

ITEM 4.18

CITY MANAGER'S REPORT JULY 10, 2023 CITY COUNCIL REGULAR MEETING

ITEM: ADOPT 2023 ADEQUATE PROGRESS FINDING TOWARD PROVISION OF 200-YEAR URBAN LEVEL OF FLOOD PROTECTION FOR ISLAND RECLAMATION DISTRICT 2062 (RIVER ISLANDS PHASES 1 AND 2)

RECOMMENDATION: Adopt Resolution Adopting 2023 Adequate Progress Findings toward providing a 200-Year Urban Level of Flood Protection in Phases 1 and 2 Levees of Island Reclamation District 2062 by the Year 2025, Acting as the Land Use Agency

SUMMARY:

Senate Bill 5 (SB5) and related companion bills created a new requirement for certain land use decisions made by cities and counties in the California Central Valley. Starting on July 2, 2016, prior to approving discretionary land use decisions for nonresidential projects and prior to approving ministerial land use decisions (building permits) for new residential buildings, land use agencies are required to make a Finding of Adequate Progress toward provision of Urban Level Flood Protection (ULOP) 200-year flood protection.

City Council has adopted a series of Adequate Progress Finding Reports (APR) toward the 200-year ULOP within Reclamation District 2062 (June 20, 2016, June 5, 2017, July 9, 2018, July 8, 2019, October 12, 2020, July 12, 2021, and July 11, 2022).

The 2023 APR (Exhibit A of Attachment C) for Phase 1 and 2 of River Islands will allow the City of Lathrop to continue to issue discretionary permits to commercial uses and ministerial permits (building permits) for new residential homes through December 2024 subject to ongoing validation of that finding.

BACKGROUND:

The California Department of Water Resources (DWR) developed technical and procedural criteria in response to requirements outlined in the Central Valley Flood Protection Act of 2008, enacted by SB5 in 2007 and amended by subsequent legislation (2007 California Flood Legislation). DWR developed the Urban Levee Design Criteria (ULDC) and ULOP criteria to assist affected cities and counties within the Sacramento-San Joaquin Valley, in making the findings related to an ULOP before approving certain land use entitlements in accordance with the 2007 California Flood Legislation.

JULY 10, 2023 CITY COUNCIL REGULAR MEETING**ADOPT 2022 ADEQUATE PROGRESS FINDING TOWARD PROVISION OF 200-YEAR URBAN LEVEL OF FLOOD PROTECTION FOR ISLAND RECLAMATION DISTRICT 2062 (RIVER ISLANDS PHASES 1 AND 2)**

The levees constructed for Phase 1 and Phase 2 of River Islands by RD 2062 meet the updated ULDC standards adopted by DWR in May 2012. With the Letter of Map Revision ("LOMR") for Phase 2 levees, along with additional internal drainage improvements by RD 2062, it is expected that all of River Islands will have achieved the ULOP by 2024.

In June 2023, MBK Engineers, the District Engineer for RD 2062, prepared the "River Islands at Lathrop Phase 1 + 2 Areas Report of Adequate Progress Towards Urban Level of Flood Protection Annual Report" or simply "Adequate Progress Report" ("2023 APR"). The 2023 APR serves as a strategic plan describing and outlining the steps that the RD 2062 and the City as the land use authority will use to ultimately implement 200-year levee improvements for Phase 1 and 2. RD 2062 Board of Trustees, acting as the Local Flood Management Agency, approved the 2023 Annual Report (Exhibit A of Attachment C).

One of the ongoing requirements is to annually report to the Central Valley Flood Protection Board on the efforts in working toward completion of the flood protection system. RD 2062 has provided this report (Attachment D) to CVFPB on behalf of the District and the City.

