (Information only – No action)

Item 7.1: Staff Comments

Item 7.2: Council/Authority Member Comments

Item 7.3: Mayor/Chair Comments

8. CLOSED SESSION

The public will have a limit of 5 minutes to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board recessing into Closed Session.

Item 8.1: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Government Code § 54956.9(a)

Name of Case: Barham Construction, Inc. v. City of Riverbank

Court of Appeals of California, Fifth District

Case No. F058692 and Case No. F059499

Recommendation: It is recommended that City Council /LRA Board provide direction to Staff on the Closed Session item(s).

9. REPORT FROM CLOSED SESSION

Item 9.1: Report from Closed Session Item 8.1: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

ADJOURNMENT (The next regular City Council meeting –Tuesday, Sept. 27 @ 6 pm)

AFFIDAVIT OF POSTING

I, Annabelle Aguilar, do hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted 72 hours prior to the meeting in accordance to the Brown Act.

Posted this 8th day of September, 2016

/s/Annabelle H. Aguilar, CMC, City Clerk /LRA Recorder

Notice Regarding Americans with Disabilities Act: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (209) 863-7122 or cityclerk@riverbank.org. Notification 72-hours before the meeting will enable the City to make reasonable arrangements to ensure any special needs are met. [28 CFR 35.102-35.104 ADA Title II].

Notice Regarding Non-English Speakers: Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Riverbank City Council/LRA Board shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

GENERAL INFORMATION

Meeting Schedule	<p><u>Regular City Council Meetings:</u> 6:00 p.m. on the 2nd and 4th Tuesday of every month, unless otherwise noticed.</p> <p><u>Local Redevelopment Authority Board:</u> Meets on an "as needed" basis. The City Council also serves as the LRA Board.</p>
City Council / LRA Agenda & Reports	<p>The City Council/LRA Board agenda is posted pursuant to the California Brown Act, which only requires these agenda title pages to be posted near the entrance of the location where the meeting is to be held and, when technologically able, on the City's website. Additional documents may be provided by the City in its efforts of transparency to keep the public well informed. The agenda packet (agenda plus supporting documents) are posted for public review at the City Clerk's Office, 6707 Third Street, Riverbank, CA and at www.riverbank.org upon distribution to a majority of the City Council/LRA Board. A subscription to receive the agenda can be purchased for a nominal fee through the City Clerk's Office.</p>
Public Hearings	<p>In general, a public hearing is an open consideration within a regular meeting of the City Council or a meeting of the LRA, for which special notice has been given and may be required. During a specified portion of the hearing, any resident or concerned individual is invited to present protests or offer support for the subject under consideration.</p>
Televised / Video of Meetings	<ul style="list-style-type: none"> • Charter – Channel 2 • AT&T Uverse – Channel 99 <p>Visit www.riverbank.org to connect to meeting videos. (Note: Technical difficulty occurs on occasion preventing the televising or recording of the meeting.)</p>
City Hall Hours	<p>City Hall is open Monday – Thursday; 7:30 am – 5:30 pm and Fridays: 8:00 am – 5:00 pm; CLOSED alternating Fridays</p>
Questions	<p>Contact the City Clerk at (209) 863-7122 or cityclerk@riverbank.org</p>

Any documents that are not privileged or part of a Closed Session provided to a majority of the City Council/LRA Board after distribution of the agenda packet, regarding any item on this agenda, will be made available for public inspection at North City Hall, 6707 Third Street, Riverbank, CA, during normal business hours. 4

**CITY OF RIVERBANK
PROCLAMATION**

CONSTITUTION WEEK

WHEREAS, the Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS, September 17, 2016, marks the two hundred twenty-ninth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23, 2016, as Constitution Week.

NOW, THEREFORE, LET IT BE PROCLAIMED by the City Council of the City of Riverbank that the week of September 17th through 23rd is

CONSTITUTION WEEK

and we ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

September 13, 2016

Richard D. O'Brien
Mayor, City of Riverbank

RIVERBANK CITY COUNCIL / LRA AGENDA ITEM NO. 3.A

SECTION 3: CONSENT CALENDAR

Meeting Date:	September 13, 2016
Subject:	Waiver of Readings
From:	Marisela H. Garcia, Interim City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

RECOMMENDATION

It is recommended that the City Council / LRA Board approve the waiver of readings of Ordinances and Resolutions, except by title.

SUMMARY

The approval of the waiver of readings will allow Ordinances and Resolutions to be introduced by title only and acted upon without the need to read the entire text of the item into the public record. The documents related to proposed Ordinances and Resolutions are available for review by the public on the City's website and in the City Clerk's office at City Hall (North).

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENTS

There are no attachments to this report.

**RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 3.B**

SECTION 3: CONSENT CALENDAR

Meeting Date:	September 13, 2016
Subject:	Approval of the May 24, 2016, City Council and Local Redevelopment Authority Minutes
From:	Marisela H. Garcia, Interim City Manager/Finance Director
Submitted by:	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

RECOMMENDATION

It is recommended that the City Council / Local Redevelopment Authority Board approve the City Council /LRA Meeting Minutes as presented.

SUMMARY

The Draft Minutes of the May 24, 2016, regular City Council and the Local Redevelopment Authority Board meetings have been prepared for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT

1. May 24, 2016, City Council and LRA Minutes



**CITY OF RIVERBANK
REGULAR CITY COUNCIL AND THE
LOCAL REDEVELOPMENT AUTHORITY MEETINGS**
(The City Council also serves as the LRA Board)
**MINUTES OF
TUESDAY, MAY 24, 2016**



CALL TO ORDER:

The City Council and Local Redevelopment Authority Board of the City of Riverbank met at 6:00 p.m. on this date in the Riverbank City Council Chamber, located at 6707 Third Street, Suite B, Riverbank, California, with Mayor/Chair Richard D. O'Brien presiding.

FLAG SALUTE: Mayor/Chair Richard D. O'Brien

INVOCATION: Reverend Charles Neal, Riverbank Ministerial Association

ROLL CALL:

Present: Mayor/Chair Richard D. O'Brien
Vice Mayor/Chair Jeanine Tucker
Council/Authority Member Darlene Barber-Martinez
Council/Authority Member Cal Campbell
Council/Authority Member Leanne Jones Cruz

AGENDA CHANGES: Mayor/Chair Richard D. O'Brien – *announced that there were no changes to the agenda.*

CONFLICT OF INTEREST

Any Council/Authority Member or Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered this evening is to declare their conflict at this time.

No Conflict of Interest was declared.

1. PRESENTATIONS

Item 1.1: Proclamation Proclaiming June 2016 as Disability Awareness Month.

Mayor O'Brien presented the Proclamation to Ms. Carolyn Teixeira Gomes, Director of Development. Ms. Gomes presented Mayor O'Brien with a certificate for Outstanding Volunteer of the Year for his dedication and service to the Society for disABILITIES.

Item 1.2: Proclamation Declaring May 2016 as Older Americans Month.

Mayor O'Brien presented the Proclamation and a Certificate to Mr. Edward Jones. Mr. Jones thanked everyone for the recognition.

2. PUBLIC COMMENTS (No Action Can Be Taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council/LRA Board. Individual comments will be limited to a **maximum of 5-minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, please state your name and city of residence. Please make your comments directly to the City Council/LRA Board.

Scott McRitchie, Riverbank resident, spoke in regards to the great customer service observed at City Hall South during the water bill overcharges; the eviction of people along the Stanislaus River by the Army Corp of Engineers; and proposed the placement of a portable restroom at the Stanislaus & Third Street parking lot.

Edward Jones, Riverbank resident, recommended the City add a flea market to the Farmers' Market to increase attendance.

City Manager Jill Anderson responded to the comments.

3. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council/LRA Board unless otherwise requested by an individual Council/Authority Member for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 3.A: Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 3.B: Approval of the May 10, 2016, City Council and Local Redevelopment Authority Minutes.

LRA Item 3.C: Authorize the City Manager to Execute a Tolling Agreement between Watson Road Holding Corporation, DBA Stuart B. Milner & Associates and the City of Riverbank Local Redevelopment Authority.

Recommendation: It is recommended that City Council/LRA Board approve the Consent Calendar items by roll call vote.

ACTION: *By motion moved and seconded (Jones Cruz / Tucker / passed 5-0) to approve the Consent Calendar as presented. Motion carried by unanimous City Council/LRA Board roll call vote.*

Ayes: Barber-Martinez, Campbell, Jones Cruz, Tucker, and Mayor/Chair O'Brien

Nays: None / Absent: None / Abstained: None

4. UNFINISHED BUSINESS

There were no items to consider.

5. PUBLIC HEARINGS

The Public Hearing Notice for following public hearing Items 5.1 and 5.2 were published in the local newspaper of general circulation on May 11, 2016

Item 5.1: **Public Hearing to Adopt Resolution of Formation Establishing Community Facilities District No 2016-1 (Public Services); Call and Declare Results of a Special Landowner Election; and Introduce an Ordinance Authorizing the Levy of a Special Tax within the Boundaries of CFD 2016-1.**

Jill Anderson, City Manager, introduced Suzanna Medina of Willdan Financial Services, who presented the staff report.

Mayor O'Brien opened the Public Hearing at 6:26 p.m. and requested the tally of ballots. Sitting in for City Clerk Annabelle Aguilar, Sr. Community Development Specialist Janet Smallen, announced that six ballots were received for a total of sixty (60) votes with 55 votes in favor and 5 votes opposed. Mayor O'Brien asked if any other property owners from the proposed District wanted to give a written protest to the clerk; there was no response. The Mayor closed the Public Hearing at 6:28 p.m.

ACTION: *By motion moved and seconded (Jones Cruz / Tucker / passed 5-0) to adopt Resolution No. 2016-028, to Establish City of Riverbank Community Facilities District No. 2016-1 (Public Services), to Establish an Appropriations Limit Therefore, to Authorize the Levy of a Special Tax Therein, and to Submit the Establishment of an Appropriations Limit and the Levy of Special Taxes to the Qualified Electors Thereof. Motion carried by unanimous City Council roll call vote.*

*Ayes: Barber-Martinez, Campbell, Jones Cruz, Tucker, and Mayor O'Brien
Nays: None / Absent: None / Abstained: None*

ACTION: *By motion moved and seconded (Jones Cruz / Campbell / passed 5-0) to adopt Resolution No. 2016-029, Calling a Special Election and Submitting to the Qualified Electors of the City of Riverbank Community Facilities District No. 2016-1 (Public Services) Propositions Regarding the Establishment of an Appropriations Limit and the Annual Levy of a Special Tax Within The Community Facilities District. Motion carried by unanimous City Council roll call vote.*

*Ayes: Barber-Martinez, Campbell, Jones Cruz, Tucker, and Mayor O'Brien
Nays: None / Absent: None / Abstained: None*

Acting Clerk Janet Smallen declared the results of the Special Election: 55 votes in favor and 5 votes opposed to the Riverbank Community Facilities District No. 2016-1 (Public Services); CFD No. 2016-1 passed by over a 2/3rds vote.

ACTION: *By motion moved and seconded (Jones Cruz / Barber-Martinez / passed 5-0) to adopt Resolution No. 2016-030, Declaring the Results of a Special Election in the City of Riverbank Community Facilities District No. 2016-1 (Public Services) and Directing the Recording of a Notice of Special Tax Lien. Motion carried by unanimous City Council roll call vote.
Ayes: Barber-Martinez, Campbell, Jones Cruz, Tucker, and Mayor O'Brien
Nays: None / Absent: None / Abstained: None*

ACTION: *By motion moved and seconded (Jones Cruz / Barber-Martinez / passed 5-0) to Introduce by Title Only, Ordinance No. 2016-005 An Ordinance of the City Council of the City of Riverbank, California, Levying Special Taxes Within the City of Riverbank Facilities District No. 2016-1 (Public Services). Motion carried by unanimous City Council roll call vote.
Ayes: Barber-Martinez, Campbell, Jones Cruz, Tucker, and Mayor O'Brien
Nays: None / Absent: None / Abstained: None*

Item 5.2: **A Resolution of the City Council of the City of Riverbank, California, Authorizing the First Public Hearing for the 2016 Community Development Block Grant Notice of Funding Available (NOFA) Cycle** – It is recommended that the City Council hold the first public hearing regarding the submittal of a potential application for the 2016 Community Development Block Grant Notice of Funding Available.

Melissa Holdaway, LRA Administrative Analyst, presented the staff report.

Mayor O'Brien opened the Public Hearing at 6:35 p.m.; No one commented, the Mayor closed the Public Hearing at 6:36 p.m.

ACTION: *By motion moved and seconded (Barber-Martinez / Tucker / passed 5-0) to adopt Resolution No. 2016-067, Authorizing the First Public Hearing for the 2016 Community Development Block Grant Notice of Funding Available (NOFA) Cycle. Motion carried by unanimous roll call vote.
Ayes: Barber-Martinez, Campbell, Jones Cruz, Tucker, and Mayor O'Brien
Nays: None / Absent: None / Abstained: None*

6. NEW BUSINESS

Item 6.1: **Approval to Award the Zoning Code Update Project to JB Anderson Land Use Planning** – It is recommended that the City Council approve awarding the Zoning Code Update Project to JB Anderson Land Use

Planning based on the scope of work, proposed budget, and their expedient and exemplary completion of past projects for the City with the understanding that the contract will be presented at a later date when a funding source has been identified.

Donna Kenney, Building & Planning Manager, presented the staff report.

ACTION: *By motion moved and seconded (Tucker / Campbell / passed 5-0) to award the Zoning Code Update Project to JB Anderson Land Use Planning for \$135,032, when funding becomes available. Motion carried by unanimous roll call vote. Ayes: Barber-Martinez, Campbell, Jones Cruz, Tucker, and Mayor O'Brien Nays: None / Absent: None / Abstained: None*

LRA Item 6.2: **Accept Report on Status of LRA Budget for Third Quarter FY 2015/16** – It is recommended that the Local Redevelopment Authority (LRA) Board of Directors (Board) receive and approve the status report on the LRA budget for the third quarter of fiscal year 2015/16.

Melissa Holdaway, LRA Administrative Analyst presented the budget report.

Chair O'Brien commented on the movement by Stanislaus Consolidated Fire Protection District (SCFPD) and the Army Corps of Engineer regarding payment of the assessments, and requested to meet with the head of BRAC and Army Corp of Engineers.

7. COMMENTS (Information only – No action)

Item 7.1: Staff Comments

Parks & Recreation Director Sue Fitzpatrick reported on the status of the pool pump.

Public Works Superintendent Michael Riddell provided an update from the State Water Board.

City Manager Jill Anderson announced that the consideration of the Municipal Service Review/Sphere of Influence update will go before the Local Area Formation Commission on May 25, 2016.

Item 7.2: Council/Authority Member Comments

Council/Authority Member Leanne Jones Cruz reported on her attendance of the Historical Society's Omelet Breakfast.

Council/Authority Member Cal Campbell encouraged everyone to attend the Farmers' Market on Wednesday evenings.

Council/Authority Member Darlene Barber-Martinez announced the senior voucher program and the bicycle rodeo event at the next Farmers' Market event.

Vice Mayor/Chair Jeanine Tucker announced the Memorial Day event on Monday, at the Community Center.

Item 7.3: Mayor/Chair Comments

Mayor/Chair O'Brien: 1) responded to Mr. McRitchie's comments of the homeless; 2) stated he would like to see the LRA start moving forward with an MOU; and 3) invited everyone to attend the Memorial Day event.

8. CLOSED SESSION

The public will have a limit of 5 minutes to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board recessing into Closed Session.

MAYOR/CHAIR O'BRIEN ANNOUNCED THE CLOSED SESSION ITEMS AND OPENED FOR PUBLIC COMMENT; NO ONE SPOKE. THE MEETINGS WERE RECESSED AND THE CITY COUNCIL WENT INTO CLOSED SESSION AT 7:00 P.M.

LRA Item 8.1: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Government Code Section 54956.8

Property: APN 062-008-009; 062-031-005; 062-031-006; 062-031-007; and 062-031-009

Agency Negotiator: Jill Anderson, City Manager and Debbie Olson, LRA Executive Director

Property Negotiator: U.S. Army

Under Negotiation: Price, terms of payment, or both

Item 8.2: **CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code § 54957.6

Agency representative: Jill Anderson, City Manager

Unrepresented Employee organization: Executive Management

Recommendation:

It is recommended that City Council /LRA Board provide direction to Staff on the Closed Session item(s).

9. REPORT FROM CLOSED SESSION

MAYOR/CHAIR O'BRIEN RECONVENED THE MEETINGS AT 7:42 P.M.

LRA Item 9.1: Report on Closed Session LRA Item 8.1: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Chair O'Brien reported that direction was given to staff.

Item 9.2: Report from Closed Session Item 8.2: **CONFERENCE WITH LABOR NEGOTIATORS – Unrepresented Executive Management**

Mayor O'Brien reported that direction was given to staff.

ADJOURNMENT

There being no further business, Mayor/Chair O'Brien adjourned the meeting at 7:43 p.m.

ATTEST: *(Adopted 09/13/16)*

APPROVED:

Janet Smallen
Recorder

Richard D. O'Brien
Mayor / Chair

**RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 3.B-1**

SECTION 3: CONSENT CALENDAR

Meeting Date:	September 13, 2016
Subject:	Approval of the May 31, 2016, Special City Council Minutes
From:	Marisela H. Garcia, Interim City Manager/Finance Director
Submitted by:	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

RECOMMENDATION

It is recommended that the City Council approve the Special City Council Meeting Minutes as presented.

SUMMARY

The Draft Minutes of the May 24, 2016, special City Council meeting have been prepared for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT

1. May 31, 2016, Special City Council Minutes



CITY OF RIVERBANK
SPECIAL CITY COUNCIL MEETING
MINUTES OF
TUESDAY, MAY 31, 2016



CALL TO ORDER:

The City Council of the City of Riverbank met at 6:00 p.m. on this date to hold a Special Meeting in the Riverbank City Council Chamber, located at 6707 Third Street, Suite B, Riverbank, California, with Mayor Richard D. O'Brien presiding.

