

# **PROPOSED AMENDMENTS**

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## **Title 8 LAND DEVELOPMENT**

### **CHAPTER 4: FLOOD PROTECTION**

#### **Article 1: Findings of Fact, Purpose and Methods**

##### **Sec. 8-4.101 Findings of fact**

- (a) The special flood hazard areas of Yolo County 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.
- (b) These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in area of special flood hazards which increase flood heights and velocities also contribute to the flood loss.

##### **Sec. 8-4.102 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 to:

- (a) Protect human life and health;
- (b) Minimize expenditure of public money for costly flood control projects;
- (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) Minimize prolonged business interruptions;
- (e) 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;
- (f) 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 blighted areas caused by flood damage;

- (g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

### **Sec. 8-4.103 Methods of reducing flood losses**

In order to accomplish its purpose, this Chapter includes methods and provisions to:

- (a) Restrict or prohibit 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;
- (b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (d) Control filling, grading, dredging, and other development which may increase flood damage; and
- (e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

## **Article 2: Definitions**

### **Sec. 8-4.201 Definitions**

Unless specifically defined in this Article, 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 its most reasonable application.

#### **Accessory use**

“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**

“Appeal” means a request for a review of the Floodplain Administrator’s interpretation of any provision of this chapter.

#### **Area of shallow flooding**

“Area of shallow flooding” means a designated AO 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**

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year (also called the “100-year flood”).

**Base flood depth (BFD)**

“Base flood depth” means the depth shown on the Flood Insurance Rate Map for Zone AO that indicates the depth of water above highest adjacent grade resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

**Base flood elevation**

“Base flood elevation” means the elevation of surface water resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. Or, the height in relation to mean sea level (MSL) expected to be reached by the waters of the base flood at pertinent points in the floodplain of Riverine areas.

**Basement**

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

**Building**

See “Structure”.

**Development**

“Development” means any manmade 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. For the purposes of this chapter, the following activities shall not be considered development:

- (a) Typical agricultural activities, such as plowing, seeding, cultivating, harvesting, field leveling contouring, and planting; and
- (b) Residential and commercial landscape maintenance.

**Encroachment**

“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**

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities serving 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 Yolo County.

**Expansion to an existing manufactured home park or subdivision**

“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 grading or the pouring of concrete pads).

**Flood, or flooding or floodwater**

“Flood, flooding or floodwater” means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Insurance Rate Map (FIRM)**

“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, the floodway, and the risk premium zones applicable to the community.

**Flood Insurance Study**

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

**Floodplain or flood-prone area**

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

**Floodplain Administrator**

“Floodplain Administrator” is the Director of the Yolo County Planning and Public Work department or their designee.

**Floodplain management**

“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**

“Floodplain management regulations” means this Chapter, zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinances, grading ordinances and erosion control ordinances), and other applications of police power which control development in flood-prone areas. The term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

**Floodproofing**

“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**

“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**

“Floodway fringe” is that area of the floodplain on either side of the “Regulatory Floodway” where encroachment may be permitted.

**Fraud and victimization**

“Fraud and victimization” as related to Article 6 of this Chapter (Variances), means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Floodplain Administrator 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 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**

“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 ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Governing Body**

“Governing body” is the Board of Supervisors and its designees, which are empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

**Hardship**

“Hardship” as related to Article 6 of this Chapter means the exceptional hardship that would result from a failure to grant the requested variance. Yolo County 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 otherwise cannot, as a result, 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**

“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**

“Historic structure” means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the 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 preliminarily determined by the Secretary of the Interior to qualify as a 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 the Interior; or
- (d) 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 with approved programs.

### **Levee**

“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.

### **Lowest floor**

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement) (see “Basement”). 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 wet floodproofing standards in Section 8-4.5042(c);
- (b) The anchoring standards in Section 8-4.5042 (a);
- (c) The construction materials and methods in Section 8-4.5042 (b); and
- (d) The standards for utilities in Section 8-4.50223

### **Manufactured home**

“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. For floodplain management purposes the term “manufactured home” does not include a “recreational vehicle”.

### **Manufactured home park or subdivision**

“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.

### **Mean sea level**

“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 a community’s Flood Insurance Rate Map are referenced.



