



MEMORANDUM

TO: CITY COUNCIL

FROM: TERESA McCLISH, COMMUNITY DEVELOPMENT DIRECTOR

BY: MATTHEW DOWNING, PLANNING MANAGER
CAMILLA GREENBACH, GIS TECHNICIAN

SUBJECT: CONSIDERATION OF DEVELOPMENT CODE AMENDMENT 16-003;
AN ORDINANCE AMENDING SECTION 16.44.050 OF THE CITY OF
ARROYO GRANDE MUNICIPAL CODE REGARDING FLOODPLAIN
MANAGEMENT; LOCATION – CITYWIDE; APPLICANT – CITY OF
ARROYO GRANDE

DATE: MARCH 28, 2017

RECOMMENDATION:

The Planning Commission recommends the City Council introduce an Ordinance amending Section 16.44.050 of the City of Arroyo Grande (“City”) Municipal Code regarding floodplain management.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

No financial impact is projected as a result of adopting the Ordinance.

BACKGROUND:

The National Flood Insurance Program (“NFIP”) is a Federal program which was enacted to mitigate flood losses through national community enforced building and zoning requirements. The NFIP provides federally backed flood insurance protection for property owners whose communities, such as the City of Arroyo Grande, participate in the NFIP program. The NFIP program is administered by the Federal Emergency Management Agency (“FEMA”).

Planning Commission

The Planning Commission reviewed the proposed Development Code Amendment at a public hearing on February 21, 2017. Following clarification that the revised map panels do not alter elevations within City Limits, the Planning Commission recommended approval of the Amendment.

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ANALYSIS OF ISSUES:

On June 25, 2013, the City Council adopted Ordinance No. 652 which amended the City's floodplain regulations in order to comply with the most current NFIP standards. FEMA completed a revision to the countywide Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) for San Luis Obispo County and Incorporated Areas in 2016. The City of Arroyo Grande is unaffected by the updated flood hazard information presented in the FIS report and FIRM as the revised maps do not alter elevations within City limits; however, the City does lie on one or more of the revised map panels. FEMA has requested updates to the City's floodplain management ordinances reflecting the new FIRM be made by the effective date of May 16, 2017. Such requested modifications include updating the FIS report and FIRM dates, and the City office location where the FIS report and FIRM are on file in the General Provisions for Floodplain Management section in the City's Development Code. With guidance from the NFIP State Coordinating Office for California, the Ordinance includes language to automatically adopt the most recently available flood elevation data provided by FEMA as it is made available in the future. This will limit the number of Development Code Amendments necessary to ensure compliance with FEMA regulations in the future.

ALTERNATIVES:

The following alternatives are provided for the Council's consideration:

- Introduce the attached Ordinance approving Development Code Amendment 16-003;
- Modify and introduce the attached Ordinance approving Development Code Amendment 16-003; or
- Do not introduce the attached Ordinance and provide direction to staff.

ADVANTAGES:

The City will continue to remain eligible in the NFIP program.

DISADVANTAGES:

There are no disadvantages identified.

ENVIRONMENTAL REVIEW:

In accordance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the Arroyo Grande Procedures for the Implementation of CEQA, the proposed project has been determined to be categorically exempt per Section 15308 of the Guidelines regarding actions by regulatory agencies for protection of the environment.

PUBLIC NOTIFICATION AND COMMENTS:

A notice of public hearing was published in The Tribune and posted at City Hall and on the City's website on Friday, March 17, 2017. The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2. At the time of report publication, no comments have been received.

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF ARROYO GRANDE AMENDING SECTION 16.44.050
OF THE ARROYO GRANDE MUNICIPAL CODE
REGARDING FLOODPLAIN MANAGEMENT**

WHEREAS, the City of Arroyo Grande ("City") participates in the National Flood Insurance Program ("NFIP") pursuant to the National Flood Insurance Act of 1968 (the "Act"); and

WHEREAS, the Department of Homeland Security's Federal Emergency Management Agency ("FEMA") has prepared a Flood Insurance Study ("FIS") and has issued a Flood Insurance Rate Map ("FIRM") identifying the Special Flood Hazard Areas ("SFHAs") which are located within the City; and

WHEREAS, as a condition of continued eligibility in the NFIP, the City is required to have floodplain management regulations which meet or exceed the standards of Code of Federal Regulations, Title 44, Section 60.3(d) (44 CFR 60.3(d)); and

