

City of Placerville
MEMORANDUM

DATE: January 22, 2008

TO: City Council

FROM: Randy Pesses

SUBJECT: **TITLE 4, CHAPTER 9, OF THE PLACERVILLE CITY CODE
“FLOOD DAMAGE PROTECTION,” TO BE AMENDED IN ITS
ENTIRETY TO CONFORM WITH CURRENT REQUIREMENTS
OF FEMA AND THE STATE OF CALIFORNIA DEPARTMENT
OF WATER RESOURCES.**

RECOMMENDATION:

That the City Council take the following actions:

1. Waive second reading of ordinance amending Title 4, Chapter 9, of the Placerville City Code “Flood Damage Protection,” in its entirety to conform with current requirements of FEMA and the State of California Department of Water Resources; and,
2. Adopt said Ordinance.

DISCUSSION:

This item was read for the first time at the January 8, 2008, regularly scheduled City Council meeting.

After the first reading, the City was informed that there were certain clerical errors that required changes as follows:

1. Basis For Establishing The Areas Of Special Flood Hazard: The areas of special flood hazard identified by the Federal Emergency Management Agency or the Federal Insurance Administration in a scientific and engineering report entitled "~~Flood Insurance Study For City Of Placerville, El Dorado County~~" dated ~~September 30, 1983~~, *Flood Insurance Study (FIS) dated March 30, 1983, Flood Insurance Rate Maps (FIRMs) dated September 30, 1983, and Flood Boundary and Floodway Maps (FBFMs) dated September 30, 1983, with accompanying Flood Insurance Rate Maps* and all subsequent amendments and/or revisions is hereby adopted by reference and declared to be a part of this chapter. This flood insurance study is on file at City Hall, 3101 Center Street, Placerville, CA 95667. This flood insurance study 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.

2. 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 ~~effective date of the initial FIRM or after August 9, 1988, whichever is later.~~
3. NEW CONSTRUCTION, for floodplain management purposes, means structures for which the "start of construction" commenced on or after ~~the effective date of the initial FIRM or after August 9, 1988, whichever is later,~~ and includes any subsequent improvements to such structures.
4. 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 the initial FIRM or after~~ before August 9, 1988, ~~whichever is later.~~

A copy of the amended "Flood Damage Protection" Ordinance is attached to the staff report in its entirety.

FISCAL IMPACTS:

There are no direct financial impacts to the City as a result of this action. However, for property owners within the City to remain eligible for Federal Flood Insurance Programs, it is necessary for the City to update the language within our "Flood Damage Protection" Ordinance to maintain conformity to current federal requirements.

Prepared by:

Reviewed for Fiscal Impacts by:

Randy Pesses
Public Works Director

Dave Warren
Director of Finance

Approved for Submittal to City Council:

John Driscoll
City Manager/City Attorney

CITY OF PLACERVILLE
ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 4, CHAPTER 9
OF THE PLACERVILLE CITY CODE RELATING TO
FLOOD DAMAGE PROTECTION

The Council of the City of Placerville does ordain as follows:

Title 4, Chapter 9, of the City Code shall be amended in its entirety to read as follows:

SECTION:

- 4-9-1: Purpose
- 4-9-2: Definitions
- 4-9-3: General Provisions
- 4-9-4: Administration
- 4-9-5: Provisions for Flood Hazard Reduction
- 4-9-6: Variance

4-9-1: PURPOSE:

(A) Statutory Authorization: The legislature of the state of California has in Government Code sections 65302, 65560 and 65800 conferred upon local government unit's authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Placerville does ordain as follows:

(B) Findings of Fact:

1. 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 expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. 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 flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

(C) Statement of Purpose: It is the purpose of 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 designed:

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 sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(D) 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 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 floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
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 floodwaters or which may increase flood hazards in other areas. (Ord. 1446, 8-9-1988)

4-9-2: DEFINITIONS:

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

A ZONE – see “Special Flood Hazard Area.”

