A Tradition of Stewardship
A Commitment to Service

Agenda Date: 6/7/2016
Agenda Placement: 9D
Set Time: 11:40 AM PUBLIC HEARING
Estimated Report Time: 20 minutes

NAPA COUNTY BOARD OF SUPERVISORS
Board Agenda Letter

TO:	Board of Supervisors
FROM:	David Morrison - Director Planning, Building and Environmental Services
REPORT BY:	Nate Galambos, Engineering Manager - Planning, Building & Environ - 259-8371
SUBJECT:	Amendments to Napa County Floodplain Ordinance Chapter 16.04

RECOMMENDATION

First reading and intention to adopt an ordinance amending the Napa County Floodplain Management Ordinance, Chapter 16.04, to include Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA) to become effective on August 3, 2016, and other revisions as requested by FEMA to maintain compliance with requirements of the National Flood Insurance Program.
ENVIRONMENTAL DETERMINATION: General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

EXECUTIVE SUMMARY

The Federal Emergency Management Agency (FEMA) conducted the San Francisco Bay Area Coastal Study involving nine counties of the San Francisco Bay Area. The study resulted in changes to FEMA's Flood Insurance Study (FIS) for Napa County and updating of the Flood Insurance Rate Maps (FIRMs) for the southern portion of Napa County. The updated FIS and FIRMs will become effective by FEMA on August 3, 2016 and Napa County is required to amend its floodplain ordinance to include the updates in order to maintain their participation in the National Flood Insurance Program (NFIP). Napa County staff held a community meeting for property owners within the area of the updated FIRM on May 26, 2016, to inform them of the proposed changes and discuss their potential impacts.

In addition to the aforementioned changes, staff recommends that the floodplain ordinance be revised to include language that related to automatic adoption of any future amendments to the FIRMs, and updated floodplain requirements applicable to proposed subdivisions required by FEMA.

The County is required to maintain their floodplain ordinance with the most up to date information to remain compliant with the NFIP. Therefore County staff is recommending adoption of the proposed ordinance amending Chapter 16.04 - Floodplain Management.

PROCEDURAL REQUIREMENTS

1. Open Public Hearing.
2. Staff reports.
3. Public comments.
4. Close Public Hearing.
5. Clerk reads the Ordinance Title.
6. Motion, second, discussion and vote to waive the balance of the reading of the ordinance.
7. Motion, second, discussion and vote on intention to adopt the ordinance.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	Changes in the Flood Insurance Rate Maps (FIRMs) may require additional review for affected properties, which will be funded by permit fees as development applications are submitted.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Updating the ordinance to be consistent with new changes in the FIRMs will ensure that lives and property are properly protected from potential flooding.
Is the general fund affected?	No
Future fiscal impact:	This will be an ongoing impact beyond the current fiscal year.
Consequences if not approved:	Failure to update the floodplain ordinance may result in Napa County being removed from the Flood Insurance Program, which would prevent local landowners from being able to access flood insurance.
Additional Information:	

ENVIRONMENTAL IMPACT

General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

BACKGROUND AND DISCUSSION

The Board of Supervisors (Board) adopted the original Floodplain Management Ordinance (Chapter 16.04 of the County Code) in January 1980, which began Napa County's participation in the National Flood Insurance Program (NFIP). Since then the Ordinance has been amended nine times. The most recent change to the ordinance occurred in 2010, which including the following: adoption of Flood Insurance Rate Maps (FIRM) that had been amended as a result of the Napa River Flood Project; a flood study conducted on Milliken Creek by Napa County; and a flood study conducted on Salvador Creek by the City of Napa.