### **Minor Variance**

~~“Minor variance” means a grant of relief from the requirements of this chapter to allow the use of wet floodproofing in the construction of specific types of structures, including: structures functionally dependent on close proximity of water; historic buildings; accessory structures; and agricultural structures. Any minor variance approved under this chapter shall comply with the requirements of all other applicable provisions of this chapter.~~

### **New construction**

“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 County and includes any subsequent improvement to such structures.

### **Natural grade**

“Natural grade” means the grade unaffected by construction techniques such as fill, landscaping, or berming

### **New manufactured home park or subdivision**

“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 Yolo County.

### **Non-residential accessory structure**

“Non-residential accessory structure” means any structure accessory to the primary use of any non-residential property. FEMA defines a non-residential structure as a type of building occupancy that includes, but is not limited to: small business concerns, churches, schools, farm buildings (including grain bins and silos), garages, poolhouses, clubhouses, recreational buildings, mercantile buildings, agricultural and industrial buildings, warehouses, nursing homes, licensed bed and breakfasts, and hotels and motels with normal room rentals for less than six months.

### **Obstruction**

“Obstruction” includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across, or projecting in 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**

See “Base flood.”

### **Public safety and nuisance**

“Public safety and nuisance” as related to Article 6 of this Chapter (Variances), 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 basis.

### **Recreational vehicle**

“Recreational vehicle” means a vehicle which is: built on a single chassis; is four hundred (400) square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light-duty truck; and designed primarily not for use as a permanent dwelling, but as temporary living quarters for emergency housing, recreational, camping, travel, or seasonable use.

### **Regulatory floodway**

“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, as designated on the FIRMs.

### **Remedy a violation**

“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 impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the regulations or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

### **Riverine**

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

### **Special flood hazard area (SFHA)**

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

### **Start of construction**

“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 180 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; 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, footing, 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**

“Structure” means a walled and roofed building that is principally above ground. This includes a liquid storage tank or a manufactured home.

**Substantial damage**

“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 (50) percent of the market value of the structure before the damage occurred.

**Substantial improvement**

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. For purposes of this Section, the cost of all reconstruction, rehabilitation, addition or other development within the one year period prior to the “start of construction” shall be used to calculate whether the proposed “substantial improvement” would exceed 50 percent of the market value of the structure. “Substantial improvement” includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations or comply with state or local health, sanitary, or safety code specifications which have been identified by Yolo County and which are the minimum necessary to assure safe living conditions; or
- (b) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

**Variance**

“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**

“Violation” means the failure of a 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 in violation until such time as that documentation is provided.

**Water surface elevation**

“Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1020, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**Watercourse**

“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.

## **Article 3: General Provisions**

### **Sec. 8-4.301 Lands to which this chapter applies**

This chapter shall apply to all areas of special flood hazards within the jurisdiction of Yolo County.

### **Sec. 8-4.302 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 Yolo County, dated May 16, 2012 and all subsequent revisions) and accompanying Flood Insurance Rate Maps (FIRMs), dated May 16, 2012 and June 18, 2010, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. The flood Insurance Study and FIRMs are on file at the Yolo County ~~Planning, Public Works and Environmental~~ Community Services Department, 292 West Beamer Street, Woodland, CA, 95695. This 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 by the Floodplain Administrator and adopted by the Planning Commission.

### **Sec. 8-4.303 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 Board of Supervisors from taking such lawful action as is necessary to prevent or remedy any violation.

### **Sec. 8-4.304 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 provision of local law, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### **Sec. 8-4.305 Interpretation**

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

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under state statutes.

## **Sec. 8-4.306 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 Yolo County, any officer or employee thereof, the State of California, the Federal Insurance Administration, or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

## **Article 4: Administration**

### **Sec. 8-4.4021 Floodplain Administrator**

The ~~Planning, Public Works and Environmental~~ **Community** Services Department Director, or designee, is appointed as the Floodplain Administrator and shall administer, implement and enforce this Chapter by granting or denying development permits in accordance with these provisions.

### **Sec. 8-4.4032 Duties 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 that:
  - (1) The permit requirements of this chapter have been satisfied;
  - (2) All other required state and federal permits have been obtained;
  - (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) The project is consistent with the findings required by Government Code 65302.9, see Section 8-2.306(ae).
  
- (b) *Review and use of any other base flood data.* When base flood elevation data has not been provided in accordance with Section 8-4.302 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 Article 5 of this Chapter. Any such information shall be submitted to the Planning Commission for adoption.