The River Islands Phase 2 Levee Project construction is complete. The Phase 2 levee supersedes the need for the interior portions of the Phase 1 levee, and so portions of that levee have been removed. The June 2023 APR describes the final steps needed to achieve ULOP, including:

- Preparation of deeds and the transfer of real estate rights (easements) to RD 2062 for the Phase 2 levees.
- Progress on Scour Prevention Projects, including evaluation of the potential for erosion and scour failure of the Old River and Paradise Cut Levees, caused by failure of the Old River or Paradise Cut Levee, as well as a separate analysis for the erosion and scour failure of the Cross Levee, due to its proximity to the UPRR embankment. These evaluations initially indicated that six "check dams" are required to address the scour potential. Completion of this analysis and required permitting from the Central Valley Flood Protection Board (CVFPB) for an encroachment permit to construct the check dams is expected by 2023. It is expected the check dam construction would be completed in 2024.
- Seepage analyses associated with the Paradise Cut Setback Levee indicated that underseepage mitigation will be necessary to achieve 200-year level of flood protection. A line of relief wells is proposed between the Paradise Cut Setback Levee and the Main Drain between approximate levee stations 46+00 to 71+00 to intercept flow during high water events and reduce the exit gradient within the Main Drain. Final design of the relief wells is expected in 2022, with construction expected in 2023.

JULY 10, 2023 CITY COUNCIL REGULAR MEETING**ADOPT 2022 ADEQUATE PROGRESS FINDING TOWARD PROVISION OF 200-YEAR URBAN LEVEL OF FLOOD PROTECTION FOR ISLAND RECLAMATION DISTRICT 2062 (RIVER ISLANDS PHASES 1 AND 2)**

- Completion of the RD 2062 Operation and Maintenance (O&M) Manual Modernization Project is expected after the construction of the scour prevention projects are complete, scheduled in 2024.

REASON FOR RECOMMENDATION:

Approval of the 2023 Annual Adequate Progress Report Update for a 200-Year ULOP for the RD 2062 (River Islands Phase 1 and 2) Area, and submission by RD 2062 of this report to the CVFPB (Attachment D), allows the City of Lathrop, as a Land Use Agency, to rely on the prior findings of Adequate Progress. This will then allow the City of Lathrop to continue to issue within the RD 2062 area, discretionary permits to commercial and ministerial permits (building permits) for new residential homes while RD 2062 continues to make progress toward establishing ULOP 200-year flood protection through December 2025.

FISCAL IMPACT:


There is no budget impact to the City as to date, all technical reports and studies have been funded by RD 2062 and River Islands at costs in excess of \$2 million. This includes City staff time to review these documents.

ATTACHMENTS:

- A. Resolution Adopting 2023 Adequate Progress Findings toward providing a 200-Year Urban Level of Flood Protection in Phases 1 and 2 Levees of Island Reclamation District 2062 by the Year 2025, Acting as the Land Use Agency
- B. Vicinity Map of River Islands Levee System
- C. Letter from RD 2062 to the City of Lathrop, as the Local Flood Management Agency dated, June 10, 2023, including;
 - River Islands at Lathrop Phase 1+2 Areas Report of Adequate Progress Towards Urban Level of Flood Protection dated June 2023
- D. Draft Letter from RD 2062 to the CVFPB providing required notification of the Adequate Progress Finding

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JULY 10, 2023 CITY COUNCIL REGULAR MEETING
ADOPT 2022 ADEQUATE PROGRESS FINDING TOWARD PROVISION OF 200-
YEAR URBAN LEVEL OF FLOOD PROTECTION FOR ISLAND RECLAMATION
DISTRICT 2062 (RIVER ISLANDS PHASES 1 AND 2)

APPROVALS



Bellal Nabizadah
Assistant Engineer

6-27-23
Date




Brad Taylor
City Engineer

6/28/2023
Date




Cari James
Finance Director

6/29/23
Date

 For

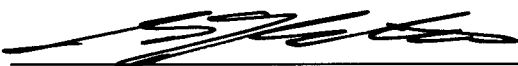
Michael King
Assistant City Manager

6/28/2023
Date



Salvador Navarrete
City Attorney

6.28.2023
Date



Stephen J. Salvatore
City Manager

7.5.23
Date

RESOLUTION NO. 23-

A RESOLUTION OF THE CITY OF LATHROP ADOPTING 2023 ADEQUATE PROGRESS FINDINGS TOWARD PROVIDING A 200-YEAR URBAN LEVEL OF FLOOD PROTECTION IN PHASES 1 AND 2 LEVEES OF ISLAND RECLAMATION DISTRICT 2062 BY THE YEAR 2025, ACTING AS THE LAND USE AGENCY

