

ORDINANCE NO. 853

AN ORDINANCE AMENDING THE RIPON MUNICIPAL CODE TITLE 8 AND TITLE 16 TO ADDRESS THE REQUIREMENTS OF CALIFORNIA SENATE BILL 5 (2007) AND ASSOCIATED LEGISLATION RELATED TO PROVISION OF 200-YEAR FLOOD PROTECTION TO CALIFORNIA URBAN AREAS

WHEREAS, the City of Ripon amended the Ripon General Plan to address requirements of California Senate Bill 5 (2009) and associated legislation to provision of 200-year flood protection to California urban areas August 2016; and

WHEREAS, the proposed ordinance amendment implements the requirements of Senate Bill 5 and the City of Ripon General Plan related to 200-year flood protection; and

WHEREAS, the City Council reviewed and considered, pursuant to the California Environmental Quality Act (CEQA), the proposed ordinance amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061(3)(b), general rule that CEQA applies only to projects that have the potential for causing significant environmental effects.

WHEREAS, the City Council heard testimony at the public hearing of the City Council, closed the public hearing, and considered said testimony.

NOW THEREFORE, the City Council of the City of Ripon docs ordain as follows:

SECTION 1. After a public hearing held on August 9, 2016 at the City Council Chambers located at 259 Wilma Avenue, Ripon, California, this Council finds and determines as follows:

1. The proposed ordinance amendment will not be detrimental to the public health, safety or welfare because the ordinance would require State-mandated findings related to new development within Flood Hazard Zones.
2. The proposed ordinance will result in the protection of all land use types, including but not limited to residential, commercial, industrial and public/semi-public uses from 200-year frequency flooding.

SECTION 2. Chapter 8.01: Flood Damage Prevention, Section 8.01.020: Definitions of Title 8: Health and Safety of the Ripon Municipal Code shall be amended to include the definition of "flood hazard zone" as follows:

8.01.020 Definitions.

"Flood hazard zone" means an area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official Flood Insurance Rate Map issued by the Federal Emergency Management Agency. The identification of flood hazard zones does not imply that areas outside the flood hazard zones, or uses permitted within flood hazard zones, will be free from flooding or flood damage.

SECTION 3. Chapter 8.01: Flood Damage Prevention, Section 8.01.063: Development in Flood Hazard Zone of Title 8: Public Safety shall be added to read as follows:

8.01.063 Development in Flood Hazard Zone

A. Development of land, including but not limited to development agreement, tentative subdivision maps, parcel maps, discretionary approvals and ministerial approvals for residential units, shall not be approved until any applicable findings required in Chapter 16.10: 200-year flood protection have been made.

SECTION 4. Chapter 16.96: Major Subdivisions, Section 16.96.080: Subdivisions in Flood Hazard Zones – Required Findings of Title 16: Development Title shall be added to read as follows:

16.96.080 Subdivisions in Flood Hazard Zones – Required Findings

Subdivisions located in Flood Hazard Zones as defined in Chapter 8.01 shall not be approved until the applicable findings required in Chapter 16.10 have been made.

SECTION 5. Chapter 16.100: Minor Subdivisions, Section 16.100.080: Subdivisions in Flood Hazard Zones – Required Findings of Title 16: Development Title shall be added to read as follows:

16.100.070 Subdivisions in Flood Hazard Zones – Required Findings

Subdivisions located in Flood Hazard Zones as defined in Chapter 8.01 shall not be approved until the applicable findings required in Chapter 16.10 have been made.

SECTION 6. Chapter 16.10: 200-Year Flood Protection of Title 16: Development Title shall be added to read as follows:

Chapter 16.10

200-YEAR FLOOD PROTECTION

Sections

16.10.010 Intent

16.10.020 Definitions

16.10.030 200-Year Flood Protection Requirements for New Development

16.10.010 Intent

This section implements the requirements of Senate Bill 5 (2007) and related legislation that prohibits approval of urban development in urban and urbanizing areas that are exposed to 200-year flooding risk unless certain findings are made. These requirements are established in the California Government Code Sections 65865.5, 65962 and 66474.5, as amended.

16.10.020 Definitions

“200-year frequency flooding” means the level of flooding that has a 1-in-200 chance of occurring in any given year using criteria with, or developed by, the California Department of

Water Resources.

"200-year floodplain map" means a map approved by the City Engineer for urban and urbanizing areas that depicts geographic areas that may be exposed to 200-year frequency flooding, and, if available, the depth of flooding during a 200-year flooding event.

"Adequate progress" is defined in California Government Code Section 65007.

"New development" is defined as:

1. A development agreement, or
2. A tentative subdivision map, or a parcel map for which a tentative map was not required,
- or 3. A discretionary permit or other discretionary entitlement that would result in the construction of a new building or construction that would result in an increase in allowed occupancy for an existing building, or
4. A ministerial permit that would result in the construction of a new residence.

"Flood hazard zone" means an area subject to flooding as delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency (FEMA), as also defined in Chapter 8.01.

"Urban areas and urbanizing areas" an urban area is a developed area in which there are 10,000 residents or more (California Government Code Section 65007(l)). An urbanizing area is a developed area or an area outside a developed area that is planned or anticipated to have 10,000 residents or more within the next 10 years (California Government Code Section 65007(m)).

"Urban level of flood protection (ULOP)" means the level of protection that is necessary to withstand 200-year frequency flooding. ULOP shall not mean shallow flooding or flooding from local drainage that meets the criteria for the national Federal Emergency Management Agency standard of flood protection (Government Code Section 65007).

16.10.030 200-Year Flood Protection Requirements for New Development

After July 2, 2016, unless that date is amended by the State Legislature, new development shall not be approved where 200-year flooding, as shown on a 200-year map, will exceed 3 feet in depth, or in a flood hazard zones where 200-year floodplain maps have not been approved by the City Engineer, unless the approval authority determines based on substantial evidence in the record that:

A. The facilities of the State Plan of Flood Control or other flood management facilities protect the new development site to the Urban Level of Flood Protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in non-urbanizing areas; or

B. Conditions imposed on the new development will protect the property to the Urban Level of Flood Protection in urban and urbanizing areas or the national Federal Emergency Management Agency standard of flood protection in non-urbanizing areas; or

C. The local flood management agency has made adequate progress on the construction of a flood protection system that will result in flood protection equal to or greater than the Urban Level of Flood Protection in urban and urbanizing areas, or the national Federal Emergency Management Agency standard of flood protection in non-urbanizing areas.

D. The new development site located in an undetermined risk area has met the Urban Level of Flood Protection based on substantial evidence in the record.

SECTION 7. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 8. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in the Manteca Bulletin, the official newspaper of the City of Ripon, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

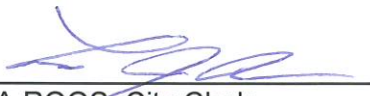
On a motion by Councilmember Leo Zuber, seconded by Councilmember Michael Restuccia, the foregoing ordinance was duly passed and adopted by the City Council of the City of Ripon at a regular meeting thereof held on this 13th day of September, 2016, by the following vote, TO WIT:

AYES:	Zuber, Restuccia, Uecker, Winchell
NOES:	None
ABSENT:	Parks
ABSTAINING:	None

THE CITY OF RIPON
A Municipal Corporation

By: 
JACOB PARKS, Mayor

ATTEST:


LISA ROOS, City Clerk