FLAG SALUTE: Mayor Richard D. O'Brien

ROLL CALL:

Present: Mayor Richard D. O'Brien
Vice Mayor Jeanine Tucker
Council Darlene Barber-Martinez
Council Cal Campbell

Absent: Council Leanne Jones Cruz (excused)

CONFLICT OF INTEREST

Any Council Member and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict at this time.

No Conflict of Interest was declared.

1. PUBLIC COMMENTS (No Action Can Be Taken)

Pursuant to Government Code in reference to a special meeting, the public has the opportunity to address the City Council only on items appearing on this special meeting notice. Individual comments are limited to a **maximum of 5 minutes** per person and each person may speak once during this time. Time cannot be yielded to another person.

There were no public comments.

2. BUSINESS

Item 2.1: **Resolution Authorizing the Appropriation of Funds for the Replacement of the Riverbank Community Swimming Pool Heater** – It is recommended that the City Council approve the Resolution Authorizing the Appropriation of Funds for the Replacement of the Riverbank Community Swimming Pool Heater.

Introduced by City Manager Jill Anderson and presented by Parks and Recreation Director Sue Fitzpatrick.

Action: *By motion, moved and seconded (Tucker / Campbell / passed 4-0) to adopt Resolution No. 2016-068 of the City Council of the City of Riverbank, California, Authorizing the Appropriation of Funds for the Replacement of the Riverbank Community Swimming Pool Heater.*

Ayes: Barber-Martinez, Campbell, Tucker, and Mayor O'Brien

Nays: None / Absent: Jones Cruz / Abstained: None

Item 2.2: **Update on Application to LAFCO for a Municipal Service Review/Sphere of Influence Update** – It is recommended that the City Council provide comment as needed in response to a verbal report on the status of the City's application to the Stanislaus County Local Agency Formation Commission (LAFCO) for an update to the City's Municipal Service Review/Sphere of Influence Update (MSR-SOI Update).

Introduced by Jill Anderson, City Manager, and presented by John Anderson, Contract City Planner.

City Council and Staff discussion ensued.

Public Comment: *Resident Evelyn Halbert inquired about the collection of the Mitigation Impact Fees and who will be paying said fees. Mayor O'Brien responded.*

3. COMMENTS

Any closing comments to be made at this time.

Parks and Recreation Director Sue Fitzpatrick reported on her meeting with Mr. Guy Berkey, RiverFest emcee, in regards to arranging a concert at Jacob Myers Park on June 24, and reported on her attendance of the Friends of Jacob Myers Park Meeting.

Mayor O'Brien requested that staff announce the Cooling Zone sites and to also not have water shut-offs occur during this time for safety purposes.

4. CLOSED SESSION

The public will have a limit of 5 minutes to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board recessing into Closed Session.

Mayor O'Brien announced the Closed Session item and opened for Public Comment; no one spoke. The Meeting was recessed to Closed Session at 6:59 p.m.

Item 4.1: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
Property: 23701 South Santa Fe Road, Escalon, APN 249-060-12
Agency Negotiator: Jill Anderson
Negotiating Parties: Sharifa Noori
Under Negotiation: Instructions to negotiator will include price and payment terms.

Recommendation: It is recommended that City Council provide direction to Staff on the Closed Session item.

5. REPORT FROM CLOSED SESSION

Mayor O'Brien reconvened the Meeting at 7:15 p.m.

Item 5.1: Report on Closed Session Item 4.1: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Mayor O'Brien reported that direction was given to staff.

ADJOURNMENT

There being no further business, Mayor O'Brien adjourned the meeting at 7:15 p.m.

ATTEST: *(Adopted 09/13/16)*

APPROVED:

Luanne Bain
Recorder

Richard D. O'Brien
Mayor

**RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 3.B-2**

SECTION 3: CONSENT CALENDAR

Meeting Date:	September 13, 2016
Subject:	Approval of the June 28, 2016, City Council and Local Redevelopment Authority Minutes
From:	Marisela H. Garcia, Interim City Manager/Finance Director
Submitted by:	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

RECOMMENDATION

It is recommended that the City Council / Local Redevelopment Authority Board approve the City Council /LRA Meeting Minutes as presented.

SUMMARY

The Draft Minutes of the June 28, 2016, regular City Council and the Local Redevelopment Authority Board meetings have been prepared for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT

1. June 28, 2016, City Council and LRA Minutes



**CITY OF RIVERBANK
REGULAR CITY COUNCIL AND THE
LOCAL REDEVELOPMENT AUTHORITY MEETINGS**
(The City Council also serves as the LRA Board)
**MINUTES OF
TUESDAY, JUNE 28, 2016**



CALL TO ORDER:

The City Council and Local Redevelopment Authority Board of the City of Riverbank met at 6:00 p.m. on this date in the Riverbank City Council Chamber, located at 6707 Third Street, Suite B, Riverbank, California, with Mayor/Chair Richard D. O'Brien presiding.

FLAG SALUTE: Mayor/Chair Richard D. O'Brien

INVOCATION: Reverend Charles Neal, Riverbank Ministerial Association

ROLL CALL:

Present: Mayor/Chair Richard D. O'Brien
Vice Mayor/Chair Jeanine Tucker
Council/Authority Member Darlene Barber-Martinez
Council/Authority Member Cal Campbell
Council/Authority Member Leanne Jones Cruz

CONFLICT OF INTEREST

Any Council/Authority Member or Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered this evening is to declare their conflict at this time.

Conflict of Interest declared by Council/Authority Members Barber-Martinez, Jones Cruz, Vice Mayor/Chair Tucker, and Mayor/Chair Richard D. O'Brien with Item 5.2.

1. PRESENTATIONS

Item 1.1: Update on the 2016 Slurry Seal Project.

Bill Kull, Contract Engineer with Giuliani & Kull, provided the update of the 2016 Slurry Seal Project.

Item 1.2: Report on the Status of the Repair of the Block Wall at the Southeast corner of Prouty Way and Oakdale Road.

Michael Riddell, Public Works Superintendent, provided the update on the damaged wall at Prouty Way and Oakdale Road.

2. PUBLIC COMMENTS (No Action Can Be Taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council/LRA Board. Individual comments will be limited to a **maximum of 5-minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, please state your name and city of residence. Please make your comments directly to the City Council/LRA Board.

Scott McRitchie, Riverbank resident, spoke in regards to his concerns with the slurry seal project, and the new meter project.

Margarita Avey (sp), Riverbank resident and a leader at St. Frances of Rome, spoke in regards to the traffic and safety of crossing Highway 108 (Callander) and Topeka, Santa Fe, and Stanislaus Streets to get to the church.

Victor Orosco, Riverbank resident, agreed with the previous comments on the traffic and safety concerns crossing Highway 108 and requested the City's help.

Mrs. Rodriguez, read a letter in Spanish (interpreted in summary by staff member Alvaro Zamora) in regards to witnessing her son almost being hit; requested the City help provide a safe crossing to and from the church.

Scott McRitchie spoke in regards to his concerns of vehicles parking too close to the intersection at Bell Dentistry (108/Topeka Street) and recommended eliminating the use of the car space closest to the intersection.

City Manager Jill Anderson and Mayor O'Brien reported on the action to-date in communicating with Caltrans to address the concerns of crossing Highway 108.

3. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council/LRA Board unless otherwise requested by an individual Council/Authority Member for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 3.A: Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 3.B: Approve the Minutes of the June 14, 2016, City Council / Local Redevelopment Authority Meeting.

Recommendation: It is recommended that City Council/LRA Board approve the Consent Calendar items by roll call vote.

Action: *By motion moved and seconded (Barber-Martinez / Tucker / passed 5-0) to approve the Consent Calendar as presented. Motion carried by unanimous City Council and LRA Board roll call vote.*
Ayes: Barber-Martinez, Campbell, Jones Cruz, Tucker, and Mayor/Chair O'Brien
Nays: None / Absent: None / Abstain: None

4. UNFINISHED BUSINESS There were no items to consider.

5. PUBLIC HEARINGS

Item 5.1: **Resolutions – Consolidated Landscaping & Lighting District.**

- 1) **Resolution of the City Council of the City of Riverbank, California, Amending and/or Approving the Engineer's Report for the Riverbank Consolidated Landscaping and Lighting District; and the Levy and Collection of Annual Assessments Related Thereto for Fiscal Year 2016/2017; and**
- 2) **Resolution of the City Council of the City of Riverbank, California Ordering the Levy and Collection of Annual Assessments for the Riverbank Consolidated Landscaping and Lighting District for Fiscal Year 2016/2017 – It is recommended that the City Council adopt Resolutions amending and/or approving the Engineer's Report and ordering the levy and collection of annual assessments for the Riverbank Consolidated Landscaping and Lighting District for Fiscal Year 2016/2017.**

Marisela Garcia, Director of Finance, provided the staff report for Items 5.1 through 5.7.

Mayor O'Brien opened the Public Hearing, seeing no Public Comment the Mayor closed the Public Hearing.

Action: *By motion moved and seconded (Jones Cruz / Campbell – passed 5-0) to adopt Resolution 2016-064 Amending and/or Approving the Engineer's Report for the Riverbank Consolidated Landscaping and Lighting District; and the Levy and Collection of Annual Assessments Related Thereto for Fiscal Year 2016/2017; and to adopt Resolution No. 2016-065 Ordering the Levy and Collection of Annual Assessments for the Riverbank Consolidated Landscaping and Lighting District for Fiscal Year 2016/2017. Motion carried by unanimous roll call vote.*
Ayes: Barber-Martinez, Campbell, Jones Cruz, Tucker, and Mayor O'Brien
Nays: None / Absent: None / Abstain: None

Due to a Conflict of Interest with Item 5.2, numbers were drawn to determine who would be the two Councilmembers who will vote on this Item. Numbers 1 through 4 (with numbers 1

and 2 to vote) were drawn by Councilmembers Barber-Martinez, Jones Cruz, Vice Mayor Tucker, and Mayor O'Brien. Councilmember Barber-Martinez (#1) and Vice Mayor Tucker (#2) won the draw; Mayor O'Brien and Councilmember Jones Cruz stepped down from the Dais.

Item 5.2: Resolutions – Crossroads Landscaping & Lighting District.

- 1) **Resolution of the City Council of the City of Riverbank, California, Amending and/or Approving the Engineer's Report for the Riverbank Crossroads Landscaping and Lighting District; and the Levy and Collection of Annual Assessments Related Thereto for Fiscal Year 2016/2017; and**
- 2) **Resolution of the City Council of the City of Riverbank, California Ordering the Levy and Collection of Annual Assessments for the Riverbank Crossroads Landscaping and Lighting District for Fiscal Year 2016/2017 – It is recommended that the City Council adopt Resolutions amending and/or approving the Engineer's Report and ordering the levy and collection of annual assessments for the Riverbank Crossroads Landscaping and Lighting District for Fiscal Year 2016/2017.**

Vice Mayor Tucker opened the Public Hearing, seeing no Public Comment the Vice Mayor closed the Public Hearing.

Action: *By motion moved and seconded (Campbell / Barber-Martinez – passed 3-0) to adopt Resolution 2016-054 Amending and/or Approving the Engineer's Report for the Riverbank Crossroads Landscaping and Lighting District; and the Levy and Collection of Annual Assessments Related Thereto for Fiscal Year 2016/2017; and to adopt Resolution No. 2016-055 Ordering the Levy and Collection of Annual Assessments for the Riverbank Crossroads Landscaping and Lighting District for Fiscal Year 2016/2017. Motion carried by unanimous roll call vote.*

Ayes: Barber-Martinez, Campbell, and Vice Mayor Tucker

Nays: None / Absent: None / Abstain: None

Following the vote of Item 5.2, Mayor O'Brien and Councilmember Jones Cruz returned to the dais.

Item 5.3: Resolution of the City Council of the City of Riverbank, County of Stanislaus, California, Ordering the Levy and Collections of Assessments Within the Riverbank Storm Drain Maintenance District No. 2006-01 (Heartlands) for Fiscal Year 2016/2017 – It is recommended that the City Council adopt a Resolution ordering the levy and collection of annual assessments for the Riverbank Storm Drain District No. 2006-01 (Heartlands) for Fiscal Year 2016/2017.

Mayor O'Brien opened the Public Hearing, seeing no Public Comment the Mayor closed the Public Hearing.

Action: *By motion moved and seconded (Jones Cruz / Tucker – passed 5-0) to adopt Resolution 2016-056 Ordering the Levy and Collections of Assessments Within the Riverbank Storm Drain Maintenance District No. 2006-01 (Heartlands) for Fiscal Year 2016/2017. Motion carried by unanimous roll call vote.
Ayes: Barber-Martinez, Campbell, Jones Cruz, Tucker, and Mayor O’Brien
Nays: None / Absent: None / Abstain: None*

Item 5.4: **Resolutions – Ridgewood Place Landscape & Lighting District.**

- 1) **Resolution of the City Council of the City of Riverbank, California, Amending and/or Approving the Engineer’s Report for the Ridgewood Place Landscaping and Lighting District; and the Levy and Collection of Annual Assessments Related Thereto for Fiscal Year 2016/2017; and**
- 2) **Resolution of the City Council of the City of Riverbank, California Ordering the Levy and Collection of Annual Assessments for the Ridgewood Place Landscaping and Lighting District for Fiscal Year 2016/2017 – It is recommended that the City Council adopt Resolutions amending and/or approving the Engineer’s Report and ordering the levy and collection of annual assessments for the Ridgewood Place Landscaping and Lighting District for Fiscal Year 2016/2017.**

Mayor O’Brien opened the Public Hearing, seeing no Public Comment the Mayor closed the Public Hearing.

Action: *By motion moved and seconded (Tucker / Barber-Martinez – passed 5-0) to adopt Resolution 2016-057 Amending and/or Approving the Engineer’s Report for the Ridgewood Place Landscaping and Lighting District; and the Levy and Collection of Annual Assessments Related Thereto for Fiscal Year 2016/2017; and to adopt Resolution No. 2016-058 Ordering the Levy and Collection of Annual Assessments for the Ridgewood Place Landscaping and Lighting District for Fiscal Year 2016/2017. Motion carried by unanimous roll call vote.
Ayes: Barber-Martinez, Campbell, Jones Cruz, Tucker, and Mayor O’Brien
Nays: None / Absent: None / Abstain: None*

Item 5.5: **Resolutions – River Cove Landscape & Lighting District.**

- 1) **Resolution of the City Council of the City of Riverbank, California, Amending and/or Approving the Engineer’s Report for the River Cove Landscaping and Lighting District; and the Levy and Collection of Annual Assessments Related Thereto for Fiscal Year 2016/2017; and**

- 2) **Resolution of the City Council of the City of Riverbank, California Ordering the Levy and Collection of Annual Assessments for the River Cove Landscaping and Lighting District for Fiscal Year 2016/2017** – It is recommended that the City Council adopt Resolutions amending and/or approving the Engineer’s Report and ordering the levy and collection of annual assessments for the River Cove Landscaping and Lighting District for Fiscal Year 2016/2017.

Mayor O’Brien opened the Public Hearing, seeing no Public Comment the Mayor closed the Public Hearing.

Action: *By motion moved and seconded (Barber-Martinez / Jones Cruz – passed 5-0) to adopt Resolution 2016-059 Amending and/or Approving the Engineer’s Report for the River Cove Landscaping and Lighting District; and the Levy and Collection of Annual Assessments Related Thereto for Fiscal Year 2016/2017; and to adopt Resolution No. 2016-060 Ordering the Levy and Collection of Annual Assessments for the River Cove Landscaping and Lighting District for Fiscal Year 2016/2017. Motion carried by unanimous roll call vote.
Ayes: Barber-Martinez, Campbell, Jones Cruz, Tucker, and Mayor O’Brien
Nays: None / Absent: None / Abstain: None*

Item 5.6: **Resolutions – Sierra Vista Estates Landscape & Lighting District**

- 1) **Resolution of the City Council of the City of Riverbank, California, Amending and/or Approving the Engineer’s Report for the Sierra Vista Estates Landscaping and Lighting District; and the Levy and Collection of Annual Assessments Related Thereto for Fiscal Year 2016/2017; and**
- 2) **Resolution of the City Council of the City of Riverbank, California Ordering the Levy and Collection of Annual Assessments for the Sierra Vista Estates Landscaping and Lighting District for Fiscal Year 2016/2017** – It is recommended that the City Council adopt Resolutions amending and/or approving the Engineer’s Report and ordering the levy and collection of annual assessments for the Sierra Vista Estates Landscaping and Lighting District for Fiscal Year 2016/2017.

Mayor O’Brien opened the Public Hearing, seeing no Public Comment the Mayor closed the Public Hearing.

Action: *By motion moved and seconded (Jones Cruz / Tucker – passed 5-0) to adopt Resolution 2016-061 Amending and/or Approving the Engineer’s Report for the Sierra Vista Estates Landscaping and Lighting District; and the Levy and Collection of Annual Assessments Related Thereto for Fiscal Year 2016/2017; and Resolution No. 2016-062 Ordering the Levy and Collection of Annual Assessments for the Sierra Vista Estates Landscaping and Lighting District for Fiscal Year 2016/2017. Motion carried by unanimous roll call vote.*

*Ayes: Barber-Martinez, Campbell, Jones Cruz, Tucker, and Mayor O'Brien
Nays: None / Absent: None / Abstain: None*

Item 5.7: Resolution of the City Council of the City of Riverbank, County of Stanislaus, State of California, Ordering the Levy and Collection of Assessments Within the Sterling Ridge Benefit Assessment District for Fiscal Year 2016/2017 – It is recommended that the City Council adopt a Resolution amending and/or approving the Engineer's Report and ordering the levy and collection of annual assessments for the Riverbank Storm Drain District No. 05-01 (Sterling Ridge) for Fiscal Year 2016/2017.

Mayor O'Brien opened the Public Hearing, seeing no Public Comment the Mayor closed the Public Hearing.

Action: *By motion moved and seconded (Jones Cruz / Barber-Martinez – passed 5-0) to adopt Resolution 2016-063 Ordering the Levy and Collection of Assessments within the Sterling Ridge Benefit Assessment District for Fiscal Year 2016/2017. Motion carried by unanimous roll call vote.
Ayes: Barber-Martinez, Campbell, Jones Cruz, Tucker, and Mayor O'Brien
Nays: None / Absent: None / Abstain: None*

Item 5.8: Resolution of the City Council of the City of Riverbank, California, Approving and Adopting a 5-Year Capital Improvement Plan (CIP) for Fiscal Years 2016-2021 – It is recommended that the City Council review and adopt the 5-Year Capital Improvement Plan (CIP) for Fiscal Years 2016-2021.