WHEREAS, on June 25, 2013, the City adopted Ordinance No. 652 amending its floodplain management regulations to comply with 44 CFR 60.3(d); and

WHEREAS, this Ordinance further amends the City's floodplain management regulations in order to comply with the most current NFIP standards; and

WHEREAS, on February 21, 2017, the Planning Commission held a duly noticed public hearing and recommended the City Council introduce an Ordinance amending the City's floodplain management regulations; and

WHEREAS, the City Council has held a duly noticed public hearing on March 28, 2017 and, after consideration of all testimony and all relevant evidence, has determined that the following Development Code Amendment findings can be made in the affirmative manner:

- A. The proposed revisions to Title 16 is consistent with the goals, objectives, policies and implementation measures of the General Plan, particularly the Land Use Element, and is therefore desirable to implement the provisions of the General Plan.

The proposed Development Code Amendment is consistent with the General Plan by protecting the physical, social, and economic stability and viability of residential, commercial, industrial, public/quasi-public, and open space uses

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within the City, by reducing or eliminating hazards to the public resulting from potentially inappropriate location, use or design of buildings and other improvements, and maintaining the City's eligibility for the National Flood Insurance Program

- B. The proposed revisions to Title 16 will not adversely affect the public health, safety, and welfare or result in an illogical land use pattern.

The proposed Development Code Amendment will not adversely affect the public health, safety, and welfare or result in an illogical land use pattern because the revisions will allow the City, which is unaffected by the updated flood hazard information presented in FEMA's recent Flood Insurance Study, to remain eligible for the National Flood Insurance Program, thereby protecting public health, safety, and welfare.

- C. The proposed revisions to Title 16 are consistent with the purpose and intent of Title 16.

The proposed Development Code Amendment is consistent with the purpose and intent of Title 16 due to the revisions being made to ensure the City remains eligible for the National Flood Insurance Program, thereby reducing or eliminating hazards to the public resulting from the potentially inappropriate location, use or design of buildings and other improvements.

- D. The potential environmental impacts of the proposed revisions to Title 16 are insignificant, or there are overriding considerations that outweigh the potential impacts.

The proposed Development Code Amendment is categorically exempt from environmental review by Section 15308 of the California Environmental Quality Act (CEQA) Guidelines regarding actions by regulatory agencies for protection of the environment and therefore no environmental impacts are anticipated by the proposed revisions.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Arroyo Grande as follows:

SECTION 1. The above recitals and findings are true and correct and incorporated herein by this reference.

SECTION 2. Subsection 16.44.050 E.2. of the Arroyo Grande Municipal Code is hereby amended in its entirety as follows:

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated May 16, 2017 and accompanying Flood Insurance Rate Maps

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(FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated May 16, 2017, and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this section. These areas are the minimum area of applicability of this section and may be supplemented by studies for other areas which allow implementation of this section and which are recommended to the city by the floodplain administrator. The study, FIRMs and FBFMs are on file at City Hall, 300 East Branch Street, City of Arroyo Grande, California 93420.

SECTION 3. If any section, subsection, subdivision, paragraph, sentence, or clause of this Ordinance or any part thereof is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, or clause thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, or clause be declared unconstitutional.

SECTION 4. A summary of this Ordinance shall be published in a newspaper published and circulated in the City of Arroyo Grande at least five (5) days prior to the City Council meeting at which the proposed Ordinance is to be adopted. A certified copy of the full text of the proposed Ordinance shall be posted in the office of the City Clerk. Within fifteen (15) days after adoption of the Ordinance, the summary with the names of those City Council Members voting for and against the Ordinance shall be published again, and the City Clerk shall post a certified copy of the full text of such adopted Ordinance.

SECTION 5. This Ordinance shall take effect thirty (30) days after its adoption.

On motion of Council Member _____, seconded by Council Member _____, and on the following roll call vote to wit:

AYES:

NOES:

ABSENT:

The foregoing Ordinance was adopted this ____ day of _____, 2017.

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JIM HILL, MAYOR

ATTEST:

KELLY WETMORE, CITY CLERK

APPROVED AS TO CONTENT:

ROBERT McFALL, INTERIM CITY MANAGER

APPROVED AS TO FORM:

HEATHER K. WHITHAM, CITY ATTORNEY