

DEPARTMENT OF WATER RESOURCES

SOUTH CENTRAL REGION OFFICE
3374 EAST SHIELDS AVENUE, ROOM 5
FRESNO, CA 93726-6913

BOARD OF SUPERVISORS



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March 14, 2011

Mr. Dick Monteith
Chairman, Board of Supervisors
County of Stanislaus
1010 Tenth Street, Suite 6500
Modesto, California 95354

Dear Mr. Monteith:

Enclosed is a copy of the Community Assistance Visit (CAV) report that was prepared as a result of a September 25, 2010, meeting between Steve Treat, Interim Building Official with Stanislaus County Building Department, and Edward Perez of this office. We apologize for the delay in not providing the report to you in a timely manner. However, with recent staff cuts made, due to county budget constraints, additional time was requested and granted to county staff so that the necessary documentation needed to determine compliance could be collected, reviewed, and provided to the Department of Water Resources (DWR) for our review. The visit was conducted by DWR on behalf of the Federal Emergency Management Agency (FEMA), to evaluate how the county is administrating its floodplain management program.

As part of the CAV, DWR reviewed the county's Floodplain Management regulations identified under *Flood Damage Prevention* in Ordinance No. C.S. 638, Chapter 16.50. Based on the revisions submitted by Mr. Treat recently, the county's ordinance meets the minimum compliance standards of the National Flood Insurance Program (NFIP). However, a certified copy from the county clerk will need to be submitted to DWR once the ordinance amendments are adopted by the County Board of Supervisors.


Prior to the CAV, DWR conducted a floodplain tour and identified 28 structures as new construction or substantial improvement in the Special Flood Hazard Area (SFHA) based on the county's Flood Insurance Rate Maps (FIRMs), dated September 26, 2008. Discussions with Mr. Treat have determined that some of the structures identified are not under the county's jurisdictions or could not be located due to insufficient information provided by DWR. Based on the amount of time granted, a formal request is now being made that Mr. Treat submit documentation to DWR that verifies the structures' compliance with the county's floodplain management ordinance. DWR is requiring that all documentation be submitted **within 30 days from receipt of this letter**. Once the documents have been received, if any violations are found, the county will be asked to develop a plan of action to correct these violations.

Mr. Dick Monteith
March 14, 2011
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In addition, with recent changes to the county's FIRMs and with new staff currently overseeing the county's floodplain management program, DWR highly encourages county staff to attend training to become familiar with the NFIP regulations. Continued enforcement of the NFIP regulations will ensure the county's good standing in the NFIP and guarantee availability of flood insurance coverage.

We wish to thank you and your staff for your cooperation and courtesy extended during the CAV. If you have any questions or need additional information, you may contact Edward Perez at (559) 230 -3317.

Sincerely,



Kevin Faulkenberry
Chief, South Central Region

Enclosure

cc: Ms. Cynthia McKenzie
U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway Street, Suite 1200
Oakland, California 94607-4052

Mr. Steve Treat
Chief Building Official
County of Stanislaus
1010 Tenth Street, Suite 3400
Modesto, California 95354

FEDERAL EMERGENCY MANAGEMENT AGENCY
NATIONAL FLOOD INSURANCE PROGRAM

COMMUNITY ASSISTANCE VISIT REPORT

SECTION I

NAME OF COMMUNITY: Stanislaus County	STATE: California	I.D. #: 060384	COUNTY: Stanislaus
VISIT CONDUCTED BY: Edward V. Perez	AGENCY: Department of Water Resources	DATE OF VISIT: September 25, 2010	

SECTION II

NAME OF LOCAL OFFICIAL: Steve Treat	TELEPHONE #: (209) 525-7592 Email: treats@stancounty.com
TITLE: Interim Chief Building Official	ADDRESS: 1010 Tenth Street Modesto, California 95354

SECTION III

PART A - Findings (Check appropriate column.)		SERIOUS	MINOR	NONE
1.	Are there any problems with the community's floodplain management regulations?		X	
2.	Are there problems with the community's administrative and enforcement procedures?	X		
3.	Are there engineering or other problems with the maps or flood insurance study?			X
4.	Are there any other problems in the community's floodplain management program?			X
5.	Are there any problems with the Biennial Report data?		X	
6.	Are there any programmatic issues or problems identified?			X
7.	Have structures been identified as being in violation? (Check appropriate category below.) <input checked="" type="checkbox"/> No violations have been identified. <input type="checkbox"/> A potential violation or violations have been identified. <input type="checkbox"/> Actions are being taken on the part of the community to remedy the violation(s) identified during the visit.			