- (c) *Notification of other agencies.* Whenever a watercourse is to be altered or relocated.
  - (1) 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, Federal Emergency Management Agency; and
  - (2) Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.
  
- (d) *Documentation of floodplain development.* Obtain and maintain for public inspection and make available as needed for the following:
  - (1) The certification required in Section 8-4.5012 (c)(1) (floor elevations);
  - (2) The certification required in Section 8-4.5012 (c)(2) (elevation or floodproofing of nonresidential structures);
  - (3) The certification required in Section 8-4.5012 (c)(4) (wet floodproofing standard);
  - (4) The certification required in Section 8-4.5034 (b) (subdivision standards);
  - (5) The certification required in Section 8-4.5069(a) (floodway encroachments).
  
- (e) *Map determinations.* 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 8-4.405 of this Chapter.
  
- (f) *Remedial action.* Take action to remedy violations of this Chapter as specified in Section 8-4.406 **(Violations)**.

### **Sec. 8-4.4013 Flood hazard development permit**

- (a) A Flood Hazard Development Permit shall be obtained before any construction or other development begins within any area of special flood hazards established in Section 8-4.302. Application for a Flood Hazard Development Permit shall be made on forms furnished by the Floodplain Administrator and may include, but 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; or
  - (2) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, if required in Section 8-4.5012 (c); and
  - (3) All appropriate certifications listed in Section 8-4.4032(d) of this Chapter; and
  - (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
  - (5) In the A, AE and AO zones, base flood elevation and construction specifications shall be provided by a licensed engineer.

- (6) All new proposed development (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is less, and located in areas of special flood hazards where base flood elevations have not been provided, shall include base flood elevation data prepared by a registered professional engineer. In addition to the foregoing, the Floodplain Administrator may require such other information relevant to the project as needed in order to enforce this chapter.
- (b) Application for Flood Hazard Development Permits shall be submitted to the Floodplain Administrator for review and determination as to completeness. If the application is determined to be incomplete, the Floodplain Administrator shall notify the applicant in writing within 40 days of receipt of the application, specifically describing the information necessary to complete the application. The application shall not be processed until the Floodplain Administrator has determined it to be complete and the appropriate fees have been paid.
- (c) **The Flood Hazard Development Permit shall include but not be limited to a complete description of the activity for which it is issued, the property for which it is issued, the date of issuance, the date of expiration, and a description of any and all conditions upon which the permit has been issued. The permit shall be kept at the site during the development for which the permit was issued.**

#### **Sec. 8-4.404 Conditions and terms of a Flood Hazard Development Permit**

- (a) After considering the evidence submitted, the Floodplain Administrator shall approve, conditionally approve, or deny the application **for a Flood Hazard Development Permit** by a written decision setting forth the findings supporting the action. Approval may be granted subject to any relevant condition which the Floodplain Administrator may deem necessary to effectuate the purposes of this Chapter, **other County ordinances, or state or federal laws, including the dedication of easements or construction of improvements pursuant to this section. Such conditions shall be reasonably related to the public needs created by the development. Conditions to mitigate environmental impacts of the activity may also be imposed by the Floodplain Administrator. The Floodplain Administrator may also require that the owner of the property, the permit applicant, or both, enter into a written agreement with the County holding the County of Yolo free from liability for any harm that may occur to any real or personal property or person by flooding.** If the application is conditionally approved, the conditions shall be specified in writing.
- (b) **The Floodplain Administrator may impose, as a condition for the granting of a permit, the requirement of dedication or irrevocable offer of dedication of real property within the property for which the approval is sought, for drainage, floodplain or floodway easements. Such dedication requirement must be reasonably related to the public needs arising as a result of the development.**
- (c) **The Floodplain Administrator may impose, as a condition for the granting of a permit, the requirement for the construction of drainage and flood control facilities. Such construction requirement must be reasonably related to the public**

needs arising as a result of the development.