WHEREAS, California Senate Bill 5 (SB5), passed in 2007 and later amended by various bills, requires the State to develop and adopt a comprehensive Central Valley Flood Protection Plan (CVFPP), which was approved by the Central Valley Flood Protection Board (CVFPB) in June 2012; and

WHEREAS, SB5 also required all cities and counties in the Central Valley to incorporate the CVFPP into their general plans by July 2, 2015 and into their zoning ordinances by July 2, 2016, and both actions were completed by Lathrop within the deadlines; and

WHEREAS, SB5 restricted development beyond July 2, 2016 unless the land use agency makes a finding related to an Urban Level of Flood Protection (ULOP), a 200-year level of flood protection; and

WHEREAS, on June 20, 2016, June 5, 2017, July 9, 2018, July 8, 2019, July 13, 2020, July 12, 2021, July 11, 2022 the City Council approved an Adequate Progressing Finding Report (APF) toward provision of 200-year ULOP in Island Reclamation District 2062 ("RD 2062"); and

WHEREAS, RD 2062, as the local maintenance agency for the levee system associated with the River Islands at Lathrop project, has provided the City documentation for the 2023 APR conformation with SB5 which allows development to continue within the River Islands at Lathrop Phase 1 and 2 Areas; and

WHEREAS, RD 2062 will transmit a letter to CVFPB for the 2023 APF report update for ULOP should the Council adopt this resolution and approve the 2023F APR; and

WHEREAS, pursuant to Government Code Section 65962, approval of the 2023 APF with the passage of this resolution by the City as the local land use agency, will allow the City to approve discretionary and ministerial permits within the River Islands at Lathrop Phase 1 and 2 Areas; and

WHEREAS, this 2023 APF is based on substantial evidence in the record, including the 2023 Annual Report of Progress provided by RD 2062 as drafted by its District Engineer, included as Attachment C to the July 10, 2023 City Manager's Report that accompanied this resolution and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lathrop, acting as the Land Use Agency as defined by State law, hereby adopts this Adequate Progress Finding pursuant to California Government Code Section 65962 based on substantial evidence in the record, including Attachment C to the July 10, 2023 City Manager's Report that accompanied this resolution, that adequate progress towards providing a 200-year Urban Level of Flood Protection by the year 2025 for the River Islands at Lathrop Phase 1 and 2 is being made.

PASSED AND ADOPTED by the City Council of the City of Lathrop this 10th day of July 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

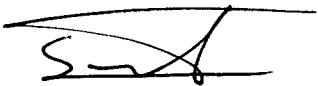
ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas, City Clerk