1. Background:

The County of Stanislaus is a large agricultural community of approximately 525,090 total population located in the northern region of the San Joaquin Valley. According to *Flood Insurance Study Report* dated September 2008, "The county straddles the main trough of the San Joaquin Valley that extends from the western foothills of the Sierra Nevada on the east to the crest of the Diablo Range section of the Coast Range Mountains on the west."

The county seat is situated in the City of Modesto approximately 100 miles north of the city of Fresno and 60 miles south of the city of Sacramento. Stanislaus County currently ranks sixth in California as one of the richest counties in gross agricultural value. In 2008, Stanislaus County grossed \$2.463 billion dollars in agriculture with milk, almonds, chickens, cattle, and calves as the leading income producers for the county.

Growth throughout the county in general has slowly increased by 1 percent over the past few years. Growth in the cities of Patterson, Newman, and Grayson is attributed to an influx of bay area commuters from the San Jose and San Francisco area, while growth in the valley is due to relocations and natural birth.

The county entered the regular phase of the National Flood Insurance Program (NFIP) on August 1, 1980. According to the *Insurance Summary Report* dated November 30, 2010, the County of Stanislaus has 489 flood insurance policies in effect for a total coverage of \$97,164,500. The average annual flood policy premium for the county is approximately \$790. Mr. Steve Treat, Interim Chief Building Official, has also been acting as the county's Floodplain Administrator for the past year, as well.

2. Reference Part A, Questions 1-6:

[1] Floodplain Management Regulations:

The county's current floodplain management regulations entitled *Flood Damage Prevention* is contained in Ordinance No. C.S. 638, Chapter 16.50. It was officially adopted on December 3, 2006. A copy was provided during the Community Assistance Visit (CAV), and based on the California Department of Water Resources' (DWR) review, the ordinance lacks language regarding the requirement to 1) Submit new technical data to within six months to the Federal Emergency Management Agency (FEMA) and 2) Develop Base Flood Elevation (BFE) data for subdivision proposals or other developments greater than 5 acres or 50 lots. Therefore, county staff is being requested to amend the following sections of their ordinance as follows:

1. Amend Section 16.50.150 (C) — Notification of other Agencies to meet language within the model Floodplain Management (FPM) Ordinance Section 4.2.
2. Amend Section 16.50.190 — Standards for Subdivisions to meet language within the model FPM Ordinance Section 5.3.

By e-mail, Mr. Treat was provided a list of the changes that need to be addressed. As of the writing of this report, DWR has received a draft amended ordinance that incorporates the requested changes. County staff has been directed to submit the revised ordinance to the

Board of Supervisors for their approval. A certified adopted copy by the county clerk is then to be forwarded to DWR to update its files, once the ordinance adoption is finalized.

[2] Administration and Enforcement Procedures:

Under Section 16.50.140 of the county's ordinance, the Director of Public Works (PW) is appointed to administer and oversee the NFIP for the county. However, over the past few years, the duties and responsibilities of the program have been shifted among the PW and Engineering Department. As a result of current economic times, several county personnel have been laid off which included the county's Floodplain Administrator (FPA), Tony Refuerzo. Currently, the duties are under the Interim Chief Building Official, Mr. Steve Treat, who has been acting FPA over the past year. With the loss of the county's FPA and a shortage of county staff, the county's ability to properly administer its NFIP program and/or the collection and review of proper documentation needed to determine compliance of structures located in the Special Flood Hazard Area (SFHA) has been severely hampered and is of concern to DWR.