Mayor O'Brien stated that Item 5.8 is continued to the July 26, 2016 City Council Meeting.

Mayor O'Brien opened the Public Hearing, seeing no Public Comment the Mayor closed the Public Hearing.

LRA Item 5.9: Resolution Of The Local Redevelopment Authority Board of the City of Riverbank, California, Approving the Budget for Fiscal Year 2016-2017 – It is recommended that the Local Redevelopment Authority (LRA) Board of Directors (Board) review and approve the Fiscal Year 2016-2017 LRA Budget.

Melissa Holdaway, LRA Administrative Analyst, provided the staff.

Chair O'Brien opened the Public Hearing, seeing no Public Comment, Chair O'Brien closed the Public Hearing.

Action: *By motion moved and seconded (Campbell / Jones Cruz – passed 5-0) to adopt LRA Resolution 2016-004 Approving the Budget for Fiscal Year 2016-2017. Motion carried by unanimous roll call vote.
Ayes: Barber-Martinez, Campbell, Jones Cruz, Tucker, and Chair O'Brien
Nays: None / Absent: None / Abstain: None*

Item 5.10: Resolution of the City Council of the City of Riverbank, California, Adopting the Fiscal Year 2016-2017 Annual Operating Budget – It is recommended that the City Council consider adopting a Resolution approving the Fiscal Year 2016-2017 Annual Operating Budget.

Marisela Garcia, Director of Finance, provided the staff report.

Mayor O'Brien opened the Public Hearing, seeing no Public Comment the Mayor closed the Public Hearing.

Action: *By motion and seconded (Campbell / Barber-Martinez /-passed 5-0) to approve moving the Parks & Recreation Part-time Administrative Clerk Position to a Full-time Position. Motion carried by unanimous roll call vote.
Ayes: Barber-Martinez, Campbell, Jones Cruz, Tucker, and Mayor O'Brien
Nays: None / Absent: None / Abstain: None*

Action: *By motion and seconded (Tucker / Campbell / passed 5-0) to approve hiring a Part-time Administrative Clerk for the Administrative Department, intended to end after the Election period. Motion carried by unanimous roll call vote.
Ayes: Barber-Martinez, Campbell, Jones Cruz, Tucker, and Mayor O'Brien
Nays: None / Absent: None / Abstain: None*

Action: *By motion and seconded (Campbell / Tucker / passed 3-2) to approve moving the Part-time Water Conservation Coordinator Position to a Full-time Position after a job description is developed and if needed.
Ayes: Campbell, Tucker, and Mayor O'Brien
Nays: Barber-Martinez and Jones Cruz
Absent: None / Abstain: None*

Action: *By motion moved and seconded (Jones Cruz / Barber-Martinez / passed 5-0) to adopt Resolution 2016-066 Adopting the Fiscal Year 2016-2017 Annual Operating Budget. Motion carried by unanimous roll call vote.
Ayes: Barber-Martinez, Campbell, Jones Cruz, Tucker, and Mayor O'Brien
Nays: None / Absent: None / Abstain: None*

6. NEW BUSINESS There were no Items to consider.

7. COMMENTS (Information only – No action)

Item 7.1: Staff Comments

Michael Riddell, Public Works Superintendent, reported on the water meter project and the water conservation efforts.

Parks & Recreation Director Sue Fitzpatrick reported on the replacement of the pool heater pump and Plaza del Rio river/fountain pump, and issues at Jacob Myers Park due to reaching

maximum patron capacity. Police Chief Kiely spoke in regards to determining the maximum capacity number for clarification to enforce the laws, monitoring capacity, and establishment of processes by the City for enforcement purposes.

Item 7.2: Council/Authority Member Comments

Council/Authority Member Jones Cruz commented on the upcoming high temperatures.

Council/Authority Member Campbell reported on the Army Corps of Engineers' String of Pearls (the Parks along the Stanislaus River) survey and asked everyone to go to their website to comment.

Council/Authority Member Barber-Martinez reported on her attendance of the Kiernan Road Project (at Highway 99), and announced the Kids Safety Fair at the Farmer's Market event.

Vice Mayor/Chair Tucker commented on everyone having a safe holiday.

Item 7.3: Mayor/Chair Comments

Mayor/Chair O'Brien: 1) announced the availability and free use of life jackets, 2) commented on taking pride in the City and taking a shift in strategic goals by addressing the removal of signs, such as garage sale signs or ads, posted all over the city, fixing damaged City art work, and the opportunity to have used a temporary structure to cover the damaged wall (at Oakdale and Prouty Streets); 3) commended City staff members on providing 12 projects to Senator Galgiani for potential funding; and 4) commented on how the City should have the ability to address violations of Municipal Code by instruction and warning rather than punitive action.

8. CLOSED SESSION

Mayor O'Brien announced the Closed Session Items and opened for Public Comment; no one spoke. The Meetings were recessed and the City Council went into Closed Session at 7:56 p.m.

Item 8.1: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code § 54956.9(a)

Name of Case: Barham Construction, Inc. v. City of Riverbank

Court of Appeals of California, Fifth District

Case No. 350298 Consolidated With Case No. 370694

Item 8.2: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section of Government Code § 54956.9: 1 potential case

9. REPORT FROM CLOSED SESSION

Mayor O'Brien reconvened the Meetings at 8:20 p.m.

Item 9.1: Report on Closed Session Item 8.1: **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Mayor O'Brien reported that direction was given to staff.

Item 9.2: Report on Closed Session Item 8.2: **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Mayor O'Brien reported that direction was given to staff.

10. INFORMATIONAL ITEMS There were no Items included.

ADJOURNMENT

There being no further business, Mayor/Chair O'Brien adjourned the meeting at 8:22 p.m.

ATTEST: *(Adopted 09/13/16)*

APPROVED:

Luanne Bain
Recorder

Richard D. O'Brien
Mayor / Chair

**RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 3.B-3**

SECTION 3: CONSENT CALENDAR

Meeting Date:	September 13, 2016
Subject:	Approval of the July 19, 2016, Special City Council Minutes
From:	Marisela H. Garcia, Interim City Manager/Finance Director
Submitted by:	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

RECOMMENDATION

It is recommended that the City Council approve the Special City Council Meeting Minutes as presented.

SUMMARY

The Draft Minutes of the July 19, 2016, special City Council have been prepared for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT

1. July 19, 2016, Special City Council Minutes



**City of Riverbank
SPECIAL CITY COUNCIL MEETING
MINUTES OF
TUESDAY, JULY 19, 2016**

CALL TO ORDER:

The City Council of the City of Riverbank met at 6:12 p.m. on this date at the Riverbank City Hall South Building, 6617 Third Street, Riverbank, California, with Mayor Richard D. O'Brien presiding.

FLAG SALUTE: Mayor Richard D. O'Brien

INVOCATION: Reverend Charles Neal, Riverbank Ministerial Association

ROLL CALL: Mayor Richard D. O'Brien
Vice Mayor Jeanine Tucker
Councilmember Darlene Barber-Martinez (arrived at 6:18 pm)
Councilmember Cal Campbell
Councilmember Leanne Jones Cruz

CONFLICT OF INTEREST

Any Council Member and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict at this time.

No one declared a conflict.

1. CLOSED SESSION

The public will have a limit of 5 minutes to comment on Closed Session item(s) as set forth on the agenda prior to the City Council recessing into Closed Session.

MAYOR O'BRIEN ANNOUNCED THE CLOSED SESSION ITEMS AND OPENED FOR PUBLIC COMMENT. REVEREND NEAL COMMENDED CITY MANAGER JILL ANDERSON FOR HER OUTSTANDING JOB AS THE CITY MANAGER AND THANKED HER FOR HER SERVICE TO THE CITY. MAYOR O'BRIEN RECESSED TO CLOSED SESSION AT 6:17 P.M.

Item 1.1: PUBLIC EMPLOYMENT

Pursuant to Government Code Section 54957(b) (1)

Title: City Manager; Director of Finance, Director of Parks and Recreation, Executive Director of the LRA, Public Works Superintendent, Planning and Building Manager, Development Services Administration Manager

Item 1.2: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of
Government Code § 54956.9: 3 potential cases

2. REPORT FROM CLOSED SESSION

MAYOR O'BRIEN RECONVENED THE MEETING AT 7:16 P.M.

Item 2.1: Report on Closed Session Item 1.1: PUBLIC EMPLOYMENT

Mayor O'Brien reported that direction was provided to staff.

**Item 2.2: Report on Closed Session Item 1.2: CONFERENCE WITH LEGAL
COUNSEL – ANTICIPATED LITIGATION**

Mayor O'Brien announced that this item would be continued to the July 26th City Council meeting.

3. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken)

Pursuant to Government Code in reference to a special meeting, the public has the opportunity to address the City Council only on items appearing on this special meeting notice. Individual comments are limited to a **maximum of 5 minutes** per person and each person may speak once during this time. Time cannot be yielded to another person.

No one spoke.

4. BUSINESS

Item 4.1: Discussion of the process options available to the City Council for the selection of an Interim City Manager – It is recommended that the City Council provide feedback and direction regarding the process that they would like to use to appoint an Interim City Manager, who would assume responsibilities of the position after the scheduled departure of the current City Manager in August 2016.

City Manager Jill Anderson presented the options and City Council stated their preference.

City Council unanimously agreed to consider an internal staff member for the interim position and to speak to the individual in Closed Session at the next City Council meeting (July 26, 2016).

Item 4.2: Discussion of the process options available to the City Council for the selection of a permanent City Manager – It is recommended that the City Council provide feedback and direction regarding the process that they would like to use to appoint the next City Manager to fill the position on a permanent basis.

City Manager Jill Anderson presented the options and City Council stated their preference.

City Council unanimously agreed to have the City's Law Firm, Churchwell White, LLP conduct the recruitment process. City Attorney Tom Hallinan stated cost may be pro-bono, which he would discuss with the firm and return with a proposed process at the next meeting (July 26, 2016).

ADJOURNMENT

There being no further business, Mayor O'Brien adjourned the meeting at 7:33 p.m.

ATTEST: *(Adopted 09/13/16)*

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.C

SECTION 3: CONSENT CALENDAR

Meeting Date:	September 13, 2016
Subject/ Title:	Adopt a Resolution Approving and Authorizing a New Wastewater Treatment Plant Maintenance Technician Trainee, I, and II, Job Classification Series, and Respective Salary Ranges
From:	Marisela H. Garcia, Interim City Manager
Submitted by:	Alvaro Zamora, Human Resources Analyst

RECOMMENDATION

It is recommended that the City Council consider approving and authorizing the Wastewater Treatment Plant Maintenance Technician Trainee, I, and II class series, job classifications and respective salary ranges to replace the current Wastewater Treatment Plant Operator Trainee, I, and II (WWTP Operator) class series.

SUMMARY

The Wastewater Treatment Plant Division has been with a vacant position since February 2016 when the Sr. Wastewater Treatment Plan Operator voluntarily resigned. After further review of the increased duties and responsibilities of workers at the Wastewater Treatment Plant (WWTP) Division, the Wastewater Treatment Plant Supervisor with support of the Public Works Superintendent recommend creating a new job class series. The new WWTP Maintenance Technician class series will replace the Wastewater Treatment Plant Operator class series.

BACKGROUND

The current Wastewater Treatment Plant Operator class series was created in 2006. At that time the incumbents' main responsibility was the operation, monitoring, and maintenance of plant equipment, machinery, and components typically found at a wastewater treatment plant facility. With time and in addition to the above the duties and responsibilities of the WWTP Operators evolved to include utility and electrical maintenance and repair work of facility equipment, machinery, and components.

Due to the increased level of duties and responsibilities the minimum qualifications of the WWTP Maintenance Technician class series changed to require more work related

experience and specialized certifications. In addition to the Wastewater Treatment Plant Operator Grade I certificate the new proposed class series requires a Plant Maintenance Mechanical Technologist Grade I, II or a Plant Maintenance Electrical/Instrumentation Grade I, II certificate, Class B driver license, and Crane Operator certificate.

FINANCIAL IMPACT

There is no additional financial impact for the FY 2016-2017 budget due to salary savings of the vacant Sr. Wastewater Treatment Plant Operator position.

The proposed salary ranges for the new Wastewater Treatment Plant Maintenance Technician class series are as follows:

<u>Job Classification</u>	<u>Range</u>	<u>Salary</u>
WWTP Maintenance Technician Trainee	46	\$3,202 - \$3,892
WWTP Maintenance Technician I	56	\$3,537 - \$4,299
WWTP Maintenance Technician II	66	\$3,907 - \$4,749

ATTACHMENT

1. Resolution
2. Job Classification Series for Wastewater Treatment Plant Maintenance Technician Trainee, I, and II

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, APPROVING AND AUTHORIZING A NEW WASTEWATER TREATMENT PLANT MAINTENANCE TECHNICIAN TRAINEE, I, AND II JOB CLASSIFICATION SERIES AND RESPECTIVE SALARY RANGES

WHEREAS, a vacancy in the Wastewater Treatment Plant Division formed the basis for a review of the needs in the Wastewater Treatment Plant Division; and

WHEREAS, after further review and research of the increased level of duties and responsibilities it has been determined the necessity to create, approve and authorize a new job classification series and respective salary ranges in order to best meet the needs of the City's evolving Wastewater Treatment Plant Division; and

WHEREAS the new job classification series of Wastewater Treatment Plant Maintenance Technician Trainee, I, and II will replace the classification series of Wastewater Treatment Plant Operator Trainee, I, and II.

WHEREAS, the proposed range and salary is as follows:

<u>Job Classification</u>	<u>Range</u>	<u>Salary</u>
WWTP Maintenance Technician Trainee	46	\$3,202 - \$3,892
WWTP Maintenance Technician I	56	\$3,537 - \$4,299
WWTP Maintenance Technician II	66	\$3,907 - \$4,749

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank does hereby approve and authorize the new job classification series of Wastewater Treatment Plant Maintenance Technician Trainee, I, and II and the respective salaries, which will replace the classification series and salaries of Wastewater Treatment Plant Operator Trainee, I, and II.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 13th day of September, 2016; motioned by _____, seconded by _____, and upon roll call was carried by the following City Council vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard O'Brien
Mayor



Wastewater Treatment Plant Maintenance Technician Trainee - I - II

Established: 09/13/16

FLSA: Non-Exempt

Bargaining Unit: Miscellaneous Employees

Salary/Month:

WWTP Maint. Technician Trainee: \$3,202.48 - \$3,892.63

WWTP Technician I: \$3,537.51 - \$4,299.88

WWTP Technician II: \$3,907.60 - \$4,749.72

*Class specifications are only intended to present a descriptive summary of the range of duties and responsibilities associated with specified positions. Therefore, specifications **may not include all** duties performed by individuals within a classification. In addition, specifications are intended to outline the **minimum** qualifications necessary for entry into the class and do not necessarily convey the qualifications of incumbents within the position.*

DEFINITION:

Under immediate and general supervision, learns to perform and performs the full array of skilled duties assigned to classes in the Wastewater Treatment Plant Maintenance Technician series, including utility maintenance and repair work; operations of equipment, facilities, and related appurtenances; and electrical maintenance and repair work in a Public Works wastewater treatment plant facility; demonstrates a full understanding of all applicable policies, procedures and work methods associated with assigned duties; performs other related duties as required.

DISTINGUISHING CHARACTERISTICS:

Wastewater Treatment Plant Maintenance Technician Trainee

The **Wastewater Treatment Plant Maintenance Technician Trainee** is the basic entry-level class in which the incumbent learns to perform assigned duties and serves in the capacity of a Maintenance Technician Trainee. Initially, under direct supervision, incumbents perform the more routine plant operator duties while learning City policies and procedures. As experience is gained, there is greater independence of action within established guidelines. This classification is alternatively staffed with Wastewater Treatment Plant Maintenance Technician I. Incumbents may advance to the higher level after gaining experience, obtaining required certifications, and demonstrating a level of proficiency that meets the qualifications of the higher level class.

Wastewater Treatment Plant Maintenance Technician I

The **Wastewater Treatment Plant Maintenance Technician I** is the entry level class responsible for a wide variety of plant operations and maintenance of the wastewater treatment plants, and incumbents are expected to perform the full scope of assigned duties. The classification is alternatively staffed with Wastewater Treatment Plant Maintenance Technician II. Incumbents may advance to the higher level after gaining experience, obtaining required certifications, and demonstrating a level of proficiency that meets the qualifications of the higher level class.

Wastewater Treatment Plant Maintenance Technician II

The **Wastewater Treatment Plant Maintenance Technician II** is the journey level class responsible for the full range of treatment plant responsibilities and for the performance of the most complex and difficult assignments within the series. Incumbents in this classification provide training to less experienced staff. This classification is distinguished from the next higher classification of Senior Wastewater Treatment Plant Maintenance Technician in that the latter is responsible for the technical and functional direction over lower level Wastewater Treatment Plant Maintenance Technicians and is capable of performing the complex duties assigned to the division. Incumbents may advance to the higher level after gaining experience, obtaining required certifications, and demonstrating a level of proficiency that meets the qualifications of the higher level class.

SUPERVISION RECEIVED/EXERCISED:

Wastewater Treatment Plant Maintenance Technician Trainee

Receives direct supervision from the Wastewater Treatment Plant Supervisor. Incumbents in this class do not routinely exercise supervision.

Wastewater Treatment Plant Maintenance Technician I

Receives general supervision from the Wastewater Treatment Plant Supervisor. May occasionally assist in the training of less experienced staff.

Wastewater Treatment Plant Maintenance Technician II

Receives general supervision from the Wastewater Treatment Plant Supervisor. May provide training for less experienced staff.

