Atascadero City Council
Staff Report – Public Works Department

Federal Emergency Management Agency Requirement
Flood Damage Prevention Ordinance

RECOMMENDATION:

Council adopt on second reading by title only, the Draft Ordinance, amending Title 7, Chapter 11 of the Atascadero Municipal Code pertaining to Flood Damage Prevention.

DISCUSSION:

The Federal Emergency Management Agency (FEMA) has created new Flood Insurance Rate Maps (FIRM) and a new model Flood Damage Prevention Ordinance. FEMA is requiring every City and County in America to adopt the new model Flood Damage Prevention Ordinance.

Background: Title 7, Chapter 11 of the Atascadero Municipal Code (AMC) addresses Flood Damage Prevention. The Flood Damage Prevention Ordinance is required by FEMA for property owners to participate in the National Flood Insurance Program. Lending institution will not loan on properties in flood prone areas that cannot obtain flood insurance.

The purpose of the Flood Damage Prevention Ordinance is to protect the health, safety, and welfare of Atascadero’s citizens and their property. The Ordinance establishes duties and responsibilities of a Floodplain Administrator, restricts uses in flood-prone areas, controls grading and filling in the floodplains, sets construction standards for facilities in the floodplain and regulates other floodplain issues.

Analysis: FEMA is in the process of modernizing Flood Rate Insurance Maps by creating digital flood maps over aerial pictures. The new Maps became effective on August 29, 2008. As part of this modernization, FEMA is requiring every City and County in America to standardize their Flood Damage Prevention Ordinance.
The proposed Ordinance was supplied to the City by FEMA. The proposed Ordinance and Maps do not change the currently mapped flood zones in Atascadero. Listed below is a chart of the proposed changes to our current Ordinance:

<table>
<thead>
<tr>
<th>Item Changed</th>
<th>Existing</th>
<th>Proposed</th>
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<tbody>
<tr>
<td>Flood Plain Administrator</td>
<td>Community Development Director</td>
<td>City Manager or designee</td>
</tr>
<tr>
<td>Flood Plain Board of Appeals (1)</td>
<td>Planning Commission</td>
<td>City Council</td>
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<tr>
<td>Variance Hearings to the Flood Ordinance (1)</td>
<td>Planning Commission Consideration</td>
<td>City Council Consideration</td>
</tr>
<tr>
<td>Definitions (2)</td>
<td>Definitions</td>
<td>Definitions Added</td>
</tr>
<tr>
<td>Automatic Adoption (3)</td>
<td>Flood Insurance Study</td>
<td>Flood Insurance Study Flood Insurance Rate Map</td>
</tr>
<tr>
<td>Standard for Construction (4)</td>
<td>Standards</td>
<td>Expanded standards</td>
</tr>
<tr>
<td>Severability Clause (5)</td>
<td>None</td>
<td>Added</td>
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</tbody>
</table>

(1) This body hears appeals the Flood Damage Prevention Ordinance and requests for variances. The City has never had a request for an appeal or variance.
(2) Definitions added are: accessory structure, accessory use, apex, development, encroachment, fraud and victimization, governing body, historic structure, levee, market value, obstruction, programming deficiency, public safety and nuisance, recreational vehicle, regulatory floodway, substantial damage, variance, water surface elevation and watercourse.
(3) This will provide for automatic adoption of all future revised Flood Insurance Rate Maps and Studies.
(4) Standards for construction on construction materials and methods and elevations and Floodproofing were expanded.
(5) This section states if any section of this Ordinance is found unconstitutional or invalid by the courts the remaining sections shall still be valid.

Conclusion: Staff has worked with FEMA to ensure that the proposed Flood Damage Prevention Ordinance meets the needs of Atascadero’s Citizens and maintains the City’s participation in the National Flood Insurance Program. The proposed Flood Damage Prevention Ordinance changes are minimal and will not affect or change City wide flood plain regulation. Staff recommends approval of the Ordinance.

FISCAL IMPACT:

There is no fiscal impact to the City that will be caused by this City Council Action.

ALTERNATIVES:

The City Council has the option to not adopt the updated flood ordinance. This alternative is not recommended since FEMA has the option to exclude the City from the National Flood Insurance Program if the updated Flood Damage Prevention Ordinance is not adopted.

ATTACHMENTS: Draft Flood Damage Prevention Ordinance