

ORDINANCE NO. 00-4

**AN URGENCY ORDINANCE OF THE CITY OF WOODLAND
AMENDING ARTICLE 19 OF CHAPTER 25 OF THE MUNICIPAL CODE
RELATING TO THE FLOOD PLAIN OVERLAY ZONE (“FP”)**

The City Council of the City of Woodland does ordain as follows:

Section 1. Purpose. The purpose of this ordinance is to amend Article 19 of Chapter 25 of the Woodland Municipal Code relating to the Flood Plain Overlay Zone.

Section 2. Authority. The City Council enacts this ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution and in accordance with subdivision (b) of Section 36937 of the California Government Code.

Section 3. Findings. This ordinance is adopted as an urgency ordinance and as such shall be immediately effective. Based on evidence presented to the Council at its regular meeting of July 23, 2002, the Council hereby finds that based on the following, the preservation of public health and safety require that this ordinance take effect immediately.

a. The City of Woodland’s Flood Plain Overlay Zone, by its own terms, applies to areas designated on an outdated, 1982 map. The Flood Insurance Rate Map (“FIRM”) dated April 17, 2001, became effective for the City of Woodland on April 2, 2002. Where the previous map identified approximately five percent of the City in the flood plain, the new map places approximately thirty-five percent of the City in the flood plain. This means that new development in those areas now determined to be in the flood plain poses a risk to the health and safety of many more residents and businesses in the City than was heretofore known. The City intends to conduct an environmental review of this risk in connection with a general plan amendment, which review is likely to take several months to complete. In the meantime, unregulated development in the flood plain poses a direct threat to public health and safety.

b. Applications for new development in the flood plain are currently proposed and in process. It is expected that additional applications for development will be submitted to the City for processing in the immediate future, well before consideration and adoption by the City Council of a general plan amendment that will comprehensively address such development. Therefore, an urgency ordinance is needed to delegate authority to the Community Development Director to review each individual building permit application in the flood plain and to deny, approve, or approve such application with conditions or mitigation measures identified through the preparation of an appropriate analysis, including an analysis consistent with the California Environmental Quality Act.

Section 4. Amendment. Article 19 of Chapter 25 of the Woodland Municipal Code is hereby amended to read, in its entirety, as follows:

ARTICLE 19
“FP”
FLOOD PLAIN OVERLAY ZONE

SEC. 25-19-01 PURPOSE

To identify and designate areas subject to flooding and to provide protection against flood damage for uses and service facilities in designated flood prone areas by requiring property design at the time of initial construction.

SEC. 25-19-10 OBJECTIVES

- A. To minimize expenditure of public money for costly flood control projects.
- B. To minimize future flood risk through the application of sound land use practices in flood prone areas.
- C. To insure that potential home buyers are notified if property is located in a flood plain zone.

SEC. 25-19-20

The flood protection required by this article is based on sound engineering principles. The flood plain hazard areas are subject to flooding (1% chance in any one year) which may result in flood losses by uses which are inadequately elevated or otherwise protected from flood damage. The regulatory provisions that follow reflect a reasonable attempt to analyze the flood hazard for specific lands. This does not imply, however, that all areas outside those designated as “FP” Flood Plain Overlay Zones will be free from flooding or flood damage.

SEC. 25-19-30 FLOOD INSURANCE RATE MAP

The map designating areas in the City subject to flooding shall be the official Flood Insurance Rate Map (FIRM) provided to the City by the Federal Insurance Administration dated ~~October 16, 1979~~, April 17, 2001 (effective April 2, 2002), as it may be amended from time to time, and is hereby incorporated by reference. The map delineates those areas determined to be subject to flooding based upon evidence of past flood events, and elevation data pertinent to the one hundred year flood, or that which has a 1% chance of occurrence in any one year (“~~Base Flood~~”). Based on evaluation of this map, the City shall seek to eliminate or reduce flood losses by regulating building construction and land use within the flood plain hazard areas identified thereon.

SEC. 25-19-40 FLOOD PLAIN OVERLAY ZONE MAP

The official map designating flood plain overlay zones, dated ~~September, 1982~~, April 17, 2001 (effective April 2, 2002), as it may be amended from time to time, is hereby made a part of this ordinance. The flood zone designations appearing thereon shall mean:

ZONE	EXPLANATION
A	Areas of 100-year flood; base flood elevations and flood hazard factors not determined.
AO	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but not flood hazard factors are determined. (Lowest floor elevation 58' or above).
A1-A30	Areas of 100-year flood; base flood elevations and flood hazard factors determined.
A-24	(Lowest flood elevation +16').
A-99	Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.
B	Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium Shading.) (No requirements.)
C	Areas of minimal flooding. (No shading.) (No requirements.)
D	Areas of undetermined, but possible, flood hazards.

SEC. 25-19-50 BUILDING PERMIT REQUIREMENTS

The issuance of any building permit for development in the A, AO, AH, and A-24 flood plain overlay zones shall be a discretionary action of the Community Development Director (“Director”). As such, any application for a building permit in a flood plain overlay zone shall be subject to environmental review pursuant to the California Environment Quality Act (“CEQA”). A building permit may be denied or approved in the Director’s discretion, and may be conditioned upon mitigation measures identified in the CEQA analysis and report.

At a minimum, the following building permit requirements shall apply in the A, AO, AH, and A-24 flood plain overlay zones:

A. Within these zones no building permit or other entitlement shall be issued ~~nor shall any structure be erected~~ unless certification is provided to the ~~Community Development~~ Director from a registered professional engineer 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 zone more than one foot at any point within the community.

B. Within these zones residential structures shall have the lowest ~~flood~~ floor, including a basement, elevated to or above the crown of the street which it fronts upon or the ~~base~~ flood

~~level~~base flood elevation, whichever is higher, as specified on the FIRM and United States Insurance Rate Study for the City of Woodland.

C. Within these zones nonresidential structures shall meet the requirements set forth in subsection (B) above or be adequately flood proofed below the ~~Basic Base Flood Level~~base flood elevation~~Level~~. If ~~F~~ flood proofing is proposed, a professional engineer shall provide to the ~~Community Development~~ Director calculations certifying that the hydrostatic forces, velocities, uplift, and the like, have been designed for.

D. No building permit shall be issued within these zones unless satisfactory evidence has been provided to the City Engineer that new or replacement public and on-site utilities and facilities are located and constructed to minimize or eliminate flood damage and infiltration.

E. No building permit shall be issued for a project within these zones unless satisfactory evidence is provided to the ~~Community Development~~ Director that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law.

Zones B and C are shown for information purposes only. There are no special building permit requirements for Zones B and C.

Section 5. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 6. Effective Date and Notice. This ordinance shall take effect immediately following its passage. Within fifteen (15) days after its passage, it shall be published at least once in a newspaper of general circulation published and circulated within the City of Woodland.

PASSED AND ADOPTED this _____ day of _____, 2002 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

David Flory, Mayor

ATTEST:

Sue Vannucci, City Clerk

APPROVED AS TO FORM:

Ann M. Siprelle, City Attorney