ESSENTIAL FUNCTIONS: *(include but are not limited to the following)*

- Learns to operate and operates, monitors, and maintains all plant equipment and components, including but not limited to pumps, valves, plumbing, gearboxes, fans, blowers, aerators, and flow controls; reads and interprets meters, gauges, and charts; maintains and upgrades mechanical and electrical systems.
- Conducts regular on-site inspections of plant operations making appropriate adjustment to process controls, ensuring that operational problems are identified and corrected; ensures that plants are operating within safety standards established by federal, state and local laws, ordinances and regulations; may provide training and supervision for less experienced personnel.
- Performs basic and skilled wastewater pollution control laboratory testing and analysis; takes samples and coordinates detailed testing with outside laboratories; adheres to quality assurance programs for laboratory analysis and instrumentation; prepares and updates reports, including records and logs in compliance with state and federal mandates for reporting.
- Performs corrective maintenance and repairs to wastewater facilities and equipment, including disassembly, rebuild, cleaning, replacement of valves, screens, filters, pipe fittings, aerations systems and other assorted equipment generally found at the a wastewater treatment facility; maintains plant facilities and grounds in a safe, clean, and orderly condition; loads and unloads equipment and materials.
- Inspects diagnoses, maintains, and completes basic repairs to wastewater treatment plant electrical mechanical equipment and fixtures by performing a variety of semiskilled electrical, mechanical repair work.
- Inspects, troubleshoots, repairs, and maintains wastewater treatment plant and equipment including electric motors, engines, gas and electric powered pumps, drive units, emergency systems and other treatment plant fixtures and appliances; checks proper equipment operations; notifies supervisors of alarms and equipment failure; requisitions materials and supplies needed; writes work orders for needed repairs.
- Performs preventative maintenance and services wastewater treatment plant equipment according to an established schedule and inspects facilities and equipment to determine the need for major maintenance or repair; checks and adds oil to pumps and engines, grease bearings and performs other preventative maintenance on equipment as needed.
- Performs minor fabrication, welding, concrete, carpentry, and basic plumbing duties.

- Performs a wide variety of facility grounds maintenance activities, including mowing, edging, and trimming landscape areas as scheduled, using chemicals for weed and rodent abatement, fixing fences, maintaining levees and painting facilities as needed.
- Operates and maintains a variety of vehicles, hand and power tool, and equipment related to work assignment as instructed.
- Assists other Public Works divisions when required; answers emergency calls from the public and other agencies taking appropriate action.
- Establishes positive working relationships with representatives of community organizations, state/local agencies and associations, City management and staff, and the public.

PHYSICAL, MENTAL AND ENVIRONMENTAL WORKING CONDITIONS:

Position requires sitting, standing, walking on level and slippery surfaces, reaching, twisting, turning, kneeling, bending, stooping, squatting, crouching, grasping and making repetitive hand movement in the performance of daily duties. The position also requires both near and far vision when inspecting work and performing maintenance on assigned equipment. The need to lift, carry, and push tools, equipment, and supplies weighing 100 pounds or more is also required. Additionally, the incumbent in this position may be exposed to biohazards and a variety of working conditions, including wet, hot, and cold. The incumbent may use cleaning and lubricating chemicals, which may expose the employee to fumes, dust, and air contaminants. The nature of the work also requires the incumbent to climb ladders and work in confined spaces. Incumbents will also work around high voltage and loud noise. The incumbent may be required to respond to after-hours emergency call-outs.

Some of these requirements may be accommodated for otherwise qualified individuals requiring and requesting such accommodations.

QUALIFICATIONS: *(The following are minimal qualifications necessary for entry into the classification.)*

Education and/or Experience:

Any combination of education and experience that has provided the knowledge, skills, and abilities necessary for a **Wastewater Treatment Plant Maintenance Technician**. A typical way of obtaining the required qualifications is to possess the equivalent of:

Wastewater Treatment Plant Maintenance Technician Trainee

Six (6) months experience in either commercial/industrial construction, mechanical or electrical maintenance at an industrial or wastewater treatment plant working on industrial machinery, equipment and systems such as hydraulic pumps, valves, gasoline powered engines, and motors; and a high school diploma or equivalent.

Wastewater Treatment Plant Maintenance Technician I

In addition to the above, one year of experience in mechanical or electrical routine maintenance at an industrial or wastewater treatment plant facility or equivalent; and a high school diploma or equivalent.

Wastewater Treatment Plant Maintenance Technician II

Four years of experience in mechanical maintenance work, or electrical installation and repair work which includes the maintenance and repair of industrial machinery, equipment, and systems at an industrial or wastewater treatment plant facility or equivalent; and a high school diploma or equivalent.

License/Certificate:

- Possession of a valid class C California driver's license at the time of appointment, to be maintained as a condition of continued employment.

Wastewater Treatment Plant Maintenance Technician Trainee, I, II

- Possession of or ability to obtain and maintain within six (6) months of appointment to position a valid class B California driver's license with air brake endorsement.
- Possession of or ability to obtain and maintain within twelve (12) months of appointment to position a Crane Operator Certificate.
- Possession of or ability to obtain and maintain within twenty-four (24) months of appointment to position a Wastewater Treatment Plant Operator Grade I certificate issued by the State Water Resources Control Board.

Wastewater Treatment Plant Maintenance Technician I

- Possession of or ability to obtain and maintain a Grade I Plant Maintenance Technologist certificate within twelve (12) months of appointment to position issued by the California Water Environment Association.

Wastewater Treatment Plant Maintenance Technician II

- Possession of or ability to obtain and maintain within twelve (12) months of appointment to position a Grade II PM Mechanical Technologist; or Grade II PM Electrical/Instrumentation certificate issued by the California Water Environment Association.

KNOWLEDGE/ABILITIES/SKILLS: *(The following are a representative sample of the KAS's necessary to perform essential duties of the position. The level and scope of the knowledge and abilities listed below vary between the WWTP Maintenance Technician Trainee, I, and II levels.)*

Knowledge of:

Principles, procedures, methods, equipment, materials, and tools used in the electrical, hydraulic, and mechanical repair of minor and major equipment systems, including engines, pumps, motors, generators, pressure regulator devices, and other equipment and/or systems found in a wastewater treatment plant; electrical and instrumentation principles, methods, tools, and equipment; repair, maintenance, and adjustment procedures for treatment plant equipment and controls; basic principles, practices, and methods of sampling for laboratory testing; operational characteristics of the tools used in maintenance of stationary power equipment, pumping systems and electrical systems; general maintenance and repair work; laboratory safety standards and programs; methods and techniques of supervision, training, and motivation; applicable federal, state, and local laws, codes, and regulations related to wastewater quality and control; methods and techniques of scheduling work assignments; standard office procedures, practices, and equipment; modern office equipment, including a computer and applicable software; methods and techniques for record keeping and report preparation and writing; proper English, spelling, and grammar; occupational hazards and standard safety practices.

Ability to:

Learn to perform and perform maintenance and operations of a wastewater plant and related facilities; interpret mechanical drawings, plans, and specifications; collect a variety of samples for laboratory tests and conduct wastewater testing and analysis; maintain accurate records and prepare comprehensive reports; perform plant operation and maintenance assignments; respond to after hours call-outs as assigned; reside within a thirty minute response time of the downtown City area within three months of employment; interpret, explain and apply applicable laws, codes, and

regulations; read, interpret and record data accurately; organize, prioritize and follow-up on work assignments; work independently and as part of a team; make sound decisions within established guidelines; analyze a complex issue, and develop and implement an appropriate response; follow written and oral directions; observe safety principles and work in a safe manner; communicate clearly and concisely, both orally and in writing; establish and maintain effective working relationships.

Skill to:

Operate an office computer and a variety of word processing and software applications; safely and effectively operate the tools and equipment used in the operation and maintenance of wastewater treatment facilities.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 4.1

SECTION 4: UNFINISHED BUSINESS

Meeting Date: September 13, 2016

Subject: Second Reading by Title Only and Adoption of Proposed **Ordinance No. 2016-006** of the City Council of the City of Riverbank, California, Amending the Riverbank Municipal Code by Repealing in its Entirety Chapter 151: Floodplain Management of Title XV: Land Usage and Substituting it with a New Chapter 151: Floodplain Management; and Amending Chapter 152 and 153 to Address the Requirements Of California Senate Bill 5 (2007) And Associated Legislation Related To Provision of 200-Year Flood Protection to California Urban Areas

From: Marisela H. Garcia, Interim City Manager/ Finance Director

Submitted by: John B. Anderson, Contract Planner
Annabelle Aguilar, CMC, City Clerk/Sr. Management Analyst

RECOMMENDATION

It is recommended that the City Council conduct the second reading by title only of proposed Ordinance No. 2016-006 and consider its adoption by roll call vote.

INTRODUCTION

A Public Hearing was conducted at the regular City Council meeting on August 23, 2016, to receive public opinions or evidence for or against the proposed Ordinance after its first reading and introduction by title only. The City Council approved the first reading and introduction of the proposed ordinance (now titled Ordinance No. 2016-006) which moved said Ordinance to the September 13, 2016, regular City Council meeting for its second reading by title only and consideration for adoption.

SUMMARY

This project involves amendments to the City of Riverbank Municipal Code. The proposed Ordinance would repeal Chapter 151: Flood Plain Management and substitute it with a new Chapter 151, and amend Chapter 152: Subdivisions, and Chapter 153: Zoning of the Riverbank Municipal Code to address the requirements of California Senate Bill 5 (2007) and associated legislation related to provision of 200-year flood protection. Specifically, the proposed Ordinance amends:

- Chapter 151: Flood Plain Management, to include the definition of “Flood Hazard Zone” and add Section 151.48: Development in Flood Hazard Zone to the Chapter.
- Chapter 152: Subdivisions, to add Section 152.012: Subdivisions in Flood Hazard Zones – Required Findings to the Chapter.
- Chapter 153: Zoning, to add Section 135.380: 200-Year Flood Protection to be consistent with Senate Bill 5 and State law.

BACKGROUND

The State of California approved Senate Bill 5 (2007) and several related bills that require 200-year flood protection for urban areas. These bills are referred to collectively herein as “the SB 5 Bills.” The SB 5 Bills require that urban and urbanizing areas have 200-year flood protection no later than 2025. Until that time, and after July 2, 2016, certain development is prohibited in areas subject to 200-year flooding (deeper than 3 feet) unless the City certifies that 1) 200-year flood protection is provided, or 2) a Finding of “Adequate Progress” has been made toward meeting the 200-year flood protection requirement by 2025.

The Department of Water Resources has not completed the 200-year flood plain mapping for Riverbank. Areas subject to the requirements of the SB 5 Bills are areas that are within the “Flood Hazard Zone” as defined below.

The SB 5 Bills require the City to incorporate SB 5 requirements into the City’s General Plan and zoning. The City amended its General Plan in July 2015 to meet the SB 5 requirements. The proposed ordinance amendment reflects the requirements of the SB 5 Bills.

ANALYSIS

The proposed amendments to the Riverbank Municipal Code add a new Section titled “200-Year Flood Protection”. This Section implements the State-mandated requirements related to development in urban or urbanizing areas within the 200-year floodplain. The proposed amendments also provide clarification to Chapter 151: Floodplain Management and Chapter 152: Subdivisions for internal consistency and cross-referencing within the Riverbank Municipal Code.

The new Section 153.380 “200-Year Flood Protection” includes:

200-YEAR FLOOD PROTECTION

§ 153.380 INTENT

This section implements the requirements of Senate Bill 5 (2007) and related legislation that prohibits approval of urban development in urban and urbanizing areas that expose 200-year flooding risk unless the City makes certain findings. California Government

Code Sections 65865.5, 65962 and 66474.5, as amended, establish these requirements.

§ 153.381 DEFINITIONS

200-YEAR FREQUENCY FLOODING. The level of 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.

200-YEAR FLOODPLAIN MAP. A map approved by the City Engineer for urban and urbanizing areas that depicts geographic areas that may be exposed to 200-year frequency flooding, and, if available, the depth of flooding during a 200-year flooding event.

ADEQUATE PROGRESS. Defined in California Government Code Section 65007.

NEW DEVELOPMENT. Defined as:

- (1) a development agreement, or
- (2) a tentative subdivision map, or a parcel map for which a tentative map was not required, or
- (3) 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
- (4) a ministerial permit that would result in the construction of a new residence.

FLOOD HAZARD ZONE. An area subject to flooding as delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency (FEMA), as also defined in Section 151.48.

URBAN AREAS AND URBANIZING AREAS. An urban area is a developed area in which there are 10,000 residents or more (California Government Code Section 65007(l)). An urbanizing area is a developed area or an area outside a developed area that plans or anticipates having 10,000 residents or more within the next 10 years. (California Government Code Section 65007(m)).

URBAN LEVEL OF FLOOD PROTECTION (ULOP). Means the level of protection that is necessary to withstand 200-year frequency flooding. ULOP shall not mean shallow flooding or flooding from local drainage that meets the criteria for the national Federal Emergency Management Agency standard of flood protection (Government Code Section 65007).

§ 153.382 200-YEAR FLOOD PROTECTION REQUIREMENTS FOR NEW DEVELOPMENT

After July 2, 2016, unless amended by the State Legislature, new development shall not be approved where 200-year flooding, as shown on a 200-year map, will exceed 3 feet in depth; or in a flood hazard zones where 200-year floodplain maps have not been approved by the City Engineer, unless the approval authority determines based on substantial evidence in the record that:

(A) The facilities of the State Plan of Flood Control or other flood management facilities protect the new development site 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-urbanizing areas; or

(B) Conditions imposed on the new development 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 non-urbanizing areas; or

(C) The local flood management agency has made adequate progress 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 and urbanizing areas, or the national Federal Emergency Management Agency standard of flood protection in non-urbanizing areas.

(D) The new development site located in an undetermined risk area has met the urban level of flood protection based on substantial evidence in the record.

CHAPTER 151 AND 152

For internal consistency and appropriate cross-referencing within the Municipal Code, the amendment also adds clarifying language to Chapter 151: Floodplain Management, and adds Section 152.012: Subdivisions in Flood Hazard Zones to Chapter 152.

Chapter 151: Floodplain Management, address 100-year floodplain requirements pursuant to FEMA. Chapter 151 amends to include:

- Definition of Flood Hazard Zone;
- Lands to which the Floodplain Management Chapter applies; and
- Clarifies that development of land shall not be approved until any applicable findings required in Section 153.380 have been made.

Section 152.012: Subdivisions in Flood Hazard Zones, adds to Chapter 152 of the Riverbank Municipal Code to require the State-mandated findings:

Subdivisions located in Flood Hazard Zones as defined in Chapter 151, Section 151.05 shall not be approved until the applicable findings required in Chapter 153, Section 153.380: 200-Year Flood Protection have been

PLANNING COMMISSION ACTION

A duly noticed Planning Commission meeting was held on Tuesday July 19, 2016. Four Planning Commission members were present: Chair Villapudua, Vice Chair McKinney, Commissioner King, and Commissioner Stewart. Commissioner Tabacco was absent.

The Planning Commission deliberated on the proposed modifications to the Zoning Ordinance and discussed various requirements. Vice Chair McKinney raised a question regarding the CEQA requirements pertaining to SB 5. Commissioner King raised a question about whether or not the proposed Code Amendment would affect a property, which is located in the 100 or 500 year floodplain, that wanted to construct a small structure. Senate Bill 5 applies to new development, as defined by the Government Code.

Vice Chair McKinney made a motion, which Commissioner Stewart seconded, and with a 4-0 vote approved Planning Commission Resolution No. 2016-012, recommending the City Council to adopt the proposed Ordinance to amend the Municipal Code to address the requirements of California Senate Bill 5 (2007) and associated legislation related to provisions of 200-year flood protection. The resolution passed with a vote of 4-0.

ENVIRONMENTAL DETERMINATION

The proposed Zoning Text Amendment is 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 Zoning Text Amendment proposes additional policies and required findings to commit the City to undergo future planning, design and zoning determinations, to ensure that the City continues to comply with State law. All future requests for discretionary approvals relating to a project would be required to comply with the General Plan, as amended, the Municipal Code, if applicable, and will be subject to CEQA compliance.

FINANCIAL IMPACT

The ordinance amendment implements State-mandated requirements for development within Flood Hazard Zones. Staff time to review development projects consistency with the SB 5 Bills will increase. However, these review costs are payed for by the developer / applicant and will not have a negative fiscal impact to the City.

STRATEGIC GOALS

The City of Riverbank Strategic Planning Session is a plan and set of goals that Riverbank will work towards for the next three years. The proposed Zoning Text Amendment is not part of these goals; however, it is consistent with the City's mission to provide excellent municipal services in a fiscally sound and professionally responsible manner for the community.

ATTACHMENTS

1. Proposed Ordinance No. 2016-006
2. Signed Planning Commission Resolution No. 2016-012
3. Planning Commission Minutes of July 19, 2016
4. Chapter 151: Floodplain Management Mark-Up
5. Chapter 152: Subdivisions Mark-Up
6. Chapter 153: Zoning Mark-Up

**CITY OF RIVERBANK
IN THE CITY COUNCIL
ORDINANCE 2016-XX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, AMENDING THE RIVERBANK MUNICIPAL CODE BY REPEALING IN
ITS ENTIRETY CHAPTER 151: FLOODPLAIN MANAGEMENT OF TITLE XV: LAND
USAGE AND SUBSTITUTING IT WITH A NEW CHAPTER 151: FLOODPLAIN
MANAGEMENT; AND AMENDING CHAPTER 152 AND 153 TO ADDRESS THE
REQUIREMENTS OF CALIFORNIA SENATE BILL 5 (2007) AND ASSOCIATED
LEGISLATION RELATED TO PROVISION OF 200-YEAR FLOOD PROTECTION TO
CALIFORNIA URBAN AREAS**

WHEREAS, The City of Riverbank amended the Riverbank General Plan to address the requirements of California Senate Bill 5 (2007) and associated legislation to provision of 200-year flood protection to California urban areas in July 2015; and

WHEREAS, the proposed ordinance amendment implements the requirements of SB 5 and the City of Riverbank's General Plan related to 200-year flood protection; and

WHEREAS, the City Council reviewed and considered, pursuant to the California Environmental Quality Act (CEQA), the proposed ordinance amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15308, Actions by regulatory agencies for protection of the environment.