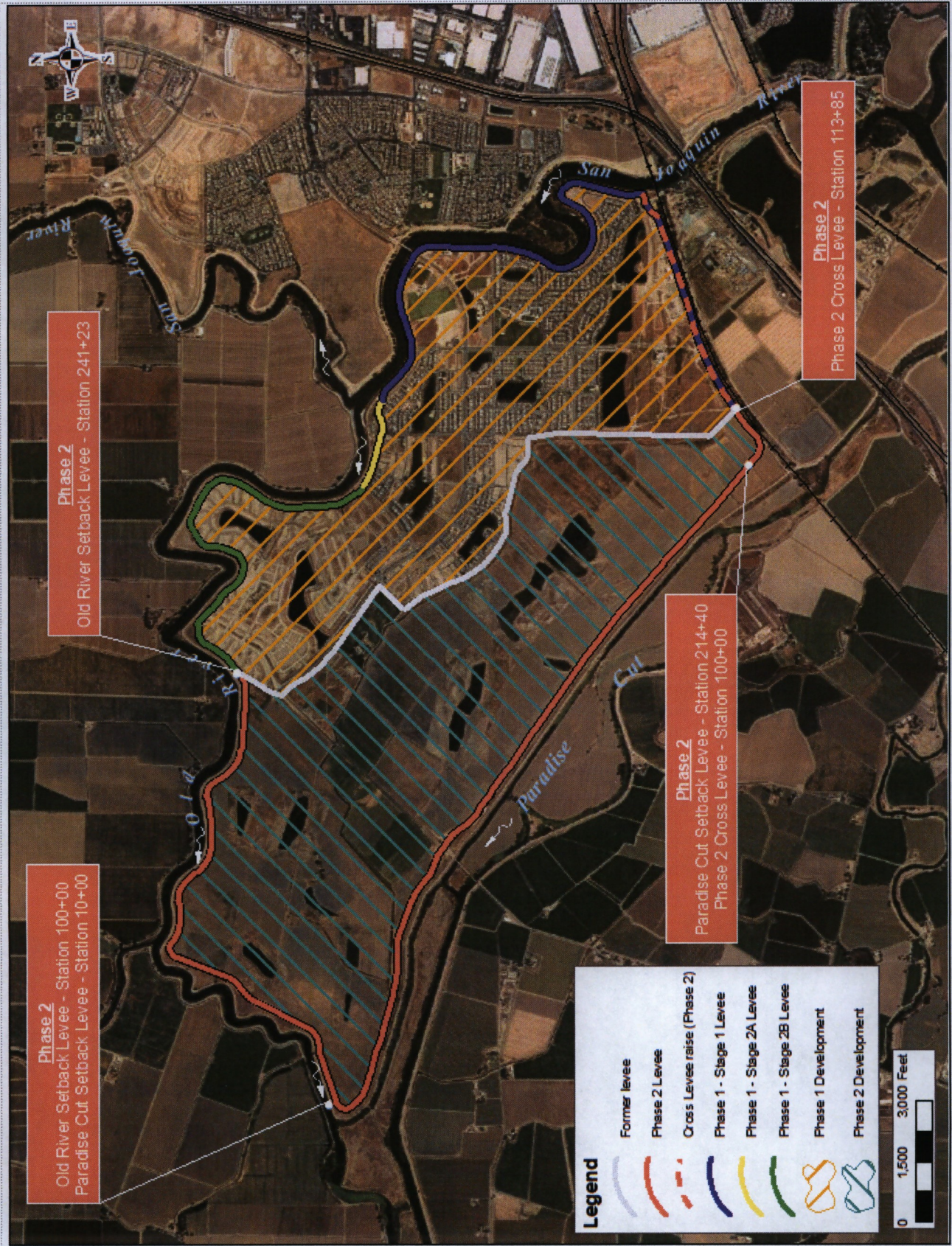
APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

Vicinity Map of River Islands Levee System

Attachment B



ISLAND RECLAMATION DISTRICT No. 2062

STEWART TRACT – SAN JOAQUIN COUNTY

73 W. Stewart Road

LATHROP, CALIFORNIA 95330

TEL: (209) 879-7900

June 23, 2023

Mr. Brad Taylor, City Engineer
City of Lathrop
390 Towne Center Drive
Lathrop, CA 95330

Re: Adequate Progress Finding for Phases 1 and 2 – River Islands at Lathrop

Dear Brad:

At its June 23, 2023 special meeting, the Island Reclamation District 2062 Board of Trustees (RD 2062) unanimously adopted Resolution 23-1, approving the "*River Islands at Lathrop Phase 1 + 2 Areas Report Of Adequate Progress Towards Urban Level Of Flood Protection Annual Report*" ("2023 Annual Report") and directed the President to provide the Annual Report to the City for adoption of an Adequate Progress Finding ("APF").

Substantial evidence is provided in the Annual Report that meets California Government Code Section 65007(a). This includes the required Engineer's Report, prepared by a Professional Civil Engineer registered in California to document the data and analyses for demonstrating that the development project and proposed subdivision will have an urban level of flood protection at the time when the flood protection system is completed. The Engineer's Report, drafted by MBK Engineers as the District Engineer, fulfills this requirement and is included in the Annual Report. The District and River Islands continues to improve the urban levee system within RD 2062, with only ancillary improvements and actions required to meet the ULOP Criteria.