- (d) Where the Floodplain Administrator has imposed a condition requiring the permittee to construct or install offsite improvements on land in which neither the permittee nor the County has sufficient title or interest, including an easement or license, at the time the permit application is filed with the County, to allow the improvements to be made, the permittee shall make a good faith effort to acquire by negotiation an interest in land which will allow the improvements to be made. If the permittee is unable to acquire such an interest in land, the permittee shall so notify the Floodplain Administrator, providing sufficient evidence of having made a good faith effort. The County shall have 120 days from receipt of such notice and sufficient evidence to acquire by negotiation or commence proceedings pursuant to ordinance 7 of Part 3 of the Code of Civil Procedure to acquire an interest in land which will permit the improvements to be made. If the County fails to meet this 120-day time limitation, the condition for construction of offsite improvements shall be conclusively deemed waived. The County may require the permittee to enter into an agreement to complete the improvements at such time as the County acquires an interest in the land which will allow the improvements to be made. Nothing in this section precludes the County from requiring the permittee to pay the cost of acquiring offsite real property interests required for such improvements.
- (e) A Flood Hazard Development Permit shall be effective on the date of issuance, and shall remain in force for one year, unless suspended or revoked by the Floodplain Administrator, or voluntarily relinquished by the permittee. Before the expiration of a permit, a permittee may apply for an extension of time in which to complete the development. One extension of not more than one year may be granted by the Floodplain Administrator.
- (i) A Flood Hazard Development Permit shall not be transferred or assigned from one person to another, unless approved by the Floodplain Administrator and the person to whom the permit is to be transferred agrees to comply with the requirements of the original permit and to any conditions imposed therein.
- (j) Any proposed changes in the development authorized by the permit shall be submitted to the Floodplain Administrator for review. The permittee shall not undertake or allow development to occur which does not conform to the plans or conditions of the original permit, unless approved by the Floodplain Administrator. The Floodplain Administrator shall review any proposed changes in the same manner and pursuant to the same standards as the original application.
- (k) The Floodplain Administrator may inspect property for which a Flood Hazard Development Permit has been applied to determine applicability or compliance with this ordinance. The Floodplain Administrator may also inspect any and all property for which a permit has been issued and on which development is occurring.

## **Sec. 8-4.405 Levee maintenance**

- (a) **Maintenance activities on levees shall not be considered development for the purposes of this ordinance. Levee maintenance as used herein is routine activities to preserve the operating condition or operating elevation of a levee including and limited to the following:**
- (1) Extermination of burrowing rodents and filling burrows;**
  - (2) Shaping the levee crown;**
  - (3) Repairing access or patrol roads;**
  - (4) Repairing minor slip-outs, erosion, or subsidence of a levee section;**
  - (5) Removing drift deposits, debris, and litter from the levee and berm;**
  - (6) Cleaning drains and toe ditches adjacent to the landside levee toe;**
  - (7) Cutting, removing, trimming, burning, spraying and mowing vegetation;**
  - (8) Repairing or restoring rock protection;**
  - (9) Removing encroachments; or**
  - (10) Placing fill to restore the operating elevation of a levee.**
- (b) **In addition the activities listed above, all other levee management activities performed on levees in the State Plan of Flood Control and maintenance of levees that qualify for funding under the State Levee Subvention Program shall not be considered development for the purposes of this ordinance.**

## **Sec. 8-4.4046 Flood hazard development permit procedures within the CCRMP area**

The provisions of this Section shall only apply to construction or development within any area of special flood hazard that occurs within the boundaries of the Cache Creek Resources Management Plan (CCRMP). The provisions of this Section shall be followed in addition to any other regulations of this Chapter applied to the flood hazard development permit.

- (a) *Administration.* The Resources Management Coordinator (RMC) may be the designee for the Floodplain Administrator, for consideration of Flood Hazard Development Permits within the boundaries of the CCRMP.
- (b) *Permit review.* All Flood Hazard Development Permit applications shall be submitted to the RMC for review. The RMC shall solicit the recommendations of the Technical Advisory Committee regarding the proposed Flood Hazard Development Permit for consideration by the Floodplain Administrator, or designee. Applications for Flood Hazard Development Permits shall include, but shall not be limited to, the following:
- (1) A description of the potential effects of the proposed project on hydraulic conditions upstream and downstream of the proposed channel modifications; and
  - (2) A chemical spill prevention and emergency plan (or its equivalent) filed and approved by the appropriate lead agency for all long-term projects that involve the use of heavy equipment.