NOW, THEREFORE THE CITY OF RIVERBANK CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: Chapter 151: Floodplain Management of Title XV: Land Usage of Riverbank's Municipal Code shall be repealed and substituted with a new Chapter 151: Floodplain Management as follows:

CHAPTER 151: FLOOD PLAIN MANAGEMENT

GENERAL PROVISIONS

§ 151.01 STATUTORY AUTHORIZATION.

The Legislature of the State of California has in Cal. Gov't Code §§ 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council does hereby adopt the following floodplain management regulations.
(Ord. 2013-002, passed 8-12-13)

§ 151.02 FINDINGS OF FACT.

(A) The flood hazard areas of the city are subject to periodic inundation which results in loss

of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(B) These flood losses are caused by uses that are inadequately elevated, flood-proofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contributes to the flood losses.
(Ord. 2013-002, passed 8-12-13)

§ 151.03 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned and within flood prone, mudslide (i.e. mudflow) or flood related erosion areas. These regulations are designed to:

- (A) Protect human life and health;
 - (B) Minimize expenditure of public money for costly flood control projects;
 - (C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (D) Minimize prolonged business interruptions;
 - (E) Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
 - (F) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
 - (G) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
 - (H) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
- (Ord. 2013-002, passed 8-12-13)

§ 151.04 METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this subchapter includes regulations to:

- (A) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
 - (B) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 - (C) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
 - (D) Control filling, grading, dredging, and other development which may increase flood damage; and
 - (E) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.
- (Ord. 2013-002, passed 8-12-13)

§ 151.05 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A ZONE. See *SPECIAL FLOOD HAZARD AREA*.

ACCESSORY STRUCTURE. A structure that is either:

(1) Solely for the parking of no more than two cars; or

(2) A small, low cost shed for limited storage, less than 150 square feet and \$1,500 in value.

ACCESSORY USE. A use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

ALLUVIAL FAN. A geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

APEX. A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

APPEAL. A request for a review of the Floodplain Administrator's interpretation of any provision of this chapter.

AREA OF SHALLOW FLOODING. A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD. See *SPECIAL FLOOD HAZARD AREA*.

BASE FLOOD. A flood which has a 1% chance of being equaled or exceeded in any given year (also called the *100-YEAR FLOOD*). Base flood is the term used throughout this chapter.

BASE FLOOD ELEVATION (BFE). The elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1% or greater chance of being equaled or exceeded in any given year.

BASEMENT. Any area of the building having its floor sub-grade i.e., below ground level on all sides.

BUILDING. See *STRUCTURE*.

DEVELOPMENT. Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ENCROACHMENT. The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

EXISTING MANUFACTURED HOME PARK or SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before January 27, 1997.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK or SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD, FLOODING, or FLOOD WATER:

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and

(2) The condition resulting from flood-related erosion.

FLOOD BOUNDARY and FLOODWAY MAP (FBFM). The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

FLOOD HAZARD ZONE. “Flood hazard zone” means an area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official Flood Insurance Rate Map issued by the Federal Emergency Management Agency. The identification of flood hazard zones does not imply that areas outside the flood hazard zones, or uses permitted within flood hazards, will be free from flooding or flood damage.

FLOOD INSURANCE RATE MAP (FIRM). The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOODPLAIN or FLOOD-PRONE AREA. Any land area susceptible to being inundated by water from any source. See **FLOODING**.

FLOODPLAIN ADMINISTRATOR. The Building Official of the city a power of which is to administer and enforce the floodplain management regulations.

FLOODPLAIN MANAGEMENT. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS. This chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

FLOODPROOFING. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as **REGULATORY FLOODWAY**.

FLOODWAY FRINGE. That area of the floodplain on either side of the regulatory floodway where encroachment may be permitted.

FRAUD AND VICTIMIZATION. For purposes of § [151.45](#), that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City Council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for 50 to 100 years. Buildings that are permitted to be

constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

FUNCTIONALLY DEPENDENT USE. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

GOVERNING BODY. The local governing unit i.e. county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

HARDSHIP. For the purposes of § [151.45](#), the exceptional hardship that would result from a failure to grant the requested variance. The City Council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

LEVEE. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM. A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

LOWEST FLOOR. The lowest floor of the lowest enclosed area, including basement (see **BASEMENT** definition).

- (1) An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not

considered a building's lowest floor provided it conforms to applicable non-elevation design requirements including, but not limited to:

- (a) The wet flood openings standard in § [151.30\(C\)\(3\)](#);
- (b) The anchoring standards in § [151.30\(A\)](#);
- (c) The construction materials and methods standards in § [151.30\(B\)](#); and
- (d) The standards for utilities in § [151.31](#).

(2) For residential structures, all sub-grade enclosed areas are prohibited as they are considered to be basements (see **BASEMENT** definition). This prohibition includes below-grade garages and storage areas.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term does not include a **RECREATIONAL VEHICLE**.

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE. Defined in the city substantial damage/improvement procedures. See § [151.04](#).

MEAN SEA LEVEL. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION. For floodplain management purposes, means structures for which the start of construction commenced on or after January 27, 1997 and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK or SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after January 27, 1997.

OBSTRUCTION. Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

ONE-HUNDRED YEAR FLOOD or 100-YEAR FLOOD. See **BASE FLOOD**.

PROGRAM DEFICIENCY. A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

PUBLIC SAFETY and NUISANCE. For the purposes of § [151.06](#), means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

RECREATIONAL VEHICLE. A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;

- (3) Designed to be self-propelled or permanently towable by a light-duty-truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

REMEDY A VIOLATION. To bring the structure or other development into compliance with state or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

RIVERINE. Relating to, formed by, or resembling a river (including tributaries), stream, brook, and the like.

SHEET FLOW AREA. See **AREA OF SHALLOW FLOODING.**

SPECIAL FLOOD HAZARD AREA (SFHA). An area in the floodplain subject to a 1% or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, or AH.

START OF CONSTRUCTION. Includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE. A walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the

structure's continued designation as a historic structure.

VARIANCE. A grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

VIOLATION. The failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

WATERCOURSE. A lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.
(Ord. 2013-002, passed 8-12-13)

§ 151.06 LANDS TO WHICH CHAPTER APPLIES.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city shown in an FHFM or FIRM as Zone A or AE..
(Ord. 2013-002, passed 8-12-13)

§ 151.07 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated September 25, 2003 and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated September 25, 2003, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City Council by the Floodplain Administrator. The study, FIRMs and FBFMs are on file at Riverbank City Hall Administration, 6707 Third Street, Riverbank, California, 95367.
(Ord. 2013-002, passed 8-12-13)

§ 151.08 COMPLIANCE.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the term of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation.
(Ord. 2013-002, passed 8-12-13)

§ 151.09 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 2013-002, passed 8-12-13)

§ 151.10 INTERPRETATION.

In the interpretation and application of this chapter, all provisions shall be:

- (A) Considered as minimum requirements;
- (B) Liberally construed in favor of the governing body; and
- (C) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 2013-002, passed 8-12-13)

§ 151.11 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City Council, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(Ord. 2013-002, passed 8-12-13)

ADMINISTRATION

§ 151.20 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The City Manager is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions.

(Ord. 2013-002, passed 8-12-13)

§ 151.21 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following.

(A) *Permit review.* Review all development permits to determine:

- (1) Permit requirements of this chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
- (2) All other required state and federal permits have been obtained;
- (3) The site is reasonably safe from flooding;
- (4) The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the city; and

(5) All letter of map revision (LOMRs) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the start of construction definition.

(B) *Development of substantial improvement and substantial damage procedures.*

- (1) Using FEMA publication FEMA 213, "Answers to Questions About Substantially

Damaged Buildings.” develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining market value.

(2) Assure procedures are coordinated with other departments/divisions and implemented by community staff.

(C) *Review, use and development of other base flood data.*

(1) When base flood elevation data has not been provided in accordance with § [151.07](#), the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer § [151.30](#).

(2) Note: a base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA-265, “Managing Floodplain Development in Approximate Zone A Areas - A Guide for Obtaining and Developing Base (100-year) Flood Elevations” dated July 1995.

(D) *Notification of other agencies.*

(1) Alteration or relocation of a watercourse:

(a) Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;

(b) Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and

(c) Assure that the flood carrying capacity within the altered or relocated portion of the watercourse is maintained.

(2) Base flood elevation changes due to physical alterations.

(a) Within six months of information becoming available or project completion, whichever comes first, the Floodplain Administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a letter of map revision (LOMR).

(b) All LOMRs for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the start of construction definition.

(c) Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

(3) *Changes in corporate boundaries.* Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

(E) *Documentation of floodplain development.* Obtain and maintain for public inspection and make available as needed the following:

(1) Certification required by §§ [151.22](#) and [151.22](#)(E) (lowest floor elevations);

(2) Certification required by § [151.30](#)(C)(2) (elevation or floodproofing of nonresidential structures);

(3) Certification required by § [151.30](#)(C)(3) (wet floodproofing standard);

(4) Certification of elevation required by § [151.32](#)(A)(3) (subdivisions and other proposed development standards);

(5) Certification required by § [151.35](#)(B) (floodway encroachments); and

(6) Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency

Management Agency.

(F) *Map determinations.* Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § [151.23](#).

(G) *Remedial action.* Take action to remedy violations of this chapter as specified in § [151.08](#).

(H) *Biennial report.* Complete and submit biennial report to FEMA.

(I) *Planning.* Assure community's General Plan is consistent with floodplain management objectives herein.

(Ord. 2013-002, passed 8-12-13)

§ 151.22 DEVELOPMENT PERMIT.

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in § [151.07](#). Application for a development permit shall be made on forms furnished by the city. The applicant shall provide the following minimum information:

(A) Plans in duplicate, drawn to scale, showing:

(1) Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;

(2) Proposed locations of water supply, sanitary sewer, and other utilities;

(3) Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;

(4) Location of the regulatory floodway when applicable;

(5) Base flood elevation information as specified in § [151.07](#) or § [151.21\(C\)](#);

(6) Proposed elevation in relation to mean sea level, of the lowest flood (including basement) of all structures; and

(7) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in § [151.30\(C\)\(2\)](#) and detailed in FEMA Technical Bulletin TB 3-93.

(B) Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in § [151.30\(C\)\(2\)](#).

(C) For a crawl-space foundation, location and total net area of foundation openings as required in § [151.30](#) and detailed in FEMA Technical Bulletins 1-93 and 7-93.

(D) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(E) All appropriate certifications listed in § [151.21](#).

(Ord. 2013-002, passed 8-12-13)

§ 151.23 APPEALS.

The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.

(Ord. 2013-002, passed 8-12-13)

PROVISIONS FOR FLOOD HAZARD REDUCTION

§ 151.30 STANDARDS OF CONSTRUCTION.

In all areas of special flood hazards the following standards are required:

(A) *Anchoring.* All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(B) *Construction materials and methods.* All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

- (1) With flood resistant materials and utility equipment resistant to flood damage for areas below the base flood elevation;
- (2) Using methods and practices that minimize flood damage;
- (3) With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
- (4) Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

(C) *Elevation and floodproofing.*

(1) *Residential construction.*

(a) All new construction or substantial improvements of residential structures shall have the lowest flood, including basement:

1. In AE, AH, A1-30 Zones, elevated to or above the base flood elevation.
2. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.
3. In an A zone, without BFEs specified on the FIRM (unnumbered A zone) elevated to or above the base flood elevation, as determined under § [151.14\(C\)](#).

(b) Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. The certification and verification shall be provided to the Floodplain Administrator.

(2) *Nonresidential construction.* All new construction or substantial improvements of nonresidential structures shall either be elevated to conform to § [151.30\(C\)\(1\)](#); or

- (a) Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under § [151.30\(C\)\(1\)](#), so that the structure is watertight with walls substantially impermeable to the passage of water;
- (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- (c) Be certified by a registered civil engineer or architect that the standards of § [151.30\(C\)\(2\)\(a\)](#) and (C)(2)(b) are satisfied. Such certification shall be provided to the Floodplain Administrator.

(3) *Flood openings.* All new construction and substantial improvements of structures with fully enclosed areas below the lowest flood (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the

entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria.

(a) For non-engineered openings.

1. Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
2. The bottom of all openings shall be no higher than one foot above grade;
3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and
4. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or

(b) Be certified by a registered civil engineer or architect.

(4) *Manufactured homes.* See § [151.33](#).

(5) *Garages and low cost accessory structures.*

(a) *Attached garages.*

1. A garage attached to a residential structure, constructed with the garage flood slab below the BFE, must be designed to allow for the automatic entry of flood waters (see § [151.30\(C\)\(3\)](#)). Areas of the garage below the BFE must be constructed with flood resistant materials (see § [151.30\(B\)](#)).
2. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.

(b) *Detached garages and accessory structures.*

1. Accessory structures used solely for parking (two car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in § [151.05](#), may be constructed such that its flood is below the base flood elevation (BFE) provided the structure is designed and constructed in accordance with the following requirements:

- a. Use of the accessory structure must be limited to parking or limited storage;
- b. The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
- c. The accessory structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
- d. Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
- e. The accessory structure must comply with floodplain encroachment provisions in § [151.35](#); and
- f. The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with § [151.30\(C\)\(3\)](#).

2. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in § [151.30](#).
(Ord. 2013-002, passed 8-12-13)

§ 151.31 STANDARDS FOR UTILITIES.

(A) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

- (1) Infiltration of flood waters into the systems; and
- (2) Discharge from the systems into flood waters.

(B) On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.
(Ord. 2013-002, passed 8-12-13)

§ 151.32 STANDARDS FOR SUBDIVISIONS AND OTHER PROPOSED DEVELOPMENT.

(A) All new subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivision, greater than 50 lots or five acres, whichever is the lesser, shall:

- (1) Identify the special flood hazard areas (SFHA) and base flood elevations (BFE).
- (2) Identify the elevations of lowest floors of all proposed structures and pads on the final plans.
- (3) If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a letter of map revision based on fill (LOMR-F) to the Floodplain Administrator:
 - (a) Lowest floor elevation;
 - (b) Pad elevation; and
 - (c) The lowest adjacent grade.

(B) All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

(C) All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(D) All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.
(Ord. 2013-002, passed 8-12-13)

§ 151.33 STANDARDS FOR MANUFACTURED HOMES.

(A) All manufactured homes that are placed or substantially improved, on sites located:

- (1) Outside of a manufactured home park or subdivision;
- (2) In a new manufactured home park or subdivision;
- (3) In an expansion to an existing manufactured home park or subdivision; or
- (4) In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred substantial damage as the result of a flood, shall within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(B) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map that are not subject to the provisions of division (A) will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

- (1) Lowest floor of the manufactured home is at or above the base flood elevation; or
- (2) Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

(C) Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

(Ord. 2013-002, passed 8-12-13)

§ 151.34 STANDARDS FOR RECREATIONAL VEHICLES.

All recreational vehicles placed in Zones A1-30, AH, and AE will either:

(A) Be on the site for fewer than 180 consecutive days; or

(B) Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

(C) Meet the permit requirements of § [151.22](#) and the elevation and anchoring requirements for manufactured homes in § [151.33](#)(A).

(Ord. 2013-002, passed 8-12-13)

§ 151.35 FLOODWAYS.

Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(A) Until a regulatory floodway is adopted, no new construction, substantial development or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one foot at any point within the city.

(B) Within an adopted regulatory floodway, the city shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(C) If divisions (A) and (B) are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of § [151.30](#).

(Ord. 2013-002, passed 8-12-13)

VARIANCE PROCEDURE

§ 151.45 NATURE OF VARIANCES.

(A) The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

(B) The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

(C) It is the duty of the City Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

(Ord. 2013-002, passed 8-12-13)

§ 151.46 CONDITIONS FOR VARIANCES.

(A) Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of §§ [151.20](#) and [151.30](#) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(B) Variances may be issued for the repair or rehabilitation of historic structures (as defined in § [151.05](#)) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(C) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

(D) Variances shall only be issued upon a determination that the variance is the minimum necessary considering the flood hazard, to afford relief. **MINIMUM NECESSARY** means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City Council believes will both provide relief and preserve the integrity of the local ordinance.

(E) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

(2) Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Stanislaus County Clerk Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(F) The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

(Ord. 2013-002, passed 8-12-13)

§ 151.47 APPEAL BOARD.

(A) In passing upon requests for variances, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:

- (1) Danger that materials may be swept onto other lands to the injury of others;
- (2) Danger of life and property due to flooding or erosion damage;
- (3) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
- (4) Importance of the services provided by the proposed facility to the community;
- (5) Necessity to the facility of a waterfront location, where applicable;
- (6) Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (7) Compatibility of the proposed use with existing and anticipated development;
- (8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) Safety of access to the property in time of flood for ordinary and emergency vehicles;
- (10) Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
- (11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

(B) Variances shall only be issued upon a:

- (1) Showing of good and sufficient cause;
- (2) Determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- (3) Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see definition of public safety and nuisance), cause fraud and victimization of the public, or conflict with existing local laws or ordinances.

(C) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of § [151.46](#) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

(D) Upon consideration of the factors of § [151.45](#) and the purposes of this chapter, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(Ord. 2013-002, passed 8-12-13)

§ 151.48. DEVELOPMENT IN FLOOD HAZARD ZONE

(A) Development of land, including but not limited to Development Agreements, Tentative Subdivision Maps, Parcel Maps, discretionary approvals and ministerial approvals for residential units, shall not be approved until any applicable findings required in Chapter 153, Section 153.382 have been made.

SECTION 2: Chapter 152: Subdivisions, Section 152.012: Subdivisions in Flood Hazard Zones of Title XV: Land Usage of Riverbank's Municipal Code shall be added to read as follows:

Subdivisions located in Flood Hazard Zones as defined in Chapter 151, Section 151.05 shall not be approved until the applicable findings required in Chapter 153, Section 153.382: 200-Year Flood Protection have been made.

SECTION 3: Chapter 153: Zoning, Sections 153.380 through 153.382: 200-Year Flood Protection of Title XV: Land Usage of Riverbank's Municipal Code shall be added to read as follows:

200-YEAR FLOOD PROTECTION

§ 153.380 INTENT

This section implements the requirements of Senate Bill 5 (2007) and related legislation that prohibits approval of urban development in urban and urbanizing areas that are exposed to 200-year flooding risk unless certain findings are made. These requirements are established in the California Government Code Sections 65865.5, 65962 and 66474.5, as amended.

