

ORDINANCE NO. 2010-688

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KING CITY AMENDING THE KING CITY MUNICIPAL CODE PERTAINING TO FLOOD DAMAMGE PREVENTION

THE COUNCIL OF THE CITY OF KING CITY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Flood Damage Prevention.

Title 12.16 of the King City Municipal Code is hereby amended in its entirety to read as set forth in Exhibit A.

Section 2. Exemptions From CEQA.

The City Council finds, pursuant to Title 14 of the California Code of Regulations, section 15061 (b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project, which has the potential for causing a significant effect on the environment.

Section 3. Effective Date

This Ordinance shall be in full force and shall take effect thirty (30) days after its passage.

Section 4. Publication

A summary of the ordinance has been prepared by the City Attorney. The summary has been published and a certified copy of the full text of the proposed ordinance or proposed amendment has been posted in the office of the city clerk at least five days prior to the city council meeting at which the proposed ordinance or amendment or alteration thereto was adopted. Within 15 days after adoption of the ordinance or amendment, the city council shall publish a summary of the ordinance or amendment with the names of those city council members voting for and against the ordinance or amendment and the city clerk shall post in the office of the city clerk a certified copy of the full text of the adopted ordinance or amendment along with the names of those city council members voting for and against the ordinance or amendment.

PASSED, APPROVED, AND ADOPTED this 10th day of August, 2010.

BY:



Jeff Ferreira, Mayor

City of King City

ATTEST:



Erica Sonne, City Clerk

STATE OF CALIFORNIA)
COUNTY OF MONTEREY)
CITY OF KING CITY)

I, Erica Sonne, City Clerk of the City of King, do hereby certify that the foregoing Ordinance had its first reading on the 13th day of July, and had its second reading on the 10th day of August, and was passed by the following vote:

AYES: Pereira, Kleber, Cullen, Hughes, Nuno

NOES:

ABSENT:

ABSTAIN:

BY: Erica L. Sonne
Erica Sonne, City Clerk

Chapter 12.16

FLOOD DAMAGE PREVENTION*

Sections:

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*prior ordinance history: Ord.517

12.16.010 Statutory authorization

The legislature of the state of California has in Government Code Sections 65302, 65560 and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. (Ord. 549 § 1 (Exh. A) (part), 1992)

12.16.020 Findings of fact

(a) The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditure for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and when inadequately anchored, damage uses in other areas. Uses that are inadequately

floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 549 § 1 (Exh. A) (part), 1992)

12.16.030 Statement of purpose

It is the purpose of the ordinance codified in this chapter (hereinafter sometimes referred to as “this chapter”) to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designated:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To insure that potential buyers are notified that property is in an area of special flood hazard; and
- (8) To insure that those who occupy the areas of special flood hazard assume responsibility for their actions. . (Ord. 549 § 1 (Exh. A) (part), 1992)

12.16.040 Methods of reducing flood losses

In order to accomplish its purposes, this chapter includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural flood plains, stream channels and natural protective barriers which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters for which may increase flood hazards in other areas. (Ord. 549 § 1 (Exh. A) (part), 1992)

12.6.050 Definitions

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter it’s most reasonable application.

“Accessory Use” means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

“Appeal” means a request for a review of the floodplain administrator’s interpretation of any provision of the chapter or a request for a variance.

“Area of shallow flooding” means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

“Area of Special Flood Hazard” See “special flood hazard area.”

“Area of special flood-related erosion hazard” is the area subject to severe flood-related erosion losses. The area is designated as Zone E on the Flood Insurance Rate Map (FIRM).

“Backfill” means the placement of fill material within a specified depression, hole or excavation pit below the surrounding adjacent ground level as a means of improving flood water conveyance or to restore the land to the natural contours existing prior to excavation.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year (also called the “one-hundred-year flood”)

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Building.” See “structure”

“Development” means any manmade change to improved or unimproved real estate, including, but not limited to, building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

“Encroachment” means the advance or infringement of uses, plant growth, fill, excavation, building, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

“Expansion to an existing manufactured home park or subdivision: mean the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Fill” is the placement of fill material at a specified location to bring the ground surface up to a desired elevation.

“Fill material” can be natural sand, dirt, soil or rock. For the purposes of floodplain management, fill material may include concrete, cement, soil cement, brick or similar material as approved on a case-by-case basis.