The Annual Report is enclosed with this letter for your review and the City Council's adoption at their next available meeting.

Sincerely,



SUSAN DELL'OSSO
President, RD 2062

Encl.: 2023 Annual Report – Phases 1 and 2 Levees

cc: Becky Money, MBK Engineers

RD 2062



RIVER ISLANDS AT LATHROP PHASE 1 + 2 AREAS

REPORT OF ADEQUATE PROGRESS TOWARDS URBAN LEVEL OF FLOOD PROTECTION

ANNUAL REPORT

JUNE 2023

Prepared by:

MBK 
ENGINEERS

455 University Avenue, Suite 100
Sacramento, California 95825

PURPOSE

Beginning in 2016 and continuing through 2020, the City of Lathrop adopted a finding of adequate progress (APF) toward an Urban Level of Flood Protection (ULOP) for the River Islands at Lathrop, Phase 1 urban area, and in 2020 adopted an APF for the Phase 2 urban area, both protected by the RD 2062 levees. When a local land use agency makes an APF, as described in the *Urban Level of Flood Protection Criteria* (ULOP Criteria), issued by the Department of Water Resources in 2013, Government Code Section 65007 (a) (5) requires the Local Flood Management Agency annually report to the Central Valley Flood Protection Board (CVFPB) on the progress toward the completion of the flood protection system. This report serves as that Annual Report for 2023. As required by the ULOP Criteria, this report will be made publicly available at www.ci.lathrop.ca.us.

RD 2062 is the local flood management agency. This report has been prepared by RD 2062's District Engineer, MBK Engineers.

ADEQUATE PROGRESS FINDING

The City of Lathrop's APFs were based on several supporting documents including:

- RD 2062's March 2016 *River Islands at Lathrop Stage 1 Levee System, Urban Level of Flood Protection Engineer's Report*;
- RD 2062's January 2017 *River Islands at Lathrop Stage 2A and 2B Levees, Adequate Progress Towards an Urban Level of Flood Protection Engineer's Report*;
- RD 2062's February 2017 *River Islands at Lathrop, Phase 1 Area, Report of Adequate Progress towards an Urban Level of Flood Protection (APF Report)*;
- RD 2062's August 2020 *River Islands at Lathrop Phase 2 Levee, Adequate Progress Towards an Urban Level of Flood Protection Engineer's Report*;
- RD 2062's August 2021 *River Islands at Lathrop Phase 2, Report of Adequate Progress Towards an Urban Level of Flood Protection*; and
- RD 2062's May 2022 *River Islands at Lathrop Phase 2, Report of Adequate Progress Towards an Urban Level of Flood Protection*.