● *Permit Review*

During a previous inspection of the county's SFHA conducted in June of 2007, 28 structures were identified to be new construction or a Substantial Improvement (SI) based on the county's Flood Insurance Rate Maps (FIRMs). The data was obtained from DWR's Southern Region, and Mr. Treat was requested to submit documentation for the following structures:

1. Residential Structure (R/S) at River Road/Villa Manucha
2. Non-Residential Structure (NR/S) 25090 River Road
3. R/S 27007 River Road
4. R/S 27067 River Road – Substantial Improvement
5. R/S 2828 Hills Ferry Road
6. Various R/S MH 2830 Hills Ferry Road
7. R/S 26309 Highway 30, ½ mile north of Stuhr Road
8. NR/S 26164 Hale Road
9. R/S 1019 Anderson Road
10. NR/S Del Puerto Water District 17840 Ward Avenue
11. R/S 424 Rose Avenue
12. R/S 741 Rose Avenue
13. R/S 455 Ivy Avenue
14. R/S 11600 Vineyard Avenue
15. R/S 10525 Highway 33
16. R/S across 1693 Hatch Road
17. R/S 1672 Hatch Road
18. R/S at Parkdale/South Rosemore
19. R/S 1409 Greenlawn Avenue
20. R/S 1425 Woodlane Avenue
21. R/S 2359 Hatch Road
22. R/S 2363 Hatch Road
23. R/S across 1208 Hill Top Lane
24. R/S across 2008 John Street
25. R/S across 1937 Kenneth Street

26. R/S 6006 American Avenue
27. R/S 6431 American Avenue
28. R/S 6401 American Avenue

This request is being made so an assessment of the county's enforcement procedures can be made to determine if any violations of the NFIP regulations have occurred. Therefore, DWR is requesting that the county submit **within 30 days of receipt of this report**, the following information for the identified structures:

- A copy of the permit indicating date of issuance.
- A copy of any elevation data relative to the property showing the lowest floor elevation or a copy of a certified Elevation Certificate (EC) signed by a licensed land surveyor or registered professional engineer.

Once the documents have been reviewed, if any violations are found, the county will be asked to develop a plan of action to correct these violations.

[3] Engineering Flood Maps and Study:

FEMA has issued the new countywide Digital FIRMs for Stanislaus County and its incorporated communities, under its Map Modernization Program. The effective date of the new Digital FIRMs is September 26, 2009. The maps include a change from the current datum of the National Geodetic Vertical Datum of 1929 to the North American Vertical Datum of 1988, along with some expansion of the SFHA in county lands.

[4] Floodplain Management Program: N/A

[5] Biennial Report Data:

Every two years, communities participating in the NFIP must complete and submit a Biennial Report describing the community's progress in the previous two years in implementing floodplain management measures and on its needs for re-mapping and technical assistance. FEMA sends the Biennial Report form to local community officials. Submission of this report is required as part of a community's participation in the NFIP.

The last dated Biennial Report on file is for the calendar years of 1995-1996. The county is being requested to complete and provide a Biennial Report for the calendar years of 2009-2010. A copy of the report can be downloaded at:
<http://www.fema.gov/library/viewRecord.do?id=2800>

[6] Programmatic Issues: None.

3. **Section 404, Stafford Act – Hazard Mitigation Grant Program:** N/A
4. **E.O. 11988, Floodplain Management:** N/A
5. **Other Findings:** N/A

5. **Other Findings:** N/A

6. **Follow-up:**

- [1] Obtain a certified copy of the county's floodplain management ordinance for DWR files.
- [2] Review documentation provided for 28 structures identified in Section 2 – "Administration Enforcement Procedures."
- [3] Review the Biennial Report statistics.

7. **Community Action Required:**

- [1] Send a certified copy of the county's floodplain management ordinance to DWR, once it has been adopted.
- [2] Send documentation requested for 28 structures identified in Section 2 – "Administration Enforcement Procedures." **Deadline – April 15, 2011.**
- [3] Submit a copy of the Biennial Report to DWR. **Deadline – April 15, 2011.**

Meeting Participants:

Steve Treat Interim Chief Building Official
County of Stanislaus

Edward Perez Water Resources Engineer
Department of Water Resources, South Central Region