The proposed amendment concerns changes resulting from the recent San Francisco Bay Area Coastal Study (BACS), prepared by the Federal Emergency Management Agency (FEMA). The BACS is a detailed coastal engineering analyses and mapping of the San Francisco Bay shoreline within the nine San Francisco Bay Area counties. The analysis and mapping resulted in updated flood and wave data for the Napa County Flood Insurance Study (FIS) report and FIRM panels. The amended maps cover the Napa River area from Highway 29 at the Butler Bridge south to the Napa County line. The new FIRMs will become effective on August 3, 2016. No new parcels in Napa County were placed in a flood zone as a result of the BACS. However, changes will be made to the base flood elevation (BFE). The affected area has an existing BFE of 9 feet mean sea level (North American Vertical Datum of 1988). The new FIRMs would increase the BFE to 10 or 11 feet, depending on location. This will require new construction and substantial improvements to existing structures to be elevated higher above the surrounding grade.

Napa County staff held an informational workshop on May 26, 2016, which was attended by about 20 local residents. The purpose of the workshop was to update property owners in the BACS area of the revised FIRMs, and to provide assistance regarding possible impacts to their property and flood insurance requirements. Staff emphasized that property owners with current flood insurance policies may be eligible for FEMA's Grandfathering Rule. Under this provision, the NFIP provides a lower-cost flood insurance rating option to property owners who; (1) already have flood insurance policies in effect when the new flood maps become effective and then maintain continuous coverage; or (2) have built in compliance with the FIRM in effect at the time of construction. Property owners who do not take timely advantage of this rule may face significantly higher floor insurance rates for themselves and any future owners.

FEMA requires agencies participating in the NFIP to maintain the most current FIRMs. When an agency elects to participate in the NFIP, FEMA and the California Department of Water Resources (DWR) provide a model ordinance to the agency for use as the basis of creating their ordinance. The model ordinance includes an "automatic adoption" provision that incorporates all future amendments and/or revisions to the FIRMs, as they occur, without Board action on each subsequent change. Most agencies have adopted this language as a part of their local floodplain ordinances. In 2008, when Napa County adopted FEMA’s new digital FIRMs, the automatic adoption language was removed from the floodplain ordinance. This required the Board to take action on each new change to the FIRMs, including Letters of Map Change (LOMC), Letters of Map Revisions (LOMR), and Letters of Map Amendments (LOMA). Since 2008, there have been more than 50 changes to the FIRMs, which have not yet been incorporated into the County's floodplain ordinance. This backlog will be addressed by the recommended action. Maintaining current maps is mandated by FEMA for compliant participation in the NFIP. Consequently, FEMA has requested that Napa County consider inserting the automatic adoption clause back into their floodplain ordinance to ensure continued future compliance.

The proposed ordinance also includes a modification to Section 16.04.705 of the County floodplain ordinance, regarding subdivisions. It would require that base flood elevations be established prior to the approval of any new subdivision of more than 50 parcels or involving more than five acres which is located within a special flood hazard area (SFHA). This change is required by FEMA.

All of the latest information about the County’s floodplain is available to the public at FEMA’s map service center web site www.msc.fema.gov. This site contains all of the current effective floodplain information for Napa County along with an interactive Graphical Information System (GIS) browser allowing property owners to enter their address and view floodplain information related to them. Staff is in the process of updating the County’s public GIS browser to provide similar floodplain information.

The NFIP minimizes risk to the safety and welfare of the public and emergency responders due to flooding events, and protects FEMA (and taxpayers) from costly claims. Failure to make updates as required by FEMA can result in the suspension of Napa County from participation in the NFIP, which would result in affected landowners no longer having access to Federal floodplain insurance. The recommended actions would incorporate all previous amendments to the FIRMs, include the automatic adoption language so that future Board agendas are not impacted with multiple ordinance changes in the future, and would bring the County's floodplain ordinance into compliance with the requirements of the NFIP. For these reasons, staff supports the recommended actions.

SUPPORTING DOCUMENTS

A . Napa County Floodplain Ordinance - Tracked Changes

B . Napa County Floodplain Ordinance - Clean

CEO Recommendation: Approve

Reviewed By: Helene Franchi