§ 153.381 DEFINITIONS

200-YEAR FREQUENCY FLOODING. The level of 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.

200-YEAR FLOODPLAIN MAP. A map approved by the City Engineer for urban and urbanizing areas that depicts geographic areas that may be exposed to 200-year frequency flooding, and, if available, the depth of flooding during a 200-year flooding event.

ADEQUATE PROGRESS. Defined in California Government Code Section 65007.

NEW DEVELOPMENT. Defined as:

- (1) a development agreement, or
- (2) a tentative subdivision map, or a parcel map for which a tentative map was not required, or
- (3) 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
- (4) a ministerial permit that would result in the construction of a new residence.

FLOOD HAZARD ZONE. An area subject to flooding as delineated as either a special

hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency (FEMA), as also defined in Section 151.48.

URBAN AREAS AND URBANIZING AREAS. An urban area is a developed area in which there are 10,000 residents or more (California Government Code Section 65007(l)). An urbanizing area is a developed area or an area outside a developed area that is planned or anticipated to have 10,000 residents or more within the next 10 years. (California Government Code Section 65007(m)).

URBAN LEVEL OF FLOOD PROTECTION (ULOP). Means the level of protection that is necessary to withstand 200-year frequency flooding. ULOP shall not mean shallow flooding or flooding from local drainage that meets the criteria for the national Federal Emergency Management Agency standard of flood protection (Government Code Section 65007).

§ 153.382 200-YEAR FLOOD PROTECTION REQUIREMENTS FOR NEW DEVELOPMENT

After July 2, 2016, unless that date is amended by the State Legislature, new development shall not be approved where 200-year flooding, as shown on a 200-year map, will exceed 3 feet in depth, or in a flood hazard zones where 200-year floodplain maps have not been approved by the City Engineer, unless the approval authority determines based on substantial evidence in the record that:

(A) The facilities of the State Plan of Flood Control or other flood management facilities protect the new development site 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-urbanizing areas; or

(B) Conditions imposed on the new development 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 non-urbanizing areas; or

(C) The local flood management agency has made adequate progress 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 and urbanizing areas, or the national Federal Emergency Management Agency standard of flood protection in non-urbanizing areas.

(D) The new development site located in an undetermined risk area has met the urban level of flood protection based on substantial evidence in the record.

Deleted:

SECTION 4: This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date or a summary of the Ordinance is published in a newspaper of general circulation at least five (5) days prior to adoption and again at least fifteen (15) days prior to its effective date.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Riverbank held on _____, 2016. Said ordinance was given a second reading at a regular meeting of said Council on _____, 2016, and Councilmember _____ seconded by Councilmember _____, moved the adoption of said ordinance, and upon roll call was carried by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

ATTEST:

APPROVED:

Annabelle Aguilar, CMC
City Clerk

Richard O'Brien
Mayor

PLANNING COMMISSION

RESOLUTION NO. 2016-012

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIVERBANK
RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF AN ORDINANCE
AMENDING THE RIVERBANK MUNICIPAL CODE BY REPEALING IN ITS ENTIRETY CHAPTER
151: FLOODPLAIN MANAGEMENT OF TITLE XV: LAND USAGE AND SUBSTITUTING IT WITH A
NEW CHAPTER 151: FLOODPLAIN MANAGEMENT; AND AMENDING CHAPTER 152 AND 153
TO ADDRESS THE REQUIREMENTS OF CALIFORNIA SENATE BILL 5 (2007) AND
ASSOCIATED LEGISLATION RELATED TO PROVISION OF 200-YEAR FLOOD PROTECTION
TO CALIFORNIA URBAN AREAS**

WHEREAS, the City of Riverbank amended the Riverbank General Plan to address the requirements of California Senate Bill 5 (2007) and associated legislation related to provision of 200-year flood protection to California urban areas in July 2016; and

WHEREAS, the proposed ordinance amendment implements the requirements of SB 5 and the City of Riverbank's General Plan related to 200-year flood protection; and

WHEREAS, the Planning Commission held a public hearing on July 19, 2016, to consider said ordinance and take public comment pursuant to Section 153.232 (A); and

WHEREAS, the Planning Commission reviewed and considered, pursuant to the California Environmental Quality Act (CEQA), the proposed ordinance amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061; and

WHEREAS, the proposed ordinance is consistent with the following Policy of the General Plan:

Policy SAFE-1.13: *Ensure the City is in compliance with the Central Valley Flood Protection Plan (CVFPP).*

Implementation Measure SAFE-6: *The City shall amend its Zoning Ordinance pursuant to California Government Code §65860.1 to provide consistency with the amendments made to the General Plan pursuant to California Government Code §65302.9 for flood risk management and for compliance with the Central Valley Flood Protection Act of 2008 (and any subsequent amendments).*

NOW THEREFORE, BE IT RESOLVED by the City of Riverbank Planning Commission that Ordinance No. XXX-2016 is hereby recommended for approval to the City Council as illustrated in Exhibit A.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 19th of July, 2016, by the following vote 4-0:

AYES: Commissioners: King, Stewart, McKinney and Villapudua

NOES: None

ABSENT: Tabacco

ABSTAIN: None

Approved:



Carlos Villapudua
Chairperson, Planning Commission

Attest:



Donna M. Kenney, Secretary
Planning and Building Manager



City of Riverbank
Planning Commission Meeting
6707 Third Street • Riverbank • CA 95367

MINUTES Tuesday, July 19, 2016

The following minutes reflect action minutes, with added clarification for the record. A copy of the verbatim recording may be obtained, for a fee, by contacting the Development Services Department at (209) 863-7128.

CALL TO ORDER/ROLL CALL:

Present: Chair Villapudua, Vice Chair McKinney, Commissioner King, and Commissioner Stewart

Absent: Commissioner: Tabacco

CONFLICT OF INTEREST: Any Planning Commissioner and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict.

No one declared a conflict.

1. PUBLIC COMMENTS (No action to be taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the Planning Commission. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the Planning Commission.

None

2. CONSENT CALENDAR

All items on the Consent Calendar are to be acted upon by a single action of the Planning Commission unless otherwise requested by an individual Planning Commissioner for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item No. 2.A: Posting of the July 19, 2016, Planning Commission Meeting.

ACTION: *By motion moved/second (Stewart / King / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Stewart, King, McKinney, and Villapudua

Nays: None

Absent: Tabacco

Abstained: None

Item No. 2.B: The Agenda for the July 19, 2016, Planning Commission Meeting.

ACTION: *By motion moved/second (Stewart / King / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: *Planning Commissioners: Stewart, King, McKinney and Villapudua*

Nays: *None*

Absent: *Tabacco*

Abstained: *None*

Item No. 2.C.1: The Minutes of the March 15, 2016 Planning Commission Meeting, having been read by the individual Commissioners was continued until the next Planning Commission Meeting of August 16, 2016.

ACTION: *Item was not voted on and was continued until the next Planning Commission Meeting due to lack of attendees on this item.*

Item No. 2.C.2: The Minutes of the May 17, 2016 Planning Commission Meeting, having been read by the individual Commissioners and stands approved as submitted.

ACTION: *By motion moved/second (Stewart / King / passed 3-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: *Planning Commissioners: McKinney, King, and Stewart*

Nays: *None*

Absent: *Tabacco*

Abstained: *Villapudua*

3. PUBLIC NOTICE

Item 3.1: Senate Bill 5 (SB5) Zoning Code Amendment Project Description: The proposed Zoning Code Amendment will amend Title XV: Land Usage, Chapter 151: Flood Plain Management, Chapter 152, Subdivisions, and Chapter 153: Zoning to be consistent with Senate Bill 5, the Central Valley Flood Protection Plan (CVFPP) and the City's Safety Element, which was amended in July 2015. The Zoning Code Amendment adds Section 153.380: 200-Year Flood Protection and will 1) required certain findings to be made to approve any discretionary project or permit that would result in the construction of a new residence within Flood Hazard Zones (100-, 200-, 500-year floodplains); 2) include definitions such as Flood Hazard Zones, urban areas and urbanizing areas, etc.; and 3) amend Chapter 151 and 152 for internal consistency and referencing.

The proposed project is 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 proposed Code Amendment implements State-mandated requirements related to 200-year flood protection. All future requests for discretionary approvals related to a Project would be required to comply with the City's General Plan, Codes and Regulations and will be subject to CEQA compliance.

- Donna Kenney presented item 3.1.
- David Niskanen consultant with JB Anderson Planning presented the PowerPoint on item 3.1.
- Commissioner King asked questions pertaining to SB5.
- Mr. Niskanen responded to King's questions.
- Vice Chair McKinney also asked Mr. Niskanen questions pertaining to SB5.
- Mr. Niskanen responded to McKinney's questions.
- Donna Kenney also responded to McKinney's questions.

- Chair Villapudua also asked some questions in regards to SB5.
- Mr. Niskanen responded to Villapudua's questions he had.
- Being that the Commission had no further comments.
- Public Hearing was opened at 6:21 p.m.
- Being there were no comments the Public Hearing was closed at 6:22 p.m.

ACTION: *By motion moved/second (McKinney / Stewart / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Villapudua, McKinney, King, and Stewart

Nays: None

Absent: Tabacco

Abstained: None

4. COMMISSION ITEMS (Information Only – No Action)

Item continued until August 19, 2016 Planning Commission Meeting.

Item 4.1: A Resolution of the City Council of the City of Riverbank Approving and Adopting a 5-year Capital Improvement Plan (CIP) for Fiscal Years 2016-2021. To be presented by Kathleen Cleek.

5. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION (Information Only – No Action)

None

6. UP-COMING MEETING AGENDA ITEMS (Information Only – No Action)

Donna updated Commission on these items.

Item 6.1: Diamond Bar West – Final Subdivision Map

Item 6.2: Hayes 4 Phase 1 – Development Agreement and Initial Study

Item 6.2: Monterosso – Final Subdivision Map

Item 6.3: Ward Villas – Final Subdivision Map

Item 6.4: Diamond Bar East – Final Subdivision Map

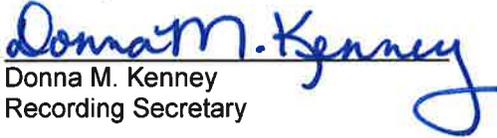
7. NEW BUSINESS (Information Only – No Action)

Item 7.1: Commissioner Stewart addressed concerns with neglected properties through out Riverank and what could be done.

- Donna Kenney responded to Stewart's concerns.

8. ADJOURNMENT – There being no further business, the meeting was adjourned at 6:25 p.m.

ATTEST:


Donna M. Kenney
Recording Secretary

APPROVED:


Carlos Villapudua, Chair
Planning Commissioner

COPY

New Text is shown in underline; deleted text is shown by ~~strike through~~

GENERAL PROVISIONS

§ 151.01 STATUTORY AUTHORIZATION.

The Legislature of the State of California has in Cal. Gov't Code §§ 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council does hereby adopt the following floodplain management regulations.

(Ord. 2013-002, passed 8-12-13)

§ 151.02 FINDINGS OF FACT.

(A) The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(B) These flood losses are caused by uses that are inadequately elevated, flood-proofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contributes to the flood losses.

(Ord. 2013-002, passed 8-12-13)

§ 151.03 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned and within flood prone, mudslide (i.e. mudflow) or flood related erosion areas. These regulations are designed to:

- (A) Protect human life and health;
- (B) Minimize expenditure of public money for costly flood control projects;
- (C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) Minimize prolonged business interruptions;
- (E) Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
- (F) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- (G) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (H) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Ord. 2013-002, passed 8-12-13)

§ 151.04 METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this subchapter includes regulations to:

(A) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

(B) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(C) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(D) Control filling, grading, dredging, and other development which may increase flood damage; and

(E) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(Ord. 2013-002, passed 8-12-13)

§ 151.05 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A ZONE. See **SPECIAL FLOOD HAZARD AREA.**

ACCESSORY STRUCTURE. A structure that is either:

(1) Solely for the parking of no more than two cars; or

(2) A small, low cost shed for limited storage, less than 150 square feet and \$1,500 in value.

ACCESSORY USE. A use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

ALLUVIAL FAN. A geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

APEX. A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

APPEAL. A request for a review of the Floodplain Administrator's interpretation of any provision of this chapter.

AREA OF SHALLOW FLOODING. A designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD. See **SPECIAL FLOOD HAZARD AREA.**

BASE FLOOD. A flood which has a 1% chance of being equaled or exceeded in any given year (also called the **100-YEAR FLOOD**). Base flood is the term used throughout this chapter.

BASE FLOOD ELEVATION (BFE). The elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1% or greater chance of being equaled or exceeded in any given year.

BASEMENT. Any area of the building having its floor sub-grade i.e., below ground level on all sides.

BUILDING. See **STRUCTURE.**

DEVELOPMENT. Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ENCROACHMENT. The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

EXISTING MANUFACTURED HOME PARK or SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before January 27, 1997.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK or SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD, FLOODING, or FLOOD WATER:

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and

(2) The condition resulting from flood-related erosion.

FLOOD BOUNDARY and FLOODWAY MAP (FBFM). The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

FLOOD HAZARD ZONE. “Flood hazard zone” means an area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official Flood Insurance Rate Map issued by the Federal Emergency Management Agency. The identification of flood hazard zones does not imply that areas outside the flood hazard zones, or uses permitted within flood hazards, will be free from flooding or flood damage.

FLOOD INSURANCE RATE MAP (FIRM). The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOODPLAIN or FLOOD-PRONE AREA. Any land area susceptible to being inundated by water from any source. See **FLOODING**.

FLOODPLAIN ADMINISTRATOR. The Building Official of the city a power of which is to administer and enforce the floodplain management regulations.

FLOODPLAIN MANAGEMENT. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS. This chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations

in any combination thereof which provide standards for preventing and reducing flood loss and damage.

FLOODPROOFING. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as **REGULATORY FLOODWAY**.

FLOODWAY FRINGE. That area of the floodplain on either side of the regulatory floodway where encroachment may be permitted.

FRAUD AND VICTIMIZATION. For purposes of § [151.45](#), that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City Council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for 50 to 100 years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

FUNCTIONALLY DEPENDENT USE. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

GOVERNING BODY. The local governing unit i.e. county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

HARDSHIP. For the purposes of § [151.45](#), the exceptional hardship that would result from a failure to grant the requested variance. The City Council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

LEVEE. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM. A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

LOWEST FLOOR. The lowest floor of the lowest enclosed area, including basement (see **BASEMENT** definition).

(1) An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements including, but not limited to:

- (a) The wet flood openings standard in § [151.30\(C\)\(3\)](#);
- (b) The anchoring standards in § [151.30\(A\)](#);
- (c) The construction materials and methods standards in § [151.30\(B\)](#); and
- (d) The standards for utilities in § [151.31](#).

(2) For residential structures, all sub-grade enclosed areas are prohibited as they are considered to be basements (see **BASEMENT** definition). This prohibition includes below-grade garages and storage areas.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term does not include a **RECREATIONAL VEHICLE**.

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE. Defined in the city substantial damage/improvement procedures. See § [151.04](#).

MEAN SEA LEVEL. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION. For floodplain management purposes, means structures for which the start of construction commenced on or after January 27, 1997 and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK or SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after January 27, 1997.

OBSTRUCTION. Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building,

wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

ONE-HUNDRED YEAR FLOOD or **100-YEAR FLOOD**. See **BASE FLOOD**.

PROGRAM DEFICIENCY. A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

PUBLIC SAFETY and **NUISANCE**. For the purposes of § [151.06](#), means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

RECREATIONAL VEHICLE. A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty-truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters

for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

REMEDY A VIOLATION. To bring the structure or other development into compliance with state or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

RIVERINE. Relating to, formed by, or resembling a river (including tributaries), stream, brook, and the like.

SHEET FLOW AREA. See **AREA OF SHALLOW FLOODING**.

SPECIAL FLOOD HAZARD AREA (SFHA). An area in the floodplain subject to a 1% or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, or AH.

START OF CONSTRUCTION. Includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction

means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE. A walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

VARIANCE. A grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

VIOLATION. The failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

WATERCOURSE. A lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(Ord. 2013-002, passed 8-12-13)

§ 151.06 LANDS TO WHICH CHAPTER APPLIES.

This chapter shall apply to [all areas of special flood hazard within the jurisdiction of the city shown in an FHFV or FIRM as Zone A or AE.](#)

(Ord. 2013-002, passed 8-12-13)

§ 151.07 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated September 25, 2003 and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated September 25, 2003, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City

Deleted: all areas of special flood hazards within the jurisdiction of the city

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Council by the Floodplain Administrator. The study, FIRMs and FBFMs are on file at Riverbank City Hall Administration, 6707 Third Street, Riverbank, California, 95367.
(Ord. 2013-002, passed 8-12-13)

§ 151.08 COMPLIANCE.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the term of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation.
(Ord. 2013-002, passed 8-12-13)

§ 151.09 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(Ord. 2013-002, passed 8-12-13)

§ 151.10 INTERPRETATION.

In the interpretation and application of this chapter, all provisions shall be:
(A) Considered as minimum requirements;
(B) Liberally construed in favor of the governing body; and
(C) Deemed neither to limit nor repeal any other powers granted under state statutes.
(Ord. 2013-002, passed 8-12-13)

§ 151.11 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City Council, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.
(Ord. 2013-002, passed 8-12-13)

ADMINISTRATION

§ 151.20 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.

The City Manager is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions.
(Ord. 2013-002, passed 8-12-13)

§ 151.21 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

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The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following.

(A) *Permit review.* Review all development permits to determine:

(1) Permit requirements of this chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;

(2) All other required state and federal permits have been obtained;

(3) The site is reasonably safe from flooding;

(4) The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the city; and

(5) All letter of map revision (LOMRs) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the start of construction definition.

(B) *Development of substantial improvement and substantial damage procedures.*

(1) Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings." develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining market value.

(2) Assure procedures are coordinated with other departments/divisions and implemented by community staff.

(C) *Review, use and development of other base flood data.*

(1) When base flood elevation data has not been provided in accordance with § [151.07](#), the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer § [151.30](#).

(2) Note: a base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA-265, "Managing Floodplain Development in Approximate Zone A Areas - A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995.

