

ORDINANCE NO. ORD-2022-006

URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA  
ADOPTING AMENDMENTS TO 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

WHEREAS, under the Flood Disaster Protection Act of 1973, as amended, flood insurance must be purchased by property owners seeking any Federal financial assistance for construction nor acquisition of buildings in Special Flood Hazard Areas, including certain federally guaranteed mortgages and direct loans, federal disaster relief loans and grants and other assistance; and

WHEREAS, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) requires California communities to adopt floodplain management measures that satisfy 44 Code of Federal Regulations (CFR) Section 60.3(3) of the National Flood Insurance Program (NFIP); and

WHEREAS, City Code Chapter 18-52 is the local operational and physical implementation tool of the National Flood Insurance Program governed by FEMA; and

WHEREAS, the City of Santa Rosa participates in the National Flood Insurance Program with 118 properties currently holding flood insurance policies through the program; and

WHEREAS, 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; and

WHEREAS, 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.

WHEREAS, adoption of this urgency ordinance is necessary to ensure timely compliance with the NFIP requirements by amending City Code Chapter 18-52 to implement the NFIP program; and

WHEREAS, 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 this urgency ordinance to maintain enrollment in the National Flood Insurance Program; and

WHEREAS, there is a current and immediate need to adopt the Ordinance to be effective no later than July 19, 2022, to ensure continued enrolment in the National Flood insurance Program; and

WHEREAS, pursuant to Sections 36934 and 36937 of the California Government Code, the City may adopt an urgency ordinance, which shall take effect immediately, for the immediate preservation of public peace, health, or safety and it contains a declaration of the facts constituting an urgency; and

WHEREAS, 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 such ordinance contains the reasons for its urgency and if passed by a five-sevenths vote of the City Council; and

WHEREAS, as provided herein, the Ordinance shall be in effect immediately upon its adoption; and

WHEREAS, the Council of the City of Santa Rosa has been provided with information upon which the findings and actions set forth in this ordinance are based, allowing the Council to adopt this urgency ordinance to be effective upon adoption; and

WHEREAS, for the reasons set forth above, this ordinance is declared by the Council of the City of Santa Rosa to be necessary for preserving the public peace, welfare, health, or safety and to avoid a current, immediate impact to the peace, health, safety or welfare of the community and the recitals above taken together constitute the Council's statements of the reasons for adopting this Ordinance on an urgency basis.

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

**Section 1.** The Council of the City of Santa Rosa finds, based on evidence and records presented, that amending Chapter 18-52 of the Santa Rosa City Code, as follows, is required to protect the peace, health, safety, or welfare of the community by providing floodplain management measures that meet or exceed the minimum NFIP requirements on or before July 19, 2022 to avoid suspension from the NFIP and that these amendments are in support of the City's General Plan, and the Council further finds and determines that:

- A. The proposed amendments are consistent with the goals and policies for development, construction and disaster response in that the amendments maintain consistency and

- enrolment in the National Flood Insurance Program to ensure current and future policy holders are protected; and
- B. The proposed amendments would not be detrimental to the public interest, health, safety, convenience or welfare of the City in that these regulations ensure the security of policy holders' assets and property; and
  - C. The proposed amendments are consistent with other applicable provisions of the Buildings and Construction Code; and
  - D. The adoption of this ordinance is not subject to the California Environmental Quality Act (CEQA) under CEQA Guidelines Sections 15061(b)(3) and 15378 in that the Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment. In addition, implementation of this ordinance is required for consistency with state law.

**Section 2. Amendments to Chapter 18-52 Flood Damage Protection of the Santa Rosa City Code.**

A. The existing sections of Chapter 18-52 of the Santa Rosa City Code that are not expressly repealed or amended by this ordinance are hereby readopted without change, and shall apply, as applicable.

B. The following sections and subsections of Chapter 18-52 of the Santa Rosa City Code are amended as follows:

**18-52.010 Subsection (B) is amended to read the following:**

“(B) The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the “Flood Insurance Study for Sonoma County, California, and Incorporated Areas” (FIS) dated effective December 2, 2008, with accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated December 2, 2008, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be 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 Council of the City of Santa Rosa by the Floodplain Administrator. The FIS, FIRMs and FBFMs are on file at Planning and Economic Development; City Hall Room 3, 100 Santa Rosa Avenue.”

**18-52.020 Definitions.**

**Section 18-52.020 Subsection 4 is amended to read as follows:**

“(4) "Area of special flood hazard" means the area in the community subject to a one percent or greater chance of flood in any given year. It is shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE, or V1-30. Also referred to as "special flood hazard area.””

**Section 18-52.020 is amended to add a new definition as Subsection 26 to read as follows with following definitions renumbered sequentially:**

“(26) "Recreational Vehicle" means a vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for highway use when 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.”

**Section 18-52.020 is amended to add a new definition as Subsection 31 to read as follows with following definitions renumbered sequentially:**

“(31) "Substantial damage" means 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 percent of the market value of the structure before the damage occurred.”

**Section 18-52.070 is amended to read as follows:**

“The duties and responsibilities of the Floodplain Administrator may include, but are not limited to:

(A) Permit Review.

(1) Review all development permits to determine that the permit requirements of this chapter have been satisfied;

(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 the floodplain. For purposes of this chapter, "adversely affects" 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.

(5) Letters of Map Change. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses indicate changes in base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.

(B) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with subsection B of Section 18-52.010, the Floodplain Administrator may obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source.

(C) Whenever a watercourse is to be altered or relocated:

(1) Notification of adjacent communities and the California Department of Water Resources prior to such alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Insurance Administration;

(2) Requirement that the flood carrying capacity of the altered or relocated portion of the watercourse is maintained.

(D) Maintenance of records required in this chapter.

(E) Interpretation of location of boundaries of the areas of special flood hazards, areas of flood-related erosion hazards or areas of mudslide.

(F) Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator shall:

(1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.

(2) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, when applicable, to the market value of the building or structure.

(3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage.

(4) Notify the applicant when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant when it is determined that work does not constitute substantial improvement or repair of substantial damage.

(G) Enforcement of this chapter.”

**Section 18-52.080 Subsection (C) (1) is amended to read as follows:**

“(1) New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above one foot above base flood elevation. Nonresidential structures may meet the standards of subdivision 3 of this subsection. Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor, or verified by the Building Inspector to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator.”

**Section 18-52.105 is added to read as follows:**

**“18-52.105 Standards for recreational vehicles.**

(A) All recreational vehicles placed in areas of special flood hazard shall either:

(i) Be on the site for fewer than one hundred eighty consecutive days; or

(ii) Be fully licensed and ready for highway use; or

(iii) Meet the elevation and anchoring requirements for manufactured homes in Section 18-52.110.”

**Section 18-52.140 Subsection (A) is amended to read as follows:**

“(A) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure.”

Section 3. Environmental Determination. The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act under CEQA Guidelines Section 15061(b)(3) and 15378 in that the Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment. In addition, implementation of this ordinance is required for consistency with state law.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Effective Date. This ordinance shall take effect immediately upon its adoption.

IN COUNCIL DULY PASSED AND ADOPTED this 12th day of July, 2022.

AYES: (7) Mayor C. Rogers, Vice Mayor Alvarez, Council Members Fleming, MacDonalld, N. Rogers, Sawyer, Schwedhelm

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
City Clerk Mayor

APPROVED AS TO FORM: \_\_\_\_\_  
City Attorney