

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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AS

1 SECTION 1. Purpose.

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

4 SECTION 2. California Environmental Quality Act.

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

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

10 (c) Notification of Other Agencies.

11 (1) In alteration or relocation of a watercourse:

- 12 a. notify adjacent communities and the California Department of
13 Water Resources prior to alteration or relocation;
- 14 b. submit evidence of such notification to the Federal Emergency
15 Management Agency (FEMA); and
- 16 c. assure that the flood carrying capacity within the altered or
17 relocated portion of said watercourse is maintained.

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

- 19 a. within 6 months of information becoming available or project
20 completion, whichever comes first, the Floodplain Administrator
21 shall submit or assure that the permit applicant submits technical
22 or scientific data to FEMA for a Letter of Map Revision (LOMR).
- 23 b. All LOMRs for flood control projects are approved prior to the
24 issuance of building permits. Building Permits must not be issued
25 based on Conditional Letters of Map Revision (CLOMRs).
26 Approved CLOMRs allow construction of the proposed flood
27 control project and land preparation as specified in the "start of
28 construction" definition.

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

4 (3) Changes in corporate boundaries:

5 Notify FEMA in writing whenever the corporate boundaries have been
6 modified by annexation or other means and include a copy of a map of the
7 community clearly delineating the new corporate limits.

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

9 SECTION 5. This ordinance shall be codified.

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

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

- 16
- 17 AYES:
- 18 NAYS:
- 19 ABSENT:
- 20 ABSTAIN:

21 _____
22 MAYOR OF THE CITY OF OCEANSIDE

23 ATTEST:

24 APPROVED AS TO FORM:

25 _____
26 CITY CLERK

27 
28 CITY ATTORNEY

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