(D) *Notification of other agencies.*

(1) Alteration or relocation of a watercourse:

(a) Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;

(b) Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and

(c) Assure that the flood carrying capacity within the altered or relocated portion of the watercourse is maintained.

(2) Base flood elevation changes due to physical alterations.

(a) Within six months of information becoming available or project completion, whichever comes first, the Floodplain Administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a letter of map revision (LOMR).

(b) All LOMRs for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued on conditional letters of map revision

(CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the start of construction definition.

(c) Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

(3) *Changes in corporate boundaries.* Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

(E) *Documentation of floodplain development.* Obtain and maintain for public inspection and make available as needed the following:

(1) Certification required by §§ [151.22](#) and [151.22](#)(E) (lowest floor elevations);

(2) Certification required by § [151.30](#)(C)(2) (elevation or floodproofing of nonresidential structures);

(3) Certification required by § [151.30](#)(C)(3) (wet floodproofing standard);

(4) Certification of elevation required by § [151.32](#)(A)(3) (subdivisions and other proposed development standards);

(5) Certification required by § [151.35](#)(B) (floodway encroachments); and

(6) Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

(F) *Map determinations.* Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § [151.23](#).

(G) *Remedial action.* Take action to remedy violations of this chapter as specified in § [151.08](#).

(H) *Biennial report.* Complete and submit biennial report to FEMA.

(I) *Planning.* Assure community's General Plan is consistent with floodplain management objectives herein.

(Ord. 2013-002, passed 8-12-13)

§ 151.22 DEVELOPMENT PERMIT.

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in § [151.07](#). Application for a development permit shall be made on forms furnished by the city. The applicant shall provide the following minimum information:

(A) Plans in duplicate, drawn to scale, showing:

(1) Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;

(2) Proposed locations of water supply, sanitary sewer, and other utilities;

(3) Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;

(4) Location of the regulatory floodway when applicable;

(5) Base flood elevation information as specified in § [151.07](#) or § [151.21](#)(C);

(6) Proposed elevation in relation to mean sea level, of the lowest flood (including basement) of all structures; and

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(7) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in § [151.30](#)(C)(2) and detailed in FEMA Technical Bulletin TB 3-93.

(B) Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in § [151.30](#)(C)(2).

(C) For a crawl-space foundation, location and total net area of foundation openings as required in § [151.30](#) and detailed in FEMA Technical Bulletins 1-93 and 7-93.

(D) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(E) All appropriate certifications listed in § [151.21](#).
(Ord. 2013-002, passed 8-12-13)

§ 151.23 APPEALS.

The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.

(Ord. 2013-002, passed 8-12-13)

PROVISIONS FOR FLOOD HAZARD REDUCTION

§ 151.30 STANDARDS OF CONSTRUCTION.

In all areas of special flood hazards the following standards are required:

(A) *Anchoring.* All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(B) *Construction materials and methods.* All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

(1) With flood resistant materials and utility equipment resistant to flood damage for areas below the base flood elevation;

(2) Using methods and practices that minimize flood damage;

(3) With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and

(4) Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

(C) *Elevation and floodproofing.*

(1) *Residential construction.*

(a) All new construction or substantial improvements of residential structures shall have the lowest flood, including basement:

1. In AE, AH, A1-30 Zones, elevated to or above the base flood elevation.

2. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.

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3. In an A zone, without BFEs specified on the FIRM (unnumbered A zone) elevated to or above the base flood elevation, as determined under § [151.14\(C\)](#).

(b) Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. The certification and verification shall be provided to the Floodplain Administrator.

(2) *Nonresidential construction.* All new construction or substantial improvements of nonresidential structures shall either be elevated to conform to § [151.30\(C\)\(1\)](#); or

(a) Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under § [151.30\(C\)\(1\)](#), so that the structure is watertight with walls substantially impermeable to the passage of water;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(c) Be certified by a registered civil engineer or architect that the standards of § [151.30\(C\)\(2\)\(a\)](#) and (C)(2)(b) are satisfied. Such certification shall be provided to the Floodplain Administrator.

(3) *Flood openings.* All new construction and substantial improvements of structures with fully enclosed areas below the lowest flood (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria.

(a) For non-engineered openings.

1. Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one foot above grade;

3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and

4. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or

(b) Be certified by a registered civil engineer or architect.

(4) *Manufactured homes.* See § [151.33](#).

(5) *Garages and low cost accessory structures.*

(a) *Attached garages.*

1. A garage attached to a residential structure, constructed with the garage flood slab below the BFE, must be designed to allow for the automatic entry of flood waters (see § [151.30\(C\)\(3\)](#)). Areas of the garage below the BFE must be constructed with flood resistant materials (see § [151.30\(B\)](#)).

2. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.

(b) *Detached garages and accessory structures.*

1. Accessory structures used solely for parking (two car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in § [151.05](#), may be constructed such that its flood is below the base flood elevation (BFE) provided the structure is designed and constructed in accordance with the following requirements:

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- a. Use of the accessory structure must be limited to parking or limited storage;
 - b. The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
 - c. The accessory structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
 - d. Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
 - e. The accessory structure must comply with floodplain encroachment provisions in § [151.35](#); and
 - f. The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with § [151.30](#)(C)(3).
2. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in § [151.30](#).
(Ord. 2013-002, passed 8-12-13)

§ 151.31 STANDARDS FOR UTILITIES.

- (A) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
- (1) Infiltration of flood waters into the systems; and
 - (2) Discharge from the systems into flood waters.
- (B) On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.
(Ord. 2013-002, passed 8-12-13)

§ 151.32 STANDARDS FOR SUBDIVISIONS AND OTHER PROPOSED DEVELOPMENT.

- (A) All new subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivision, greater than 50 lots or five acres, whichever is the lesser, shall:
- (1) Identify the special flood hazard areas (SFHA) and base flood elevations (BFE).
 - (2) Identify the elevations of lowest floors of all proposed structures and pads on the final plans.
 - (3) If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a letter of map revision based on fill (LOMR-F) to the Floodplain Administrator:
 - (a) Lowest floor elevation;
 - (b) Pad elevation; and
 - (c) The lowest adjacent grade.
- (B) All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
- (C) All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (D) All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.
(Ord. 2013-002, passed 8-12-13)

§ 151.33 STANDARDS FOR MANUFACTURED HOMES.

(A) All manufactured homes that are placed or substantially improved, on sites located:

- (1) Outside of a manufactured home park or subdivision;
- (2) In a new manufactured home park or subdivision;
- (3) In an expansion to an existing manufactured home park or subdivision; or
- (4) In an existing manufactured home park or subdivision on a site upon which a

manufactured home has incurred substantial damage as the result of a flood, shall within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(B) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map that are not subject to the provisions of division (A) will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

- (1) Lowest floor of the manufactured home is at or above the base flood elevation; or
- (2) Manufactured home chassis is supported by reinforced piers or other foundation

elements of at least equivalent strength that are no less than 36 inches in height above grade.

(C) Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

(Ord. 2013-002, passed 8-12-13)

§ 151.34 STANDARDS FOR RECREATIONAL VEHICLES.

All recreational vehicles placed in Zones A1-30, AH, and AE will either:

(A) Be on the site for fewer than 180 consecutive days; or

(B) Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

(C) Meet the permit requirements of § [151.22](#) and the elevation and anchoring requirements for manufactured homes in § [151.33](#)(A).

(Ord. 2013-002, passed 8-12-13)

§ 151.35 FLOODWAYS.

Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(A) Until a regulatory floodway is adopted, no new construction, substantial development or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one foot at any point within the city.

(B) Within an adopted regulatory floodway, the city shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a

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registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(C) If divisions (A) and (B) are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of § [151.30](#).

(Ord. 2013-002, passed 8-12-13)

VARIANCE PROCEDURE

§ 151.45 NATURE OF VARIANCES.

(A) The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

(B) The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

(C) It is the duty of the City Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

(Ord. 2013-002, passed 8-12-13)

§ 151.46 CONDITIONS FOR VARIANCES.

(A) Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of §§ [151.20](#) and [151.30](#) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(B) Variances may be issued for the repair or rehabilitation of historic structures (as defined in § [151.05](#)) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(C) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

(D) Variances shall only be issued upon a determination that the variance is the minimum necessary considering the flood hazard, to afford relief. **MINIMUM NECESSARY** means to

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afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City Council believes will both provide relief and preserve the integrity of the local ordinance.

(E) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

(2) Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Stanislaus County Clerk Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(F) The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

(Ord. 2013-002, passed 8-12-13)

§ 151.47 APPEAL BOARD.

(A) In passing upon requests for variances, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:

(1) Danger that materials may be swept onto other lands to the injury of others;

(2) Danger of life and property due to flooding or erosion damage;

(3) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

(4) Importance of the services provided by the proposed facility to the community;

(5) Necessity to the facility of a waterfront location, where applicable;

(6) Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(7) Compatibility of the proposed use with existing and anticipated development;

(8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(9) Safety of access to the property in time of flood for ordinary and emergency vehicles;

(10) Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

(11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

(B) Variances shall only be issued upon a:

(1) Showing of good and sufficient cause;

(2) Determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(3) Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see

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definition of public safety and nuisance), cause fraud and victimization of the public, or conflict with existing local laws or ordinances.

(C) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of § [151.46](#) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

(D) Upon consideration of the factors of § [151.45](#) and the purposes of this chapter, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(Ord. 2013-002, passed 8-12-13)

[§ 151.48. DEVELOPMENT IN FLOOD HAZARD ZONE](#)

[\(A\) Development of land, including but not limited to Development Agreements, Tentative Subdivision Maps, Parcel Maps, discretionary approvals and ministerial approvals for residential units, shall not be approved until any applicable findings required in Chapter 153, Section 153.382 have been made.](#)

Subdivisions Chapter 152 Mark-Up

New Text is shown in underline; deleted text is shown by ~~striketrough~~

Section 152.012 is added to the Riverbank Municipal Code to read as follows:

Section 152.012 Subdivisions in Flood Hazard Zones

§ 152.012 SUBDIVISIONS IN FLOOD HAZARD ZONES – REQUIRED FINDINGS

Subdivisions located in Flood Hazard Zones as defined in Chapter 151, Section 151.05 shall not be approved until the applicable findings required in Chapter 153, Section 153.382: 200-Year Flood Protection have been made.

New Text is shown in underline; deleted text is shown by ~~strike through~~

Section 153.380 is added to the Riverbank Municipal Code to read as follows:

Section 153.380 200-Year Flood Protection

200-YEAR FLOOD PROTECTION

§ 153.380 INTENT

This section implements the requirements of Senate Bill 5 (2007) and related legislation that prohibits approval of urban development in urban and urbanizing areas that are exposed to 200-year flooding risk unless certain findings are made. These requirements are established in the California Government Code Sections 65865.5, 65962 and 66474.5, as amended.

§ 153.381 DEFINITIONS

200-YEAR FREQUENCY FLOODING. The level of 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.

200-YEAR FLOODPLAIN MAP. A map approved by the City Engineer for urban and urbanizing areas that depicts geographic areas that may be exposed to 200-year frequency flooding, and, if available, the depth of flooding during a 200-year flooding event.

ADEQUATE PROGRESS. Defined in California Government Code Section 65007.

NEW DEVELOPMENT. Defined as:

- (1) a development agreement, or
- (2) a tentative subdivision map, or a parcel map for which a tentative map was not required, or
- (3) 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
- (4) a ministerial permit that would result in the construction of a new residence.

FLOOD HAZARD ZONE. An area subject to flooding as delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency (FEMA), as also defined in Section 151.48.

URBAN AREAS AND URBANIZING AREAS. An urban area is a developed area in which there are 10,000 residents or more (California Government Code Section 65007(I)). An urbanizing area is a developed area or an area outside a developed area that is planned or anticipated to have 10,000 residents or more within the next 10 years. (California Government Code Section 65007(m)).

URBAN LEVEL OF FLOOD PROTECTION (ULOP). Means the level of protection that is necessary to withstand 200-year frequency flooding. ULOP shall not mean shallow flooding or flooding from local drainage that meets the criteria for the national Federal Emergency Management Agency standard of flood protection (Government Code Section 65007).

§ 153.382 200-YEAR FLOOD PROTECTION REQUIREMENTS FOR NEW DEVELOPMENT

After July 2, 2016, unless that date is amended by the State Legislature, new development shall not be approved where 200-year flooding, as shown on a 200-year map, will exceed 3 feet in depth, or in a flood hazard zones where 200-year floodplain maps have not been approved by the City Engineer, unless the approval authority determines based on substantial evidence in the record that:

(A) The facilities of the State Plan of Flood Control or other flood management facilities protect the new development site 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-urbanizing areas; or

(B) Conditions imposed on the new development 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 non-urbanizing areas; or

(C) The local flood management agency has made adequate progress 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 and urbanizing areas, or the national Federal Emergency Management Agency standard of flood protection in non-urbanizing areas.

(D) The new development site located in an undetermined risk area has met the urban level of flood protection based on substantial evidence in the record.

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RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.1

SECTION 5: PUBLIC HEARING

Meeting Date:	September 13, 2016
Subject/ Title:	Adopt a Resolution of the City Council of the City of Riverbank, California, Approving the General Plan Amendment to Modify the Typical Street Design by Classification and Type Illustrated in Table CIRC-2 of the Riverbank 2005-2025 General Plan Circulation Element
From:	Marisela Garcia, Interim City Manager
Submitted by:	John B. Anderson, Contract Planner

RECOMMENDATION

It is recommended that the City Council consider adoption of the proposed Resolution to modify the typical street design by classification and type illustrated in Table CIRC-2 of the Riverbank 2005-2025 General Plan Circulation Element and find the project exempt under Article 12 Section 15183 of the CEQA Guidelines.

SUMMARY

This project involves a General Plan Amendment to modify the typical street design by classification and type illustrated in Table CIRC-2 of the Riverbank 2005-2025 General Plan Circulation Element. The proposed revised Table CIRC-2 is attached to this Staff report as Attachment 2.

BACKGROUND

The General Plan Circulation Element Table CIRC-2 is confusing in many ways. The table suggests the creation of right of way width dedications, which do not appear to be realistic, and the creation of drainage swales behind sidewalks away from the street sections. The proposed new Table CIRC-2 would be consistent with current and projected right of way demands as well as the obligations for properly treating storm water run-off through roadside drainage swales, and treatment devices.

ANALYSIS

A. General Plan Conformance

The proposed General Plan Amendment is in conformance with the direction of the General Plan and Policies. The proposed amendments to the Circulation Element of the Riverbank 2005-2025 General Plan are consistent with past and current implementation strategies developed by staff.

B. General Plan Consistency Findings

Pursuant to City's General Plan, when the Planning Commission and City Council are considering a proposed General Plan amendment, at a minimum, the answers to the following questions (plus additional considerations as conditions warrant) will determine the City's action:

1. Is the proposed amendment in the public interest?

The proposed modifications to Table CIRC-2 of the General Plan Circulation will achieve consistency between the adopted Street Standards, existing conditions, planned projects and the General Plan.

2. Is the proposed amendment consistent and compatible with the goals and the vast majority of policies of the General Plan?

This Project is consistent with these Goals and Policies of the General Plan:

Ø Goal CIRC-1. Riverbank's Circulation Network Provides Convenience and Choice among All Modes of Transportation.

- The proposed street designs and classification system will promote pedestrian and non-vehicular traffic as well as vehicular traffic as a multimodal solution to circulation planning. As Riverbank builds out to the Vision of the General Plan, the proposed CIRC-2 will be used as a tool to ensure new development is consistent with the General Plan Circulation Element Goals.

Ø Policy CIRC-1.8. City street standards and the street classification system will reflect the need to accommodate the full range of locally available travel modes.

- The proposed street designs and classification system will promote pedestrian and non-vehicular traffic as well as vehicular traffic as a multimodal solution to circulation planning. As Riverbank builds out to the Vision of the General Plan, the proposed CIRC-2 will be used

as a tool to ensure new development is consistent with the General Plan Circulation Element Goals.

3. Have the potential effects of the proposed amendment been evaluated and determined not to be detrimental to the public health, safety, or welfare?

This Project has been evaluated and it has been determined that it will not be detrimental to the public health, safety, or welfare. The proposed modified Table CIRC-2 will in essence act as a tool to implement storm water treatment techniques in compliance with orders issued by the Regional Water Quality Control Board. The proposal will not have a negative effect on the public health, safety, or welfare.

4. Has the proposed amendment been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act?

This Project has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.

PLANNING COMMISSION ACTION

On August 16, 2016, the Planning Commission held a duly noticed public hearing to consider the proposed General Plan Amendment to modify Table CIRC-2 in the Circulation Element. Four (4) Planning Commissioners were present at this meeting: Chair Villapudua, Vice Chair McKinney, Commissioner Stewart and Commissioner Tabacco.

The Planning Commission deliberated on the proposed modifications to Table CIRC-2 of the Circulation Element. Commissioner McKinney raised a question about the specific ranges seen in the modified table. The specific ranges are based upon the City's analysis of current specific plans and other City plans to allow for consistency between all appropriate documents.

Commissioner Stewart made a motion, and Vice Chair McKinney seconded, to approve Resolution No. 2016-013, recommending to the City Council of the City of Riverbank to adopt the proposed General Plan Amendment, modifying Table CIRC-2 of the Circulation Element. The motion passed with a 4-0 vote.

ENVIRONMENTAL DETERMINATION

The proposed action to approve a modified Table CIRC-2 as part of the General Plan Circulation Element is not a project as defined by Article 12, Section 15378 of the CEQA Guidelines.

FINANCIAL IMPACT

The proposed changes have been funded by City Council. No further funding is required at this time.

PUBLIC NOTICE

The City Council hearing notice was published in the Riverbank News on August 31, 2016, and posted at City Hall North and South (6707 Third Street and 6617 Third Street, Riverbank, respectfully) and the Community Center (3600 Santa Fe Street, Riverbank), on August 25, 2016.