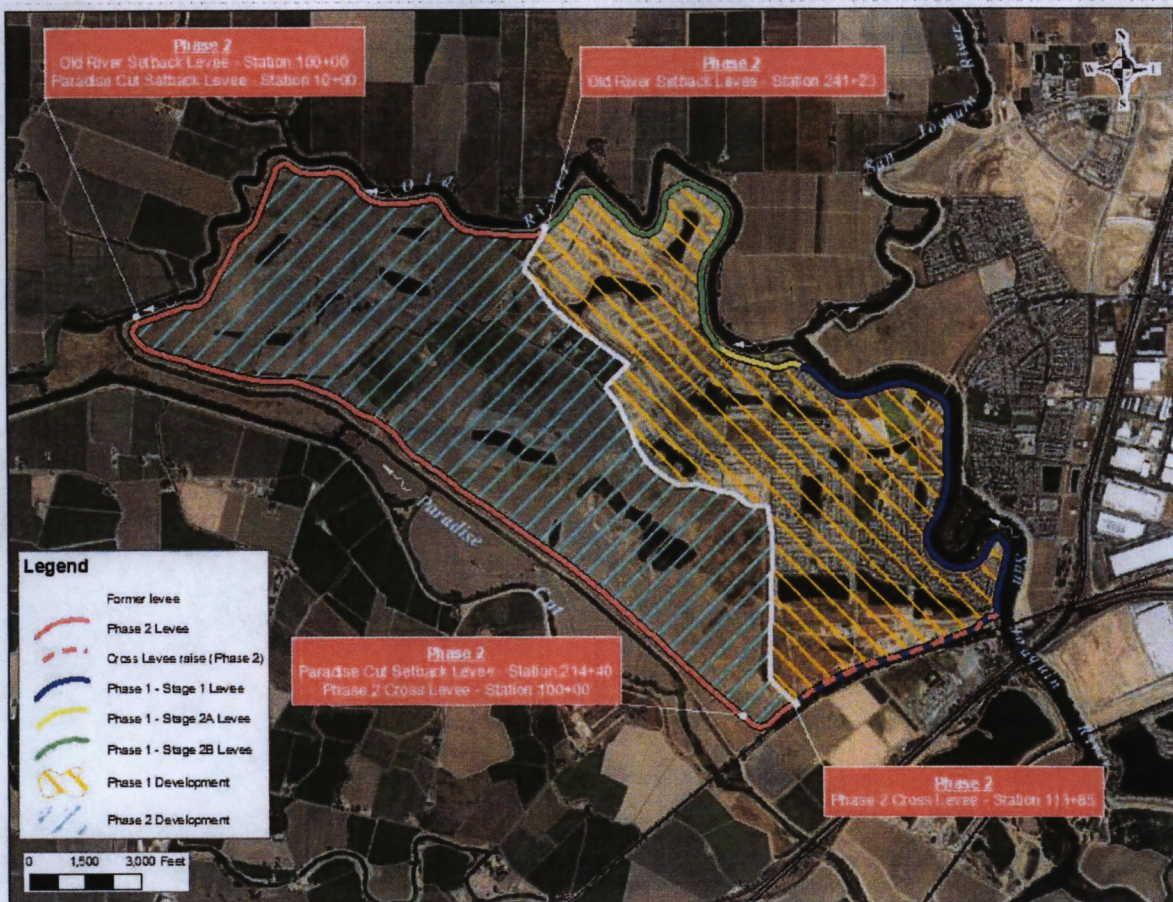
These documents collectively describe an attainable, reasonable approach toward providing an urban level of flood protection for the River Islands at Lathrop, Phase 1 and Phase 2 Areas by 2025. Specifically, these documents describe the levee system and the urban area it protects; provide substantial evidence, including data and references, demonstrating the levee system will provide an urban level of flood protection; and the scope, schedule, cost and identified sources of funding and their expected timing to provide an urban level of flood protection. The Engineer's Reports and APF Reports are hereby incorporated by reference.

Pursuant to DWR's ULOP Criteria, a finding based on adequate progress has an effective period of 10 years or until the finding is superseded, whichever is sooner, provided that the adequate progress requirements per California Government Code Section 65007(a) are met. Based upon this criterion, the

finding made by the City of Lathrop based upon the APF is valid until December 31, 2025,¹ so long as the requirements of Government Code §65007(a) are met by RD 2062, the local flood management agency.

CURRENT URBAN LEVEE SYSTEM

As described in the reports listed above, River Islands at Lathrop has built the urban levee system in phases. For each new phase of work, a new ring levee was designed and constructed to join with the previous phase. Thus, with each new ring levee, the resulting interior levees were removed, and a larger ring levee was formed. The current levee configuration for the River Islands at Lathrop Phase 1 and 2 Areas is shown below. This figure reflects the construction and connection of the Phase 2 levee with the Phase 1 levees (at one end with the Phase 1, Stage 2B levee, and at the other end with the Phase 1, Cross levee). The Phase 2 levee supersedes the need for the interior portions of the Phase 1 levee, and these portions are identified as "Former levee" in the figure.



¹ Pursuant to Government Code Sections 65865.5, 65962, and 66474.5, for area protected by SPFC levees, an urban level of flood protection shall be achieved by 2025, therefore, after 2025, a local agency can no longer rely on findings of adequate progress after 2025 for an area protected by SPFC levees.

