

ORDINANCE NO.C.S 1102

**AN ORDINANCE AMENDING TITLE 16 OF THE STANISLAUS COUNTY CODE REGARDING FLOOD DAMAGE PREVENTION**

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, ordains as follows:

**Section 1. Section 16.50.150 of the Stanislaus County Code is amended to read as follows:**

“16.50.150 Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- A. Permit Review. Review all development permits to determine:
1. Permit requirements of this Chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
  2. All other required Federal, State, and local governmental agency permits or approvals have been obtained before approving the development permit;
  3. The site is reasonably safe from flooding; and
  4. 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. For purposes of this Chapter, ‘adversely affects’ means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will increase the water surface elevation of the base flood more than one foot at any point.
  5. 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 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.

B. Development of Substantial Improvement and Substantial Damage Procedures.

1. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."
2. Assure procedures are coordinated with other departments/divisions and implemented by community staff.

C. Review and Use of Any Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 16.50.060, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal or State agency, or other source, in order to administer Sections 16.50.170, 16.50.180, 16.50.190, 16.50.200, 16.50.210 and 16.50.220 of this Chapter. Any such information shall be submitted to the Board of Supervisors for adoption.

NOTE: A base flood elevation may be obtained using one of the two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas—A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995.

D. Notification of Other Agencies.

1. Alteration or relocation of a watercourse:
  - a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
  - b. Submit evidence of such notification to the Federal Emergency Management Agency; and
  - c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
2. 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.
- c. 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.

3. Changes in corporate boundaries:

- a. 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.

E. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available, as needed, the following:

- 1. Certification required by Section 16.50.170.C.1 (lowest floor elevations);
- 2. Certification required by Section 16.50.170.C.2 (elevation or flood proofing of non-residential structures);
- 3. Certification required by Sections 16.50.170.C.3 (wet flood proofing standard);
- 4. Certification of elevation required by Section 16.50.190.B (subdivisions and other proposed development standards);
- 5. Certification required by Section 16.50.220.A (floodway encroachments); and
- 6. 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.

F. Map Determinations. Make interpretations where needed, as to The exact location of the boundaries of the areas of special flood hazard, 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 as related to Sections 16.50.230, 16.50.240, 16.50.250 and 16.50.260 of this Chapter.

- G. Remedial Action. Take action to remedy violations of this Chapter as specified in Section 16.50.070.
- H. Biennial Report. Complete and submit Biennial Report to FEMA.
- I. Planning. Assure community's General Plan is consistent with floodplain management objectives herein."

**Section 2. Subparagraph C1 of Section 16.50.170 of the Stanislaus County Code is amended to read as follows:**

"C. Elevation and Floodproofing. (See Sections 16.50.120.8 for definition of 'basement', 16.50.120.34 for 'lowest floor', 16.50.120.51 for 'substantial damage', and 16.50.120.52 for 'substantial improvement'.)

- 1. Residential construction. All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:
  - a. In an AE, AH, A1-30 Zones, elevated one foot above the base flood elevation;
  - b. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, plus one foot, or elevated at least three feet above the highest adjacent grade if no depth number is specified; and
  - c. In an A zone, without BFE's specified on the FIRM (unnumbered A zone), elevated to one foot above the base flood elevation: as determined under Section 16.50.150 B.
  - d. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator."

**Section 3. Section 16.50.190 of the Stanislaus County Code is amended to read as follows:**

“16.50.190 Standards for Subdivisions and other proposed development.

- A. All new subdivisions 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:
  - 1. Identify the Special Flood Hazard Areas (“SFHA”) and Base Flood Elevations (“BFE”).
  - 2. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.
  - 3. 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.
- B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
- C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- D. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.”

**Section 4.** This ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor Chiesa seconded by Supervisor Withrow, the foregoing Ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 19th day of April, 2011, by the following-called vote:

AYES: Supervisors: Chiesa, Withrow, DeMartini, and Vice-Chairman O'Brien

NOES: Supervisors: None

ABSENT: Supervisors: Montieth



Vice-Chairman O'Brien  
of the Board of Supervisors of the  
County of Stanislaus, State of California

ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk of the  
Board of Supervisors of the County of Stanislaus,  
State of California

By

  
Deputy Clerk

APPROVED AS TO FORM:

JOHN P. DOERING  
County Counsel

By

  
Thomas E. Boze  
Deputy County Counsel

STANISLAUS COUNTY ORDINANCE C.S. 1102

Upon motion of Supervisor Chiesa, seconded by Supervisor Withrow, Ordinance C.S. 1102 was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 19th day of April 2011, by the following called vote:

AYES: SUPERVISORS: Chiesa, Withrow, DeMartini and Vice-Chairman O'Brien  
NOES: None  
ABSENT: Chairman Monteith  
ABSTAINING: None

Ordinance C.S. 1102 amends Title 16 of the Stanislaus County Code regarding Flood Damage Prevention. Changes in the National Flood Insurance Program necessitate minor revisions to the current Stanislaus County Flood Damage Prevention Ordinance in order to comply with Federal regulations. Amendments include:

1. Additions to the duties and responsibilities of the Floodplain Administrator;
2. Modifications to the standards of construction related to minimum elevation above base flood elevation; and
3. Modifications to the Standards for Subdivisions.

The modifications in Section 16.50.150, Duties and Responsibilities of the Floodplain Administrator, include new responsibilities related to permit review, development of substantial improvement and substantial damage procedures, review and use of Base Flood data, notification of other agencies, documentation of floodplain development, remedial actions, reporting, and planning.

Current standards allow the elevation of the lowest floor level in residential construction to be at base flood elevation. Standards of construction (Section 16.50.170) are proposed to be modified to require the elevation of the lowest floor level in residential construction to be at a minimum of (1) one foot above the base flood elevation.

Finally, Section 16.50.190, Standards for Subdivisions and Other Proposed Development, is completely revised to comply with current recommended language in the State's "Model Floodplain Management Ordinance."

A full copy of the ordinance is available for review at the Clerk of the Board's Office, 1010 10th Street, Suite 6700, Modesto, CA. For further information, contact Steve Treat, Chief Building Official, at (209) 525-6557 or at 1010 10th Street, Suite 3400, Modesto, CA 95354.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: April 19, 2011

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk  
of the Board of Supervisors  
of the County of Stanislaus,  
State of California

BY:

  
Elizabeth A. King, Assistant Clerk

**DECLARATION OF PUBLICATION  
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS  
STATE OF CALIFORNIA**

STANISLAUS COUNTY  
ORDINANCE C.S. 1102

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Pub Dates Apr 26, 2011

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

Apr 26, 2011

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I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at

**MODESTO, California** on

April 26th, 2011

(By Electronic Facsimile Signature)

Marie Dieckmann