ATTACHMENTS

1. Proposed City Council Resolution No.2016-____
2. Existing Table CIRC-2 of the General Plan Circulation Element
3. Modified Table CIRC-2 of the General Plan Circulation Element
4. Planning Commission Draft Resolution No. 2016-013
5. Planning Commission Draft Minutes of August 16, 2016

CITY OF RIVERBANK

RESOLUTION NO. 2016-XXX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, APPROVING THE GENERAL PLAN AMENDMENT TO MODIFY THE
TYPICAL STREET DESIGN BY CLASSIFICATION AND TYPE ILLUSTRATED IN
TABLE CIRC-2 OF THE RIVERBANK 2005-2025 GENERAL PLAN CIRCULATION
ELEMENT**

WHEREAS, City staff initiated a General Plan Amendment to modify Table CIRC-2 of the Riverbank General Plan Circulation Element; and

WHEREAS, Staff discovered that the adopted General Plan did not establish Street Design and Classification types which were consistent with current and projected design needs to accommodate a broad range of street users and Riverbanks obligation to comply with mandates from the Regional Water Quality Control Board; and

WHEREAS, The Riverbank Planning Commission held a duly noticed Public Hearing on August 16, 2016, and with a 4-0 vote adopted Resolution No. 2016-013, recommending to City Council approval of the General Plan Amendment.

WHEREAS, notice of the General Plan Amendment was published in the Riverbank News on August 31, 2016, and posted at City Hall North and the Community Center on August 25, 2016; and

WHEREAS, the modified Table CIRC-2 correctly illustrates the street design and classification types necessary to serve the community of Riverbank, referenced as Exhibit "A".

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF RIVERBANK HEREBY:

APPROVES THE AMENDMENTS TO THE GENERAL PLAN CIRCULATION ELEMENT, ATTACHED HERETO AS EXHIBIT A, BASED ON THE FOLLOWING FINDINGS:

1. General Plan Amendment Findings. That pursuant to California Government Code section 65358 and the Riverbank General Plan, the City Council 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. The update to the Riverbank General Plan Circulation Element is supported by the following General Plan Goals and Policies:
 - **Goal CIRC-1.** Riverbank’s Circulation Network Provides Convenience and Choice among All Modes of Transportation.
 - **Policy CIRC-1.8.** City street standards and the street classification system will reflect the need to accommodate the full range of locally available travel modes.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 13th day of September, 2016; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of ____:

AYES:
NAYS:
ABSENT:
ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O’Brien
Mayor

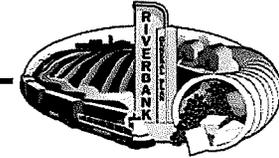
Attachments: Exhibit A – General Plan Amendment (Updated Table CIR-2)

Exhibit A: General Plan Amendment (Updated Table CIRC-2)

Riverbank
Circulation
Element
April 2016

Table CIRC - 2
Typical Street Design by Classification and Type

Classification	Type	ROW		Median	Travel Lanes	Lane Width	Planter Strip Drainage Swale	Sidewalks	Bike Lane	On Street Parking
		Min	Max							
Arterial		94'	126'	12 to 20'	4+	12'	4 to 20'	5 to 12'	Yes	No
Collector										
	Major	94'	100'	12'	2	12'	9 to 14'	5'	Yes	No
	Minor	84'	90'	0'	2	12'	9'	5'	Yes	Yes
Residential										
	Access	64'	80'	0'	2	10'	9'	5'	No	Yes
	Cul-de-Sac	56'	64'	0'	2	10'	4'	6'	No	Yes



**Table CIRC-2
Typical Street Design by Classification and Type**

Classification	Type	ROW (min max)		Median / Turning Lane	Travel Lanes	Lane Width	Sidewalk/ Bike Path			Planter Strip	Bike Lane (5-7')	Max Speed (in MPH) **	On-Street Parking (8')	Drainage Swale
Arterial	Residential	110	130	12-26'	4+	12'	Sidewalk/bike path	8-10'	Both sides	10'	No	35	No	Yes
	Mixed Use	102	120	12-26'	4+	12'	Sidewalk/bike path	8-10'	Both sides	10'	No	35	No	Yes
	Commercial	140	144	12-26'	4+	12'	Sidewalk/bike path	8-10'	Both sides	10'	No	35	No	Yes
Collector	Residential	82	87	12-16'	2	10'	Sidewalk	5-10'	Both sides	10'	Yes	30	No	Yes
	Mixed Use	82	85	No median. Turning lane/s at intersections.	2	10'	Sidewalk/bike path	8-10'	Both sides	No***	Yes	25	Yes (both)	No****
	Commercial	82	88	No median. Turning lane/s at intersections.	2	10'	Sidewalk/bike path	8-10'	Both sides	No***	Yes	30	Yes (both)	Yes
	Industrial/ Business Park	82	95	No median. Turning lane/s at intersections.	2	10'	Sidewalk	5-6'	Both sides	6-8'	Yes	30	No	Yes
Access	Residential*	74	80	No	2	10'	Sidewalk	5-6'	Both sides	6-8'	No	20	Yes (both)	No****
	Mixed Use	74	80	No	2	10'	Sidewalk	5-8'	Both sides	No***	Yes	20	Yes (both)	No****

Notes:

* Residential access street standards may be decreased somewhat at the City's direction if alley access is provided for public services, utilities, and parking/garage access.

** This is the intended maximum speed at which most drivers will travel given the built environmental speed controls created by the street width and design. It is not a design speed for sight distance cornering or other geometric properties of the roadway.

*** Streets sections in higher-activity, mixed-use areas may have a wide sidewalk (at least 10 feet in width) with street trees planted in sidewalk cutouts instead of a planter strip subject to review and approval by the City.

**** Most street sections will require the use of the use of natural drainage swales designed to meter and filter stormwater runoff. Streets sections in higher-activity, mixed-use areas can collect and convey runoff to nearby areas for natural metering, filtering, and infiltration.

Table CIRC - 2
 Typical Street Design by Classificaion and Type

Classification	Type	ROW		Median	Travel Lanes	Lane Width	Planter Strip Drainage Swale	Sidewalks	Bike Lane	On Street Parking
		Min	Max							
Arterial		94'	126'	12 to 20'	4+	12'	4 to 20'	5 to 12'	Yes	No
Collector	Major	94'	100'	12'	2	12'	9 to 14'	5'	Yes	No
	Minor	84'	90'	0'	2	12'	9'	5'	Yes	Yes
Residential	Access	64'	80'	0'	2	10'	9'	5'	No	Yes
	Cul-de-Sac	56'	64'	0'	2	10'	4'	6'	No	Yes

**City of Riverbank
Planning Commission
Resolution No. 2016-014**

**ADOPTION OF A GENERAL PLAN AMENDMENT TO MODIFY TABLE CIRC-2 OF THE
RIVERBANK GENERAL PLAN CIRCULATION ELEMENT**

WHEREAS, City staff initiated a General Plan Amendment to modify Table CIRC-2 of the Riverbank General Plan Circulation Element; and

WHEREAS, Staff discovered that the adopted General Plan did not establish Street Design and Classification types which were consistent with current and projected design needs to accommodate a broad range of street users and Riverbanks obligation to comply with mandates from the Regional Water Quality Control Board; and

WHEREAS, The Riverbank Planning Commission made the following findings:

1. The proposed General Plan Amendment is consistent with the goals, policies, program and uses of the General Plan.
2. The proposed action to adopt this General Plan Amendment is not a project as defined by Section 15378 of the CEQA Guidelines and there therefore will not require any environmental determination

WHEREAS, the proposed General Plan Amendment is consistent with the following aspects of the General Plan:

Goal CIRC-1. Riverbank's Circulation Network Provides Convenience and Choice among All Modes of Transportation.

Policy CIRC-1.8. City street standards and the street classification system will reflect the need to accommodate the full range of locally available travel modes.

WHEREAS, notice of the General Plan Amendment was published in the Riverbank News on August 3, 2016 and posted at City Hall North and South on July 28, 2016.

WHEREAS, the modified Table CIRC-2 correctly illustrates the street design and classification types necessary to serve the community of Riverbank, referenced as Exhibit "A"; and

NOW THEREFORE, BE IT RESOLVED by the City of Riverbank Planning Commission that the General Plan Amendment Resolution 2016-013 is hereby recommended to the City Council for approval,

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 16th of August 2016, by the following vote: 4-0

AYES: Commissioners Villapudua, McKinney, Stewart, and Tabacco

NOES: None

ABSENT: King

ABSTAIN: None

Attest:

Approved:

Donna M. Kenney
Building and Planning Manager

Carlos Villapudua, Chairperson
Planning Commission



City of Riverbank
Planning Commission Meeting
6707 Third Street • Riverbank • CA 95367

DRAFT MINUTES
Tuesday, August 16, 2016

The following minutes reflect action minutes, with added clarification for the record. A copy of the verbatim recording may be obtained, for a fee, by contacting the Development Services Department at (209) 863-7128.

CALL TO ORDER/ROLL CALL:

Present: Chair Villapudua, Vice Chair McKinney, Commissioner Stewart, and Commissioner Tabacco

Absent: Commissioner: King

CONFLICT OF INTEREST: Any Planning Commissioner and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict.

No one declared a conflict.

1. PUBLIC COMMENTS (No action to be taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the Planning Commission. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the Planning Commission.

None

2. CONSENT CALENDAR

All items on the Consent Calendar are to be acted upon by a single action of the Planning Commission unless otherwise requested by an individual Planning Commissioner for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item No. 2.A: Posting of the August 16, 2016, Planning Commission Meeting.

ACTION: *By motion moved/second (Stewart / McKinney / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Stewart, Tabacco, McKinney, and Villapudua

Nays: None

Absent: King

Abstained: None

Item No. 2.B: The Agenda for the August 16, 2016, Planning Commission Meeting.

ACTION: *By motion moved/second (Stewart / McKinney / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Stewart, Tabacco, McKinney and Villapudua

Nays: None

Absent: King

Abstained: None

Item No. 2.C: The Minutes of the March 15, 2016 Planning Commission Meeting, having been read by the individual Commissioners was continued until the next Planning Commission Meeting of September 20, 2016.

ACTION: *Item was not voted on and was continued until the next Planning Commission Meeting due to lack of attendees on this item.*

Item No. 2.D: The Minutes of the July 19, 2016 Planning Commission Meeting, having been read by the individual Commissioners and stands approved as submitted.

ACTION: *By motion moved/second (Stewart / McKinney / passed 3-1) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: McKinney, King, and Stewart

Nays: None

Absent: King

Abstained: Tabacco

3. PUBLIC NOTICE

Item 3.1: City initiated General Plan Amendment: This project involves a General Plan Amendment to modify the typical street design by classification and type illustrated in Table CIRC-2 of the Riverbank 2005-2025 General Plan Circulation Element. The existing Table CIRC-2 is confusing in many ways. The existing table suggests the creation of right of way width dedications which do not appear to be realistic and the creation of drainage swales behind sidewalks away from the street sections. The proposed new Table CIR-2 is in keeping with current and projected right of way demands as well as the obligations for properly treating storm water run-off through roadside drainage swales and treatment devices.

- Donna Kenney presented item 3.1 and presented the PowerPoint on item 3.1.
- Planning Commissioners asked questions pertaining item 3.1.
- Donna Kenney responded to their question they had.
- Being that the Commission had no further comments.
- Public Hearing was opened at 6:11 p.m.
- Evelyn Halbert had question to how it would affect existing streets.
- Donna Kenney responded to Evelyn's question that it would not affect existing streets.
- Being there were no additional comments the Public Hearing was closed at 6:15 p.m.

ACTION: *By motion moved/second (Stewart / McKinney / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Villapudua, McKinney, Tabacco, and Stewart

Riverbank Planning Commission

Minutes from August 16, 2016

Page 2 of 3

Nays: None

Absent: King

Abstained: None

4. COMMISSION ITEMS (Information Only – No Action)

Item 4.1: A Resolution of the City Council of the City of Riverbank Approving and Adopting a 5-year Capital Improvement Plan (CIP) for Fiscal Years 2016-2021.

- Donna Kenney presented the information for the (CIP) for Fiscal Years 2016-2021.
- Planning Commissioners asked Donna Kenney some questions about the CIP.
- Donna Kenney answered there questions they had.

5. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION (Information Only – No Action)

Item 5.1: Public Notice received from Stanislaus County that they will be updating there General Plan. Donna Kenney had received this information after the agenda was sent out so it was not on the agenda, but added at the meeting.

6. UP-COMING MEETING AGENDA ITEMS (Information Only – No Action)

Donna updated Commission on these items.

Item 6.1: Diamond Bar West – Final Subdivision Map

Item 6.2: Hayes 4 Phase 1 – Development Agreement and Initial Study

Item 6.2: Monterosso – Final Subdivision Map

Item 6.3: Ward Villas – Final Subdivision Map

Item 6.4: Diamond Bar East – Final Subdivision Map

7. NEW BUSINESS (Information Only – No Action)

Item 7.1: Donna Kenney updated Commissioner's on Commissioner Stewart's concerns from the July 19, 2016 meeting on neglected properties through out Riverank.

8. ADJOURNMENT – There being no further business, the meeting was adjourned at 6:30 p.m.

ATTEST:

APPROVED:

Donna M. Kenney
Recording Secretary

Carlos Villapudua, Chair
Planning Commissioner

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.2

SECTION 5: PUBLIC HEARING

Meeting Date:	September 13, 2016
Subject:	A Resolution of the City Council of the City of Riverbank, California, for the Approval of Proposed Development Services Administration Encroachment Permit Fees
From:	Marisela H. Garcia, Interim City Manager/Director of Finance

RECOMMENDATION

It is recommended that the City Council consider the adoption of a Resolution to approve proposed Development Services Administration Encroachment Permit Fees.

SUMMARY

The proposed fees will enable the Development Services Administration Department to recover the cost of providing specific services to the general public and the development community. The proposed fees are anticipated to generate additional revenue for the City which will be sufficient to cover staff costs associated with the Encroachment Permit process.

BACKGROUND

The Development Services Administration Department provides services, as required by law, to the public and to the development community. Some of these services encompass construction inspection, plan review, and project review. The Development Services Administration Department charges fees to recoup the costs of providing these inspection and review services.

Development Services Administration and Finance Department staff reviewed the current fee structure of \$75 for Encroachment Permits, which includes plan review and multiple inspections. The current fee does not sufficiently cover the amount of time it normally takes to perform these services. The fees proposed are based on the average amount of time it takes to review all necessary plans and provide inspections. The proposal includes the addition of fees that are associated with the review of required documents that must be submitted when a project is encroaching on any city right-of-way, such as the Traffic Delay Notification and the review of the NPDES Permit.

Because of the small nature of residential projects (i.e. sidewalk repairs, etc.), it is being proposed that the Encroachment Permit fee for residents remain at \$75. Below is a listing of the fee proposal:

Permit Fee Item	Proposed Fee	Applicable To
Excavation Permit Fee	\$40	Utility or Contractor
Excavation Inspection Fee (per 500 ft in unpaved areas)	\$190	Utility or Contractor
Excavation Inspection Fee (per 250 ft in paved areas)	\$190	Utility or Contractor
Encroachment Permit Fee for Driveway Construction	\$190	Property owner or their Contractor
Encroachment Permit Fee – Sidewalks/ Driveway/ Curb & Gutter (Residents Only)	\$75	Property owner or their Contractor
Utility Trench Cuts	\$7.30/sf, for roads with PCI rating > 50	Utility Company
Construction Permit Fee	\$60	Contractor
Curb Gutter (per 250 LF)	\$190	Contractor
Sidewalk (per 250 LF)	\$190	Contractor
Traffic Delay Notification – Traffic Control Plan Review	\$190	Utility or Contractor
Matching Pavement	\$190	Utility or Contractor
General Inspection/Plan Review/Storm System Inspection	\$95	Contractor
NPDES Permit Review (MS4 Permit Review)	Risk Level 1 = \$450 Risk Level 2 = \$675 Risk Level 3 = \$855	Contractor

The majority of the fees are applicable only to contractors or utility companies who are performing work within the City’s right of way.

STRATEGIC PLAN

This report has been prepared to accomplish the following Strategic Plan Three Year Goal established at the April 5, 2016 meeting:

“Achieve and maintain financial stability and sustainability.”

FINANCIAL IMPACT

The increase in revenues resulting from the approval of the proposed fees is expected to offset direct costs related to the processing of Encroachment Permits, Excavation Permits, Construction Inspections as well as the associated costs in implementing the MS4 Phase II Permit.

ATTACHMENTS

1. Resolution

CITY OF RIVERBANK

RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, FOR THE APPROVAL OF PROPOSED DEVELOPMENT SERVICES
ADMINISTRATION ENCROACHMENT PERMIT FEES**

WHEREAS, the Development Services Administration Department provides services, as required by law, to the public and to the development community; and,

WHEREAS, some of these services encompass construction inspection, plan review, and project review; and,

WHEREAS, the Development Services Administration Department charges fees to recoup the costs of providing these inspection and review services; and

WHEREAS, the fees proposed in Exhibit A are expected to offset direct costs related to the processing of permits related to work being performed within the City's right-of-way.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby adopts the fees as presented in **Exhibit A**.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 23rd day of August, 2016; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Annabelle Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

Attachments: Exhibit A

EXHIBIT A

DEVELOPMENT SERVICES PERMIT FEES

Permit Fee Item	Proposed Fee	Applicable To
Excavation Permit Fee	\$40	Utility or Contractor
Excavation Inspection Fee (per 500 ft in unpaved areas)	\$190	Utility or Contractor
Excavation Inspection Fee (per 250 ft in paved areas)	\$190	Utility or Contractor
Encroachment Permit Fee for Driveway Construction	\$190	Property owner or their Contractor
Encroachment Permit Fee – Sidewalks/ Driveway/ Curb & Gutter (Residents Only)	\$75	Property owner or their Contractor
Utility Trench Cuts	\$7.30/sf, for roads with PCI rating > 50	Utility Company
Construction Permit Fee	\$60	Contractor
Curb Gutter (per 250 LF)	\$190	Contractor
Sidewalk (per 250 LF)	\$190	Contractor
Traffic Delay Notification – Traffic Control Plan Review	\$190	Utility or Contractor
Matching Pavement	\$190	Utility or Contractor
General Inspection/Plan Review/Storm System Inspection	\$95	Contractor
NPDES Permit Review (MS4 Permit Review)	Risk Level 1 = \$450 Risk Level 2 = \$675 Risk Level 3 = \$855	Contractor