PROGRESS

The Phase 1 APF Report identified two construction projects as being necessary to provide an urban level of flood protection to the Phase 1 Area: the River Islands Stage 2B Levee Project (Stage 2B Levee Project) and the scour prevention projects. The Stage 2B Levee Project was completed as reported in the 2018 annual report.

Two construction projects were also identified as being necessary to provide an urban level of flood protection to the Phase 2 Area in the Phase 2 APR Report: a scour prevention project, similar to that required for Phase 1, and installation of relief wells.

Finally, both the Phase 1 and Phase 2APF Reports identified non-structural actions required for certification of the levee system.

For simplicity and clarity, and because the Phase 1 levees and Phase 2 levee now protect a single and common urban area, this report and future reports will consolidate the required actions to provide a 200-year level of flood protection to the River Islands at Lathrop urban area. The status of these actions is described below.

SCOUR PREVENTION PROJECTS

As part of the IPE review of the Phase 1 substantial evidence record, the IPE requested that River Islands evaluate the potential for erosion and scour failure of the new urban levees caused by failure of other embankments (i.e., the federal perimeter project levees and the UPRR embankment).

Initial evaluation and design of the scour prevention projects was completed in 2020 and includes a series of landside fill embankments, i.e. "check dams", located between the Phase 1 and 2 levees and the Federal Project levees. The check dams will reduce the exposure time to erosive hydraulic shear stress on the interior levees in the event of breach of the Federal Project levee and/or the UPRR embankment. Additional and advanced engineering and design, using higher resolution hydraulic inputs and more robust scour evaluation tools, began in 2021 and was completed in early 2022. Independent review of the final design, and follow-up environmental clearances are complete. River Islands submitted a revised permit application to reflect the design changes and environmental evaluations on September 6, 2022. The design team has had communication with USACE and CVFPB and has provided additional requested documentation as recent as March 29, 2023.

Schedule

The schedule for this action has not changed since last year. Construction is still expected to occur in 2023 to 2024.

| ACTION | ESTIMATED START | ESTIMATED COMPLETION |
|---|------------------------|-----------------------------|
| Scour Prevention Project – Old River & Paradise Cut – Design and Permitting | <i>Ongoing</i> | 2023 |
| Scour Prevention Project - Old River & Paradise Cut - Construction | 2023 | 2024 |
| Scour Prevention Project - UPRR – Design and Permitting | <i>Ongoing</i> | 2023 |
| Scour Prevention Project – UPRR - Construction | 2023 | 2024 |

Note: **Bold** indicates a change in schedule.

Costs and Expenditures

The estimated cost to construct the six check dams is \$758,000. The scour prevention projects will be funded by RID.

Delays and Changes

As described above, the design is complete and permit application review by CVFPB and USACE is in progress and is anticipated to be received early Fall 2023, construction is still anticipated to occur in 2023 and 2024. The levee system is still on target for being certified for 200-year level of flood protection by 2025. There have been no significant changes to the project's approach.

PHASE 2 RELIEF WELLS

As part of the design of the Phase 2 levee, seepage analyses associated with the Paradise Cut Setback Levee indicated that underseepage mitigation will be necessary to achieve 200-year level of flood protection. A line of relief wells is proposed between the Paradise Cut Setback Levee and the Main Drain between approximate levee stations 46+00 to 71+00 to intercept flow during high water events and reduce the exit gradient within the Main Drain. The relief locations are shown on Figure 1. Final design of the relief wells is complete and construction began in the fall of 2022. Due to weather conditions the installation has been put on hold until the site is accessible with truck mounted equipment. Installation and development of the relief wells is anticipated to be complete by August 2023.

Schedule

The schedule identified in the 2022 APF Report identified schedule delays for design. Relief well design is complete and construction/installation of the relief wells began in the fall of 2022 and is expected to be completed in summer 2023.

| ACTION | ESTIMATED START | ESTIMATED COMPLETION |
|-------------------------------------|------------------------|-----------------------------|
| Phase 2 Relief Wells - Design | <i>Ongoing</i> | Completed in 2022 |
| Phase 2 Relief Wells - Construction | <i>Ongoing</i> | 2023 |

Note: **Bold** indicates a change in schedule.

