



## **CITY COUNCIL AGENDA REPORT**

**MEETING DATE:** 11/05/2019

**DEPARTMENT:** Public Works

---

### **SUBJECT:**

AN ORDINANCE AMENDING TITLE 8, CHAPTER 8.70, REGARDING FLOOD DAMAGE PREVENTION AND FLOODPLAIN MANAGEMENT

### **RECOMMENDED ACTION(S):**

Introduce for first reading an Ordinance entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING CHAPTER 8.70 OF TITLE 8 OF THE LAKE FOREST MUNICIPAL CODE TO COMPLY WITH NATIONAL FLOOD INSURANCE PROGRAM REGULATIONS regarding Flood Damage Prevention and Floodplain Management to ensure compliance with updated National Flood Insurance Program ("NFIP") regulations.

---

### **EXECUTIVE SUMMARY:**

The City of Lake Forest participates in the NFIP, which through the Federal Emergency Management Agency ("FEMA"), makes federally subsidized flood insurance available to City residents. For the insurance to be available, the City must adopt and enforce floodplain management ordinances. As part of a Community Assistance Visit ("CAV") by FEMA, it was recommended that the City's Flood Damage Prevention and Floodplain Management ordinance be updated to stay compliant with current NFIP regulations. The proposed ordinance amends the City's Municipal Code to comply with the updated NFIP regulations.

---

### **BACKGROUND:**

The U.S. Congress established the NFIP with the passage of the National Flood Insurance Act of 1968. The Federal Insurance and Mitigation Administration, a division of FEMA is responsible for managing the NFIP. Nearly 20,000 communities across the United States participate in the NFIP by adopting and enforcing floodplain management ordinances to reduce future flood damage. In exchange, the NFIP makes flood insurance available to properties in these communities. Community participation in the NFIP is voluntary. The City of Lake Forest has been participating in the NFIP since September 1994.

The three components of the NFIP are: flood insurance, floodplain management, and flood hazard mapping. For City residents to be eligible to purchase the federally subsidized flood insurance, cities must adopt and enforce a floodplain management regulation which meets the requirement set forth in Title 44, part 60 of the Code of Federal Regulations. Failure to adopt and enforce regulations will result in suspension from NFIP, causing residents to lose renewal eligibility and creating barriers in obtaining new insurance policies.

In September 20, 2018, FEMA performed a CAV at the City of Lake Forest as part of the NFIP's Community Assistance Program. The CAV is a major component of the NFIP's Community Assistance Program. Generally, a CAV consists of a tour of the floodplain, an inspection of community permit files, and meetings with local officials. This visit serves the dual purpose of providing technical assistance to the community and assuring that the community is adequately enforcing its floodplain management regulations.

As part of the CAV review, FEMA reviews the City's floodplain ordinance to ensure compliance with the NFIP. Due to recent updates to the NFIP, FEMA recommended that the City update the existing Floodplain ordinance to maintain the City's eligibility in the NFIP.

---

## **DISCUSSION:**

In March 2019, as follow up to the CAV, FEMA noted the City's Flood Damage Prevention and Floodplain Management ordinance should be updated to meet the latest NFIP regulations. City staff coordinated with FEMA personnel to develop an updated Flood Damage Prevention and Floodplain Management ordinance.

The proposed ordinance (Attachment 1) would include minor updates to Title 8, Chapter 8.70 of the City's the Floodplain Management Regulations. Items that are updated include the definitions of manufactured home parks, historic structures, the inclusion of the 2009 Orange County Flood Insurance Study as a referenced document, and floodproofing new construction within a flood zone. Staff has included a comparison of showing the new additions and deletions related to this ordinance update (Attachment 2).

The areas within City of Lake Forest that fall within the FEMA NFIP flood zones are in the immediate vicinity of Aliso and Serrano Creeks, with very limited residential and business park areas being impacted by the flood zone. The proposed action would keep qualified properties eligible to receive subsidized flood insurance from FEMA.

---

**FISCAL IMPACT:**

There are no immediate budget actions from the adoption of the ordinance.

---

**ATTACHMENTS:**

Att 1 - Flood Damage Prevention and Floodplain Management Ordinance

Att 2 – Code Change Comparison

Initiated By: Douglas Erdman, Engineering Services Mngr - Asst. City Eng.

Submitted By: Thomas Wheeler, P.E., Director of Public Works/City Engineer

Approved By: Debra Rose, City Manager