

Chapter 16.10

200-YEAR FLOOD PROTECTION

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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. (Ord. 853 §6, 2016)

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(I)). 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).

(Ord. 853 §6, 2016)

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.

(Ord. 853 §6, 2016)