Costs and Expenditures

The relief wells are estimated to cost \$114,000. This work is being funded by RID.

Delays and Changes

Based on the schedule outlined in the 2022 APF, no additional delays to the schedule have been identified and the levee system is still on target for being certified for 200-year level of flood protection by 2025. There have been no significant changes to the project's approach.



RD 2062 O&M MODERNIZATION AND RIGHT-OF-WAY

The ULDC provides requirements to support a modern levee program. This includes ensuring robust operations and maintenance (O&M) practices and procedures and appropriate right-of-way are in place for urban levees. The scope identified in the APF Report remains the same and progress continues to be made. River Islands has granted easements to RD 2062 for the entire embankment, 20 feet landward of the landside toes, and 15 feet waterward of the waterside toes for the Stage 1 levees in 2016 and the Stage 2A and Stage 2B levees in 2018. River Islands is currently in the process of granting easements to RD 2062 for Phase 2 levee.

Schedule

The schedule for this action has not changed since the last report. A new O&M Manual for the levee system continues to be developed while the Phase 1 and 2 levees are modified (i.e., levees are built and removed, features are added). Completion of the effort is expected after the construction of the scour prevention projects, scheduled in 2024. Easements to RD 2062 for Phase 2 will be recorded later this calendar year.

| ACTION | ESTIMATED START | ESTIMATED COMPLETION |
|--|------------------------|-----------------------------|
| RD 2062 O&M Modernization | <i>Ongoing</i> | 2024 |
| RD 2062 Transfer of Real Estate Rights for Phase 2 Levee | <i>Ongoing</i> | 2023 |

Costs and Expenditures

Progress on the RD 2062 O&M Modernization effort is in progress and is not being tracked by costs and expenditures, but instead through production of deliverables such as technical memoranda, updated O&M Manual chapters, plans, etc. A high-level cost estimate for performing the work is \$50,000. RD 2062 will accomplish these tasks using funds obtained through its annual assessment and/or through funds provided by RID.

Delays and Changes

There have been no significant delays in developing a new O&M Manual and program for the levee system, nor were there any significant changes to the project's approach. However, as described above, the O&M modernization will continue to progress until after construction of the scour prevention projects, representing the last construction efforts for urban area.

CONCLUSION

RD 2062 continues to make progress towards providing an urban level of flood protection to the River Islands combined Phase 1 and Phase 2 Areas by 2025. RD 2062 will continue to make progress and report on this progress annually. The next annual report will be submitted in June 2024 unless the entirety of levee improvements for River Islands (Phases 1 and 2) are complete and an Engineer's Report and other support documentation will be provided in support of the ULOP.



ISLAND RECLAMATION DISTRICT No. 2062

STEWART TRACT – SAN JOAQUIN COUNTY

73 W. Stewart Road

LATHROP, CALIFORNIA 95330

TEL: (209) 879-7900

July 11, 2023

Ms. Leslie Gallagher, Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Suite 170
Sacramento, CA 95821

Re: Annual Report of Progress - River Islands at Lathrop Phase 1 and Phase 2 Areas,
Lathrop, CA

On July 10, 2023, the City of Lathrop City Council adopted a resolution making an Adequate Progress Finding for the River Islands at Lathrop Phase 1 Area and Phase 2 Area, respectively. In accordance with the requirements of Government Code §65007(a) and the Urban Level of Flood Protection Criteria issued by the Department of Water Resources in 2013. Island Reclamation District No. 2062, as the local flood management agency, respectfully submits the enclosed annual report of progress towards providing an urban level of flood protection for the River Islands at Lathrop Phase 1 and 2 urban areas. This report is available to the public at the following website: www.ci.lathrop.ca.us.

Questions on the matter may be referred to Ms. Becky Money at money@mbkengineers.com or 916-456-4400.

Sincerely,

Susan Dell'Osso
President, RD 2062

Encl.: 2023 Annual Report

cc: Brad Taylor, City Engineer
Becky Money, MBK Engineers