- (c) *Findings.* A Flood Hazard Development Permit may be approved pursuant to this Section only if all of the following findings are made:
- (1) That the proposed channel modification is consistent with any County-administered general permits from agencies of jurisdiction (e.g. California Department of Fish and Wildlife, U.S. Army Corps of Engineers, Regional Water Quality Control Board); or alternatively, that all other State and federal permits have been obtained;
  - (2) That any sand and gravel removed from the channel as a result of the proposed modification is necessary for one or more of the following reasons
    - (i) To provide flood control,
    - (ii) To protect existing structures,
    - (iii) To minimize bank erosion, and
    - (i) To implement the Test 4 boundary;
  - (3) That the proposed channel modification will protect sensitive biological resources;
  - (4) That the proposed channel modification is consistent with the requirements of both the CCRMP and the Cache Creek Improvements Plan; and
  - (5) That existing flooding problems are not exacerbated by the proposed channel modification.
- (d) *Permit conditions.* Documentation shall be submitted, once the project has been completed, to provide a record of as-built conditions.

#### **Sec. 8-4.407 Mapping requirements**

- (a) In Special Flood Hazard Areas, the Floodplain Administrator shall require a letter of conditional approval in the form of a Conditional Letter of Map Revision (CLOMR) be obtained from FEMA for any development that will cause adverse impact (see Section 8-4.501(h)) on the base flood elevation on upstream, downstream, or adjacent properties within a special flood hazard area. The CLOMR must be received by the Floodplain Administrator prior to any grading or development within the floodplain, and the Letter of Map Revision must be approved by FEMA before start of new construction (as defined in Chapter 2 of this ordinance) in the special flood hazard area on the effective map.**
- (b) All new development within Zone AE that will alter or relocate a floodway, or is dependent upon construction of a levee, shall obtain conditional approval (CLOMR) from the Federal Emergency Management Agency prior to issuance of a Flood Hazard Development Permit.**
- (c) In special flood hazard areas designated as Zone A (without an elevation) all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include a base flood elevation data.**
- (d) In Zone A and in local flood hazard areas having a watershed area equal to or**

**greater than one square mile, the base flood elevation must be determined and approved by the Floodplain Administrator. The base flood elevation determined must be submitted to FEMA for a letter of map revision, whenever the proposed project includes:**

- (1) A residential subdivision of more than 20 lots; or**
- (2) A new manufactured home parks or subdivision; or**
- (3) A multi-family residential development of 5 acres or 50 units; or**
- (4) A non-residential development of more than 5 acres.**

## **Sec. 8-4.4058 Appeals**

- (a) *Floodplain Administrator appeals.* The action of the Floodplain Administrator on any decision made pursuant to this chapter shall be final unless, within fifteen (15) days after such action, any person with appropriate legal standing files a written appeal, and pays the appropriate fee, to the Clerk of the Planning Commission. The Planning Commission of Yolo County shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter. The timely filing of an appeal shall stay the Floodplain Administrator's decision, which shall serve as a recommendation to the Planning Commission. All such appeals shall reference the decision of the Floodplain Administrator and shall specifically describe the grounds for the appeal.
- (b) *Planning Commission hearing.* The hearing on an appeal of a decision by the Floodplain Administrator shall be scheduled within 60 days from when the appeal was filed. The Floodplain Administrator shall provide written notice of the time, date, and place of the appeal hearing to the applicant and the appellant not later than ten days preceding the appeal hearing. Upon hearing the appeal, the Commission shall affirm, reverse, or modify the appealed decision, or refer the matter back to the Floodplain Administrator for further action.
- (c) *Planning Commission appeals.* The action of the Commission on any decision made pursuant to this chapter shall be final unless, within 15 days after such action, any person with appropriate legal standing files a written appeal, and pays the appropriate fee, to the Clerk of the Board of Supervisors. The timely filing of an appeal shall stay the Planning Commission's decision, which shall serve as a recommendation to the Board of Supervisors. All such appeals shall reference the decision of the Planning Commission and shall specifically describe the grounds for the appeals.
- (d) *Board of Supervisors hearing.* The hearing on an appeal of a decision shall be scheduled within 60 days from when the appeal was filed. The clerk of the Board shall provide written notice of the time, date and place of the appeal hearing to the applicant and the appellant not later than ten days preceding the appeal hearing. Upon hearing the appeal, the Board of Supervisors shall either affirm, reverse, or modify the appealed decision, or refer the matter back to the Planning Commission for further action.
- (e) *Notices.* Any notice authorized or required by this Chapter shall be deemed to have been filed, served, and effective for all purposes on the date when it is personally delivered in writing to the party to whom it is directed or deposited in the U.S. Mail, first

class postage prepaid. Whenever a provision in this chapter requires a public hearing to be conducted, notice of the time, date, place, and purpose of the hearing shall be published at least once not later than 10 calendar days in advance of the date of commencement of the hearing in a newspaper of general circulation which is published within the County.