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of floodwater;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source; and/or

- (3) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents or water exceeding anticipated cyclical levels or suddenly cause by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

“Flood elevation determination” means a determination by the administrator of the water surface elevation of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

“Flood elevation study” means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

“Flood management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

“Flood management regulation” means zoning ordinances, subdivision regulation, building codes, health regulation, special purpose ordinance (such as floodplain ordinance, grading ordinance and erosion control ordinance and other application of police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

“Floodplain” or “flood-prone area” means any land area susceptible to being inundated by water from any source (see “Flooding”).

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

“Floodway” means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as “regulatory floodway.”

“Floodway encroachment line” means the line marking the limits of floodways on federal, state and local floodplain maps.

“Floodway fringe” is the areas of a floodplain on either side of the designated floodway where encroachment may be permitted.

“Fraud and victimization” related to Section 12.16.220, “condition for variance,” of this chapter means that the variance granted must not cause fraud on or victimization

of the public. In examining this requirement, the variance board will consider the fact that every newly constructed building adds to government, the variance board will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one-hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increase flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shop building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

“Hardship” as related to Section 12.16.220, “conditions for variances,” of this chapter means the hardship that would result from a failure to grant the requested variance. The variance board requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as exceptional hardships. All of these problems can be resolved through other means, without granting a variance. This is so even if the alternative means are more expensive or complicated than building with a variance, or if they require the property owner to put the parcel to a different use than originally intended, or to build elsewhere.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (d) Individually listed on a local inventory of historic place in communities with historic preservation programs that have been certified either: (1) an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states with approved programs.

“Landfill” means a permitted location for the disposal, placement or dumping of garbage, trash debris, junk or waste material.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to

render the structure in violation of the applicable nonelevation design requirements of this chapter

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purpose the term “manufactured home” also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty consecutive days.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

“Map” means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Map (FIRM) for a community issued by the Flood Insurance Administration, Federal Emergency Management Agency.

“Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on the community’s Flood Insurance Rate Map are referenced.

“Minimum necessary” related to Section 12.16.220, “conditions for variances,” of this chapter means the minimum necessary to afford relief to the applicant of a variance with a minimum deviation from the requirements of this ordinance. In this case of variances to an elevation requirement, this means the variance board needs not grant permission for the applicant to build at grade, for example, or even to whatever elevation the applicant proposes, but only that level that the board believes will both provide relief and preserve the integrity of this chapter.

“New construction” means, for floodplain management purposes, structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by this community.

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

“Obstruction” includes but is not limited to any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water or its likelihood of being carried downstream.

“One-hundred-year flood” or “100-year flood” means a flood which has one percent annual probability of being equaled or exceeded. It is identical to the “base flood,” which will be the term used throughout this chapter.

“Person” means an individual or his agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

“Principal structure” means a structure used for the principal use of the property as distinguished from an accessory use.

“Public safety and nuisances” as related to Section 12.16.220, “conditions for variances,” of this chapter means the granting of a variance must not result in additional threats to public safety or create nuisances. Chapter is intended to help protect the health, safety, well-being, and property of the local citizens. This is a long-range community effort made up of a combination of approaches such as adequate drainage systems, warning and evacuation plans, and keeping new property above the flood levels. These long-term goals can only be met if exceptions to the requirements of this chapter are kept to a bare minimum.

“Recreational vehicle” means a vehicle which is (a) built on a single chassis; (b) Four hundred square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Regulatory floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

“Remedy a violation” means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

“Riverine” means relation to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Special flood hazard area (SFHA)” means an area having special flood or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, or AH.

“Start of construction” includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, replacement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; to the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as cleaning, grading and filling; nor does it include the installation of streets and/or ways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory building, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement the actual start of construction mean the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, including a gas or liquid storage tank that is principally above ground as well as manufactured home.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

“Substantial improvement.”

- (1) “Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:
 - (A) Before the improvement or repair is started; or
 - (B) If the structure has been damaged, and is being restored, before the damage occurred.
- (2) For the purposes of this definition :substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not however, include either:
 - (A) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
 - (B) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“Violation” means the failure of the structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be a violation until such time as that documentation is provided.

“Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (Ord. 549 § 1 (Exh. A) (part), 1992)

12.16.060 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city. (Ord. 549 § 1 (Exh. A) (part), 1992)

12.16.070 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in “The Flood Insurance Study for the City of King,” (Flood Insurance Study) dated May 18, 1981, and on the accompanying Flood Insurance Rate Map, and all subsequent amendments and/or revisions are adopted by reference and declared to be

a part of this chapter. The Flood insurance Study and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the city council by the floodplain administrator. The Flood Insurance Study and all attendant flood insurance rate maps are on file at 212 South Vanderhurst Avenue, King City, California (Ord. 549 § 1 (Exh. A) (part), 1992)

12.16.080 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the city from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 549 § 1 (Exh. A) (part), 1992)

12.16.090 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, wherever this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the most stringent restrictions shall prevail. (Ord. 549 § 1 (Exh. A) (part), 1992)

12.16.100 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- (1) Consideration as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 549 § 1 (Exh. A) (part), 1992)

12.16.110 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not be interpreted to create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 549 § 1 (Exh. A) (part), 1992)

12.16.120 Severability.

This chapter and the various parts thereof are declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion

thereof other than the section so declared to be unconstitutional or invalid. (Ord. 549 § 1 (Exh. A) (part), 1992)

12.16.130 Development permit.

(a) A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 12.16.070. Application for a development permit shall be made on forms furnished by the floodplain administrator, and may include, by not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question; existing or proposed structures fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

(1) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; in Zone AO, elevation of highest adjacent grade, and proposed elevation of lowest floor of all structures;

(2) Proposed elevation in relation to mean sea level to which any structure will be floodproofed;

(3) All appropriate certification listed in Section 12.16.150(4) of this chapter; and

(4) Description of the extent to which any water course will be altered or relocated as a result of proposed development

(b) Issuance of a building permit, grading permit or approval of the final subdivision agreement shall constitute the issuance of the development permit required by subsection (a) of this section.

(c) The floodplain administrator may require that the applicant provide supplemental information, or otherwise modify application requirements consistent with his duty to determine compliance with this chapter. (Ord. 549 § 1 (Exh. A) (part), 1992)

12.16.140 Designation of the floodplain administrator.

The City Manager is appointed to administer, implement and enforce this chapter by granting or denying development permit application in accordance with its provisions. (Ord. 549 § 1 (Exh. A) (part), 1992)

12.16.150 Duties and responsibilities of the floodplain administrator.

Duties of the floodplain administrator shall include, but not be limited to:

(1) Permit Review

(A) Review all development permits to determine that the permit requirements of this chapter have been satisfied.

(B) Review all permits to determine that all other required state and federal permits have been obtained,

(C) Review all permits to determine that the site is reasonably safe from flooding, and

(D) Review all development permits to determine if the proposed development adversely affects the flood-carrying capacity of areas where base flood elevations have been determined, but a floodway has not been designated. For purposes of this chapter, “adversely affects” means that cumulative effect of the proposed development when

combined with all other existing and anticipated development will increase the water surface elevation of the flood more than one foot at any point;

- (2) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 12.16.070, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer this chapter. Any such information shall be submitted to the city council for adoption.
- (3) Whenever a Watercourse is to be Altered or Relocated.
 - (A) Notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration, and
 - (B) Require that the flood-carrying capacity of the altered or relocated portion of said watercourse is maintained.
- (4) Base Flood Elevation changes due to physical alterations:
 - (A) Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).
 - (B) All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition. Such submissions are necessary so that upon confirmation of those physical changes affecting flood conditions, risk premium rates and floodplain management requirements are based on current data.
- (5) Information to be Obtained and Maintained.
 - (A) The certification required in Section 12.16.160(3)(A) (floor elevation),
 - (B) The certification required in Section 12.16.160(3)(B) (elevations in areas of shallow flooding),
 - (C) The certification required in Sections 12.16.160(3)© (elevation or floodproofing in nonresidential structure),
 - (D) The certification required in Section 12.16.160 (3)(D)(i) or 12.16.160 (3)(D)(ii) (wet foodproofing standard),
 - (E) The certified elevation required in Section 12.16.180(b) (subdivision standards), and
 - (F) The certification required in Section 12.16.200 (2) (floodway encroachments);
- (6) Interpretation of Boundaries.
 - (A) Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, Where there appears to be a conflict between a mapped boundary and actual

- field conditions). The person contesting the location of the boundary may appeal the interpretation as provide in Section 12.16.210;
- (B) Take action to remedy violations of this chapter as specified in Section 12.16.080. (Ord. 549 § 1 (Exh. A) (part), 1992)

12.16.160 Standards of construction.

In all areas of special flood hazards, the following standards are required:

- (1) Anchoring.
 - (A) All new construction and substantial improvements shall be anchored to prevent flotation collapse or lateral movements of the structure resulting from hydrodynamic
 - (B) All manufactured homes shall meet the anchoring standards of Section 12.16.190.
- (2) Construction Materials and Methods.
 - (A) all new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
 - (B) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage;
 - (C) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and-or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - (D) Require within Zones AH or AO adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- (3) Elevation and Floodproofing.
 - (A) New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. Non-residential structures may meet the standards in subsection (3) (C) of this section. Upon completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector, to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.
 - (B) New construction and substantial improvement of any structure in Zone AH or AO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM, or at least tow feet if no depth number is specified. Nonresidential structures may meet the standards in subsection (3) (C) of this section. Upon the completion of the structure the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such

certification or verification shall be provided to the floodplain administrator.

