

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: JESSE OSWALD, CHIEF BUILDING OFFICIAL
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
SUBJECT: CITY CODE CHAPTER 18-52 FLOOD DAMAGE PROTECTION
AMENDMENTS URGENCY ORDINANCE

AGENDA ACTION: URGENCY ORDINANCE

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Council adopt an urgency ordinance amending City Code Chapter 18-52, Flood Damage Protection, to comply with regulatory requirements that the City of Santa Rosa's City Code coincide with 44 Code of Federal Regulations 60.3.

EXECUTIVE SUMMARY

The proposed urgency ordinance amends sections of the City Code as required to maintain compliance with FEMA's National Flood Insurance Program (NFIP) minimum regulatory standards set forth in the Code of Federal Regulations and to enable the City to continue participating in the NFIP and ensure continued compliance with the California Department of Water Resources requirements embedded in California Building Standards Code (CCR Title 24). 44 Code of Federal Regulations 60.3 requires that local jurisdictions administer minimum requirements when development is proposed and constructed in flood-prone areas. The action supports the Council goal of ensuring a healthy and safe community by protecting development in flood prone areas.

The Santa Rosa City Charter authorizes the City Council to adopt an urgency ordinance if necessary to preserve the public peace, health, or safety if the ordinance contains the reasons for its urgency. An urgency ordinance requires a 5/7 Council vote and is effective immediately after adoption.

BACKGROUND

The Federal Emergency Management Agency (FEMA) has recently completed a Flood Insurance Study (FIS) and a Flood Insurance Rate Map (FIRM) for areas within Sonoma County and primarily outside Santa Rosa. The study was focused on Todd

CITY CODE CHAPTER 18-52 FLOOD DAMAGE PREVENTION AMENDMENTS
URGENCY ORDINANCE
PAGE 2 OF 4

Creek and its tributary areas and updated hydrologic and hydraulic models to calculate inundation extents due to a 100- year flood event.

The updated flood hazard maps triggered a review by FEMA of our local Flood Damage Protection Ordinance to ensure it maintains consistency with Federal and State regulations for development and construction within identified flood hazard areas. Communities not in compliance with these regulations will be notified of their nonparticipation in the National Flood Insurance Program.

Pursuant to federal regulations, the City must adopt its floodplain management measures that meet or exceed the minimum NFIP requirements on or before July 19, 2022 to avoid suspension from the NFIP. Suspension from the NFIP would render the Community ineligible for flood insurance through the NFIP, meaning:

- Community residents will be unable to purchase NFIP flood insurance policies.
- Existing NFIP flood insurance policies will not be renewed.
- No Federal grants or loans for development will be available in identified flood hazard areas under programs administered by Federal agencies such as U.S. Housing & Urban Development (HUD), U.S. Environmental Protection Agency (EPA), and U.S. Small Business Administration (SBA).
- No Federal disaster assistance will be provided to permanently repair insurable buildings located in identified flood hazard areas for damage caused by a flood.
- No Federal mortgage insurance or loan guarantees will be provided in identified flood hazard area, including policies written by the Federal Housing Authority (FHA), Veterans Administration (VA), and others.
- Federally insured or regulated lending institutions, such as banks and credit unions, must notify applicants seeking loans for insurable buildings in flood hazard areas that the property is in a flood hazard area and that the property is not eligible for Federal disaster assistance.

Adoption of an urgency ordinance is necessary to ensure timely compliance with the NFIP requirements.

PRIOR CITY COUNCIL REVIEW

On June 7, 2022, the Council introduced an Ordinance amending City Code Chapter 18-52 and adopted a resolution setting a public hearing on July 12, 2022, for adoption of the Ordinance.

On June 14, 2022, the City received correspondence from FEMA advising the City that it has until July 19, 2022 to adopt and have FEMA Regional Office approve floodplain management measures that satisfy NFIP regulations.

The second reading of the Ordinance was scheduled as a public hearing for Council action on July 12, 2022 and, if adopted, the Ordinance would become effective 30 days later, which is after the July 19, 2022 FEMA deadline.

CITY CODE CHAPTER 18-52 FLOOD DAMAGE PREVENTION AMENDMENTS
URGENCY ORDINANCE
PAGE 3 OF 4

In order to meet the FEMA deadline and avoid suspension from the NFIP program, staff is recommending the City Council adopt the amendments to Chapter 18-52 as an urgency ordinance to be effective immediately.

ANALYSIS

FEMA identified the City of Santa Rosa as a community with proposed, updated flood hazard maps which are set to be approved by FEMA July 19, 2022. The updated flood hazard maps require consistency between local ordinances and Federal and State regulations. The proposed City Code revisions as set forth in the amended ordinance will ensure compliance with the National Flood Insurance Program and will provide continued insurance coverage to property owners. The proposed amendments will also provide minimum provisions for procedures and physical measures for any new development within flood hazard areas.

Proposed Code amendments were identified by FEMA and their contract consultant as required to maintain compliance with the National Flood Insurance Program. Amendments include the addition of definitions, technical requirements for development within flood hazard areas and modifying language to coincide with language changes in 44 Code of Federal Regulations 60.3 .

Pursuant to federal regulations, the City must adopt its floodplain management measures that meet or exceed the minimum NFIP requirements on or before July 19, 2022 to avoid suspension from the NFIP. Suspension from the NFIP would render the Community ineligible for flood insurance through the NFIP.

Failure to timely comply with the NFIP requirements presents a current and immediate threat to the public peace, welfare, health, and safety, requiring adoption of an urgency ordinance to maintain enrollment in the National Flood Insurance Program. Section 8 of the Santa Rosa City Charter allows the City Council to adopt an urgency measure to take effect immediately upon its adoption for preserving the public peace, health, or safety if passed by a five-sevenths vote of the City Council. There is a current and immediate need to adopt the Ordinance to be effective no later than July 19, 2022, to ensure continued enrollment in the National Flood insurance Program.

FISCAL IMPACT

No fiscal impact.

ENVIRONMENTAL IMPACT

The proposed action is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3) and 15378 in that there is no possibility that the implementation of this action may have significant effects

CITY CODE CHAPTER 18-52 FLOOD DAMAGE PREVENTION AMENDMENTS
URGENCY ORDINANCE
PAGE 4 OF 4

on the environment, and implementation of this Ordinance is required to comply with state law. Therefore, no further environmental review is required.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

A public hearing notice was posted at City Hall and advertised in the Press Democrat, pursuant to Zoning Code Section 20-66.020(D), Alternative to Mailing, since the ordinance would affect properties Citywide.

ATTACHMENTS

- Attachment 1 – Redlined Edits to Chapter 18-52
- Ordinance

CONTACT

Jesse Oswald, Chief Building Official, joswald@srcity.org, (707) 543-3249