



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Conduct Public Hearing and Introduce Ordinance No. 209.5 Amending Section XI-15-4.3 (Duties and Responsibilities of the Floodplain Administrator) of Chapter 15, Title XI of the Milpitas Municipal Code
Category:	Public Hearings-Community Development
Meeting Date:	4/20/2021
Staff Contact:	Steve Erickson, City Engineer/Engineering Director (408) 690-7121
Recommendation:	<ol style="list-style-type: none">1. Conduct a public hearing and move to close the hearing following comments.2. City Attorney shall read aloud title of Ordinance No. 209.5.3. Move to waive the first reading beyond the title and introduce Ordinance No. 209.5 amending Section XI-15-4.3 (Duties and Responsibilities of the Floodplain Administrator) of Chapter 15, Title XI of the Milpitas Municipal Code.

Background:

Certain areas of the City of Milpitas have been designated by the Federal Emergency Management Agency (FEMA) as areas of Special Flood Hazard. These areas are mapped on flood zone maps created by FEMA (**Attachment 1**). Development within these areas is governed by the National Flood Insurance Program (NFIP) floodplain management regulations.

The City participates in the NFIP and the Community Rating Service (CRS) programs which help provide lower cost flood insurance to residents living within the FEMA designated Special Flood Hazard Areas (SFHA). Participation in the programs requires that the City enforce the Federal floodplain development regulations, complete various public outreach tasks, and improve the storm drain systems to prevent flooding. The City was required to adopt its own Floodplain Management Regulations Ordinance, which is included in Title XI, Chapter 15 of the Milpitas Municipal Code.

Staff recently completed an audit with FEMA where the City's Floodplain Management Regulations Ordinance was reviewed for compliance with regulation language developed by the NFIP and the California Department of Water Resources (DWR). While most of our ordinance language is in line with the requirements of the NFIP, FEMA noted that Section XI-15-4.3 (Duties and Responsibilities of the Floodplain Administrator) requires a minor change to ensure compliance with NFIP requirements as specified in Title 44 Code of Federal Regulations, Parts 59 and 60.

Analysis:

In conformance with the request from FEMA, an update is proposed to Title XI, Chapter 15, Section XI-15-4.3 of the City's Municipal Code related to the duties and responsibilities of the Floodplain Administrator (**Attachment 2**).

The proposed change to Section XI-15-4.3 would require property owners wishing to develop within the City's Special Flood Hazard Areas to submit hydrologic and hydraulic engineering analyses to support the development permit, and to submit the analyses to FEMA within 6 months of such data becoming available. This data will allow FEMA to maintain and update its Flood Insurance Rate Maps where the development changes the Special Flood Hazard Area.

Fiscal Impact

None, other than staff time in preparing the Ordinance changes and providing additional data to FEMA.

California Environmental Quality Act:

The introduction and adoption of this Ordinance is not a project subject to the California Environmental Quality Act (CEQA) as it can be seen with certainty that the ordinance does not have the potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and is more akin to an administrative activity of the government pursuant to CEQA Guidelines Section 15378.

Recommendation

1. Conduct a public hearing and move to close the hearing following comments.
2. City Attorney shall read aloud title of Ordinance No. 209.5.
3. Move to waive the first reading beyond the title and introduce Ordinance No. 209.5 amending Section XI-15-4.3 (Duties and Responsibilities of the Floodplain Administrator) of Chapter 15, Title XI of the Milpitas Municipal Code.

Attachment

- 1) Milpitas Special Flood Hazard Zones
- 2) Ordinance No. 209.5 (redlined for first reading)