ACCESSORY STRUCTURE means a structure that is either:

1. Solely for the parking of no more than 2 cars; or
2. A small, low cost shed or limited storage, less than 150 square feet and \$1,500 in value.

ACCESSORY USE means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

ALLUVIAL FAN means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

APEX means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

APPEAL means a request for a review of the Floodplain Administrator’s interpretation of any provision of this ordinance.

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. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD – See SPECIAL FLOOD HAZARD AREA.

BASE FLOOD means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the 100-year flood). Base flood is the term used throughout this ordinance.

BASE FLOOD ELEVATION (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface

elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

BASEMENT means any area of the building having its floor subgrade – i.e., below ground level – on all sides.

BUILDING – see **STRUCTURE**.

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to buildings 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, buildings, 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 effective date of the initial **FIRM** or after August 9, 1988.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD, FLOODING, OR FLOOD WATER means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and,
2. The condition resulting from flood-related erosion.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

FLOOD INSURANCE RATE MAP (FIRM) means the official map on which the Federal Emergency Management Agency or 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 Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOODPLAIN OR FLOOD-PRONE AREA means any land area susceptible to being inundated by water from any source – see FLOODING.

FLOODPLAIN ADMINISTRATOR is the community official designated by title to administer and enforce the floodplain management regulations.

FLOODPLAIN MANAGEMENT means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

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. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

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 one foot. Also referred to as REGULATORY FLOODWAY.

FLOODWAY FRINGE is the area of the floodplain on either side of the REGULATORY FLOODWAY where encroachment may be permitted.

FRAUD AND VICTIMIZATION as related to Section 4-9-6 of this ordinance means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City of Placerville 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, which future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased 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 shipbuilding and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

GOVERNING BODY is the local governing unit, i.e. county or municipality that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

HARDSHIP as related to Section 6 of this ordinance means the exceptional hardship that would result from a failure to grant the requested variance. The City of Placerville 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 an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

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:

1. 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;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a State Inventory of Historic Places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or

directly by the Secretary of the Interior in states without approved programs.

LEVEE means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

LOWEST FLOOR means the lowest floor of the lowest enclosed area, including basement (see BASEMENT definition).

1. An unfinished or flood resistant enclosure below the lowest floor that is 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 it conforms to applicable non-elevation design requirements, including, but not limited to:
 - a. The flood openings standard in Section 4-9-5(A)(3);
 - b. The anchoring standards in Section 4-9-5(A);
 - c. The construction materials and methods standards in Section 4-9-5(A)(2); and,
 - d. The standards for utilities in Section 4-9-5(C).
2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see BASEMENT definition). This prohibition includes below-grade garages and storage areas.

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 attached to the required utilities. The term "manufactured home: does not include a "recreational vehicle."

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for sale or rent.

MARKET VALUE is defined in the City of Placerville substantial damage/improvement procedures.

MEAN SEA LEVEL means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum

(NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION, for floodplain management purposes, means structures for which the "start of construction" commenced on or after August 9, 1988, and includes any subsequent improvements to such structures.

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 the initial FIRM or after August 9, 1988.

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.

100-YEAR FLOOD or **ONE-HUNDRED YEAR FLOOD** – see **BASE FLOOD**.

PROGRAM DEFICIENCY means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

PUBLIC SAFETY AND NUISANCE, as related to Section 6 of this ordinance, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

RECREATIONAL VEHICLE means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and,
4. 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 one foot.

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 the impacts of its noncompliance. Ways that impact may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

RIVERINE means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SPECIAL FLOOD HAZARD AREA (SFHA) means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as zone A, AO, A1-30, AE, A99, or, AH.

START OF CONSTRUCTION includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days from the date of the permit. 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; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, 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 means 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 that is principally above ground; that includes a gas or liquid storage tank or a manufactured home.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%)

of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or,
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

VARIANCE means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

VIOLATION means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in 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, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains 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.

4-9-3: GENERAL PROVISIONS:

(A) Lands To Which This chapter Applies: This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city.