- (C) Non residential construction shall either be elevated in conformance with subsections (3)(A) and (B) of this section or together with attendant utility and sanitary facilities:
- (i) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - (ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - (iii) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the floodplain administrator.
- (D) Require, for all new construction and substantial improvement, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in and area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
- (i) Either a minimum of tow opening having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or
 - (ii) Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration.
- (E) Manufactured homes shall also meet the standards in Section 12.16.190. (Ord. 549 § 1 (Exh. A) (part), 1992)

12.16.170 Standards for utilities.

(a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.

(b) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(c) Other utilities are addressed at Sections 12.16.160(2) and 12.16.180(d). (Ord. 549 § 1 (Exh. A) (part), 1992)

12.16.180 Standards for subdivisions

(1) All new subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than 50 lots or 5 acres, whichever is the lesser, shall:

(A) Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE)

(B) Identify the elevations of lowest floors of all proposed structures and pads on the final plans.

(C) If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:

(i) Lowest floor elevation

(ii) Pad elevation

(iii) Lowest adjacent grade

(2) All subdivision proposals shall be consistent with the need to minimize flood damage.

(3) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(4) All subdivisions shall have adequate drainage provided to reduce exposure to flood damage. (Ord. 549 § 1 (Exh. A) (part), 1992)

12.16.190 Standards for manufactured homes.

(a) All manufactured homes that are placed or substantially improved with in Zones A1-30, AH, And AE on the community's Flood Insurance Rate Map on sites (1) outside of a manufactured home park or subdivision, (2) in a new manufactured home park or subdivision, (3) in an expansion to an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood:

(A) Be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation collapse and lateral movement.

(b) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE, on the community's Flood Insurance Rate Map that are not subject to the provisions of paragraph (a) of this section will be elevated so that either:

(1) The lowest floor of the manufactured home is at or above the base flood elevation, or

(2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. (Ord. 549 § 1 (Exh. A) (part), 1992)

12.16.195 Standards for recreational vehicles.

All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map will either:

- (a) Be on the site for fewer than one hundred eight consecutive days;
- (b) Be fully licensed and ready for highway use)a recreational vehicle is ready for highway use if it is on its wheels or hacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
- (c) Meet the permit requirement of Sections 12.16.130, 12.16.140and 12.16.150 of this chapter and the elevation and anchoring requirements for manufactured home in Section 12.16.190(a) of this chapter. (Ord. 549 § 1 (Exh. A) (part), 1992)

12.16.200 Floodways.

Located within areas of special flood hazard established in Section 12.16.070 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge;
- (2) If subsection (a) of this section is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Sections 12.16.160 through 12.16.200. (Ord. 549 § 1 (Exh. A) (part), 1992)

12.16.210 Appeal board.

(a) The city council shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) The city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement of administration of this chapter.

(c) In passing upon such application, the city council shall consider all technical evaluations, all relevant factors, standards specified in other section of this chapter, and:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community; location;
- (5) The necessity to the facility of a waterfront where applicable;
- (6) The availability of alterative location, for the proposed use which are not subject to flooding or erosion damage;
- (7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(9) The safety of access to the property in time of flood for ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and

(11) The costs of providing governmental services during and after flood condition, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water system, and streets and bridges.

(d) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subdivisions (1) through (11) in subsection (c) of this section have been fully considered. As the lot size increase beyond the one-half acre, the technical justification required for issuing the variance increases.

(e) Upon consideration of the factors of subsection (c) of this section and the purposes of this chapter, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(f) The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request. (Ord. 549 § 1 (Exh. A) (part), 1992)

12.16.220 Conditions for variances.

(a) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set fourth in the remainder of this section.

(b) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(d) Variances shall only be issued upon:

(1) A showing of good and sufficient causes;

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(3) A determination that the granting of a variance will not result in increase flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(e) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the provisions of subsection (a) through (e) of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the

regulatory flood elevation and that the cost of flood insurance will be commensurate with the increase risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the flood plain administrator in the office of the county recorder and shall be recorded in a manner so that it appears in the chain of title of the affect parcel of land. (Ord. 549 § 1 (Exh. A) (part), 1992)