ITEM NO. 26

STAFF REPORT

CITY OF OCEANSIDE

DATE: August 31, 2011

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department

SUBJECT: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING CHAPTER 6, ARTICLE IX, OF THE CITY CODE RELATING TO FLOODPLAIN MANAGEMENT REGULATIONS**

SYNOPSIS

Staff and the Utilities Commission recommend that the City Council introduce an ordinance amending Chapter 6, Article IX, of the Oceanside City Code relating to floodplain management regulations.

BACKGROUND

On January 19, 1994, City Council adopted Ordinance Number 94-03 which set forth minimum flood plain management regulations for the City. This ordinance, based on a State of California Model Ordinance in effect at that time, allows for City participation within the National Flood Insurance Program (NFIP). The Federal Emergency Management Agency (FEMA) Community Rating System (CRS) enables municipalities to reduce flood insurance premiums by establishing minimum standards for flood control; the City is a participant in this program.

ANALYSIS

In order to ensure that each participating community maintains minimum NFIP standards, the CRS program incorporates periodic site visits to confirm that credited activities are implemented. The program verification visits are similar to an audit and are performed on a three to five year cycle. As a result of the most recent cycle verification audit, it was identified that a portion of the City's current floodplain management regulations required modification. The identified amendment is applicable to program administration, relevant to notification of other agencies, physical alterations to the base flood elevation (BFE), and changes in corporate boundaries.

The purpose of this amendment is to maintain the City's present classification within the CRS program, thus preserving current flood insurance premium discounts. The amendment is only pertinent to program administration duties. Therefore, existing property owner flood insurance rates will not be reduced nor increased by this action.

The attached ordinance amendment shall be applied to Section 6.43.3 of Article IX of Chapter 6 of the Oceanside City Code. A strike-out version of the ordinance is attached.

FISCAL IMPACT

There is no identified fiscal impact regarding the adoption of this ordinance amendment. Implementation is currently embedded within the existing floodplain management services.

COMMISSION OR COMMITTEE REPORT

The Utilities Commission recommended adoption of the ordinance amendment at its July 19, 2011 meeting.

CITY ATTORNEY'S ANALYSIS

The referenced documents have been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff and the Utilities Commission recommend that the City Council introduce an ordinance amending Chapter 6, Article IX, of the Oceanside City Code relating to floodplain management regulations.

PREPARED BY:

Scott O. Smith
City Engineer

SUBMITTED BY:

Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager

George Buell, Development Services Director

ATTACHMENTS:

Proposed Ordinance Amendment for Chapter 6, Article IX

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF OCEANSIDE AMENDING ARTICLE IX OF CHAPTER 6 OF THE OCEANSIDE CITY CODE ESTABLISHING FLOODPLAIN MANAGEMENT REGULATIONS

WHEREAS, flood hazard areas of Oceanside 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; and

WHEREAS, these flood losses are caused by uses that are inadequately elevated, flood proofed, or otherwise protected from flood damage; and

WHEREAS, the cumulative effect or obstructions in areas of special flood hazards increase flood heights and velocities, which also contribute to flood loss; and

WHEREAS, the City has previously adopted Ordinance 94-03, which established flood plain management regulations required for continued eligibility under the National Flood Insurance Program; and

WHEREAS, the City is required, as a condition of continued eligibility in the National Flood Insurance Program, to adopt flood plain management regulations that meet, at a minimum, the requirements of the National Flood Insurance Program (NFIP) Regulations as published in Title 44 Code of Federal Regulations, Section 60.3 (d and e), and the latest revisions; and

WHEREAS, the Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800, conferred upon local governments the authority to adopt regulations of a higher standard which will promote public health and safety and allow communities to receive credit under the Community Rating System (CRS) program;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Oceanside as follows:

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SECTION 1. Purpose.

The purpose of this Ordinance amendment is to promote health, safety, general welfare, and to minimize public and private losses due to flood conditions within the City of Oceanside.

SECTION 2. California Environmental Quality Act.

The City CEQA Resource Officer has determined that the proposed Ordinance amendment is not a "Project" as defined under Section 15378, of the CEQA guidelines; therefore, pursuant to Section 15060(c)(3), of the CEQA guidelines, the activity is not subject to CEQA review.

SECTION 3. Subsection (c) of Section 6.43.3, of Article IX, of Chapter 6, of the Oceanside City Code, is hereby amended to read as follows:

(c) Notification of Other Agencies.

(1) In 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 Emergency Management Agency (FEMA); and

c. assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

(2) Base Flood Elevation changes due to physical alterations:

a. within 6 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 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.

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.

SECTION 4. This ordinance shall take effect and be in force immediately.

SECTION 5. This ordinance shall be codified.

SECTION 6. The City Clerk of the City of Oceanside is hereby directed to publish this ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15) days after its passage in the North County Times, a newspaper of general circulation published in the City of Oceanside.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside, California held on this ____ day of _____, 2011, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

Barbara Hamilton, ASST.
CITY ATTORNEY