(B) Basis For Establishing The Areas Of Special Flood Hazard: The areas of special flood hazard identified by the Federal Emergency Management Agency or the Federal Insurance Administration in a scientific and engineering report entitled Flood Insurance Study (FIS) dated March 30, 1983, Flood Insurance Rate Maps (FIRMs) dated September 30, 1983, and Flood Boundary and Floodway Maps (FBFMs) dated September 30, 1983, and all subsequent amendments and/or revisions is hereby adopted by reference and declared to be a part of this chapter. This flood insurance study is on file at City Hall, 3101 Center Street, Placerville, CA 95667. This flood insurance study 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.

- (C) 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 council of the city from taking such lawful action as is necessary to prevent or remedy any violation.
- (D) Abrogation And Greater Restrictions: This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (E) Interpretation: In the interpretation and application of this chapter, all provisions shall be:
1. Considered 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.
- (F) 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 considerations. 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 create liability on the part of the city, any officer or employee thereof, or the federal insurance administration, or the State of California for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
- (G) Severability: This chapter and the various parts thereof are hereby 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 this chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. 1446, 8-9-1988)

4-9-4: ADMINISTRATION:

- (A) Designation of the Flood Plain Administrator: The Community Development Director is hereby appointed to administer and implement this Chapter by granting or denying development permits in accordance with its provisions.

(B) Duties and Responsibilities of the Flood Plain Administrator: The Duties and Responsibilities of the flood plain administrator shall include, but not be limited to:

1. Permit Review: Review all development permits to determine:
 - (a) Permit requirements of this ordinance have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
 - (b) All other required state and federal permits have been obtained;
 - (c) The site is reasonably safe from flooding;
 - (d) The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than 1 foot at any point;
 - (e) All Letters of Map Revision (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 Revisions (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.
2. Use Of Other Base Flood Data: When base flood elevation data has not been provided in accordance with subsection 4-9-3(B) of this chapter, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer section 4-9-5 of 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 Emergency Management Agency;
 - (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 flooding conditions, risk premium rates and floodplain management requirements are based on current data.

5. Changes in corporate boundaries:

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

6. Documents For Public Inspection: Obtain and maintain for public inspection and make available as needed:

- (a) The certification required in subsection 4-9-5(A)3(a) and 4-9-5(E)(floor elevations) of this chapter;
- (b) The certification required in subsection 4-9-5(A)3(b) of this chapter;
- (c) The certification required in subsections 4-9-5(A)3(c)(1) or (A)3(c)(2) of this chapter;
- (d) The certified elevation required in subsection 4-9-5(C)2 (subdivision standards) of this chapter;
- (e) The certification required in subsection 4-9-5(E)1 (floodway encroachments) of this chapter;

7. 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 shall be given a reasonable opportunity to appeal the interpretation as provided in section 4-9-6 of this chapter.

8. Take action to remedy violations of this chapter as specified in subsection 4-9-3(C) of this chapter. (Ord. 1446, 8-9-1988)

(C) Development Permit: A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Section 3.2. Application for a development permit shall be made on forms furnished by the City of Placerville. The applicant shall provide the following minimum information:

1. Plans in duplicate, drawn to scale, showing:
 - (a) Location, dimensions, and elevation of the area in question, existing or proposed structures, storage or materials and equipment and their location;
 - (b) Proposed locations of water supply, sanitary sewer, and other utilities;
 - (c) Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
 - (d) Location of the regulatory floodway when applicable;
 - (e) Base flood elevation information as specified in Section 4-9-3;
 - (f) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and,
 - (g) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as detailed in FEMA Technical Bulletin TB 3-93.
2. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 4-9-5.
3. For a crawl-space foundation, location and total net area of foundation openings as detailed in FEMA Technical Bulletins 1-93 and 7-93.
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
5. All appropriate certifications listed in Section 4-9-4 B.4 of this ordinance.

4-9-5: PROVISIONS FOR FLOOD HAZARD REDUCTION:

(A) 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 movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(b) All manufactured homes shall meet the anchoring standards of subsection (D) of this section.

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.

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. Nonresidential structures may meet the standards in subsection (A)3(b) 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.

(b) Nonresidential construction shall either be elevated in conformance with subsection (A)3(a) of this section or together with attendant utility and sanitary facilities:

(1) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(3) Be certified by a registered professional engineer or architect that the standards of this subsection be satisfied. Such certifications shall be provided to the floodplain administrator.

(c) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed

to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(1) Either a minimum of two (2) openings 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 (1') 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.

(d) Manufactured homes shall also meet the standards in subsection (D) of this section.

(B) Garages and low cost accessory structures.

1. Attached garages.

(a) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. Areas of the garage below the BFE must be constructed with flood resistant materials.

(b) a garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.

2. Detached garages and accessory structures.

(a) "Accessory structures" used solely for parking (2-car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 4-9-2 may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:

1. Use of the accessory structure must be limited to parking or limited storage.

2. The portions of the accessory structure located below the BFE must be built using flood-resistant materials:

3. The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;

4. Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;

5. The accessory structure must comply with floodplain encroachment provisions in Section 5.6; and
6. The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 4-9-5.A.3.

(b) Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 4-9-5.

(C) Standards For Utilities:

1. 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.
2. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(D) Standards For Subdivisions And Other Proposed Development:

1. All preliminary subdivision and other development proposals shall identify the flood hazard area and the elevation of the base flood.
2. 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:
 - (a) Lowest floor elevation.
 - (b) Pad elevation.
 - (c) Lowest adjacent grade..
3. All subdivision and other development proposals shall be consistent with the need to minimize flood damage.
4. All subdivision and other development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
5. All subdivisions and other development shall provide adequate drainage to reduce exposure to flood hazards.

(E) Standards For Manufactured Homes: All new and replacement manufactured homes and additions to manufactured homes shall:

1. Be elevated so that the lowest floor is at or above the base flood elevation; and
2. Be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement.

(F) Floodways: Located within areas of special flood hazard established in subsection 4-9-3(B) of this chapter 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 (F)1 of this section is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this section. (Ord. 1446, 8-9-1988)

4-9-6: VARIANCE PROCEDURE:

NATURE OF VARIANCES:

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City of Placerville to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

(A) Appeal Board:

1. The city council shall hear and decide appeals and requests for variances from the requirements of this chapter.
2. 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 or administration of this chapter.
3. In passing upon such applications, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger of life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity to the facility of a waterfront location, where applicable;
 - (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) The safety of access to the property in time of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
 - (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.
4. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to

and surrounded by lots with existing structures constructed below the base flood level, providing subsections (A)3(a) through (A)3(k) of this section have been fully considered. As the lot size increases beyond one-half (1/2) acre, the technical justification required for issuing the variance increases.

5. Upon consideration of the factors of subsection (A)3 of this section and the purposes of this chapter, the city council of the city may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(B) Conditions For Variances:

1. Variances may be issued for the repair or rehabilitation of “historic structures” (as defined in section 4-9-2 of this ordinance) upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure..

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

3. Variances shall only be issued upon a determination that the variance is the “minimum necessary” considering the flood hazard, to afford relief. “Minimum necessary” means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City Council believes will both provide relief and preserve the integrity of the local ordinance.

4. Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

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

(c) A determination that the granting of a variance will not result in increased 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.

5. 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 subsections (B)1 through (B)4 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 and does not create a public nuisance.

6. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and,

(b) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the El Dorado County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

7. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

The above Ordinance was introduced at a regular meeting of the City Council of the City of Placerville held on January 8, 2008, by Councilmember _____, and it was read for the first time. The Ordinance was read for the second time on _____ and Councilmember _____ moved its adoption. The motion was seconded by Councilmember _____. A poll vote was taken, which stood as follows:

AYES:
NOES:
ABSENT:
ABSTAIN:

The motion having a majority of votes "AYE," the Ordinance was declared to have been adopted and it was so ordered.

Carl Hagen, Mayor

ATTEST:

Susan Zito, City Clerk