### **Sec. 8-4.4069 Violations, suspension, and revocation**

- (a) Violation of any of the provisions in this chapter shall constitute an infraction and shall be subject to fines in accordance with Section 25142 of the Government Code.
- (b) Written notice of violation shall be provided to any person who fails to comply with the provisions of this chapter or an approved Flood Hazard Development Permit. The violation notice shall specifically describe both the nature of the violation and the remedial steps required for compliance. Failure to comply with the notice of violation shall be considered a public nuisance and shall constitute a misdemeanor. Violations may be remedied by injunction or other civil proceeding commenced in the name of the County pursuant to direction by the Board of Supervisors.
- (c) Any Floodplain Management Permit issued pursuant to this ordinance may be suspended during its term upon one or more of the following grounds:**
  - (1) The physical state of the property differs from the descriptions, plans or information furnished to the Floodplain Administrator in the permit application;**
  - (2) The development does not conform to the conditions or terms of the permit;**
  - (3) The development is in violation of this ordinance, other County ordinances, or state or federal laws.**
- (d) The Floodplain Administrator may suspend or revoke a Flood Hazard Development Permit by issuing a notice of suspension or revocation, stating the reasons therefore, and serving same, upon the permittee. Upon suspension or revocation of a permit, in accordance with the provisions of this section, the permittee shall immediately cause all development to cease until written authorization is received from the Floodplain Administrator to proceed with the development.**
- (e) The permittee shall have fifteen (15) calendar days after the date of service of the suspension or revocation in which to file an appeal in accordance with the provisions of Section 907-03. If such an appeal is filed, the suspension or revocation shall remain in force and be effective until a final decision on the appeal is issued by the Board of Supervisors.**
- (f) If the Floodplain Administrator suspends a permit, such permit may either be reinstated or revoked by the Floodplain Administrator, depending upon whether the permittee corrects the grounds stated for the suspension in the notice issued by the Director. If the permittee fails to remedy the grounds for suspension within**

a time period specified by the Floodplain Administrator, but in no event later than sixty (60) calendar days, the Floodplain Administrator shall revoke the permit.

## **Article 5: Provisions for Flood Hazard Reduction**

### **Sec. 8-4.501 General standards for new development**

All development plans and grading plans shall:

- (a) Identify special or local flood hazard areas and the elevation of the base flood.
- (b) Provide the elevation of proposed buildings and pads, and assure the proposed pads will be at least one foot above the base flood elevation and meet minimum floor requirements per Section 8-4.502(c)(1). If the site is filled above the base flood elevation, the constructed pad elevations shall be as-built surveyed by a registered professional engineer or surveyor, compacted in accordance with Section 8-4.507(c), and certified results shall be provided to the Floodplain Administrator for review and submittal to FEMA for map revision.
- (c) Be designed in accordance with this County Code and the Yolo County Improvement Standards to minimize flood damage.
- (d) In addition to elevation and flood-proofing requirements for structures described herein, all floodplain management permits for new public utilities (such as pump stations, power plants, and communications) should assure that the flood damageable facility is elevated one foot above the base flood elevation or certified flood-proof. Utilities deemed critical to emergency management (including sewer, gas, electrical, and water systems) should be protected from damage in the 1/200 year flood event (in accordance with the Central Valley Flood Protection Board Urban Level of Flood Protection requirements).
- (e) Provide a drainage system report in accordance with the County Improvement Standards with a narrative describing the existing and proposed stormwater management system, including all discharge points, collection, conveyance, and stormwater storage facilities.
- (f) Provide a drainage system map including, but not limited to, sub-watershed boundaries and the property's location within the larger watershed, pre-development and post-development terrain at one-foot contour intervals and the location of all existing and proposed drainage features. Include a plan of the parcel showing applicable proposed revisions to pre-development and post-development surface drainage flows.
- (g) Before any proposed filling in a floodplain is permitted and when a detailed hydraulic model is not available, the volume which will be occupied by the permitted fill below the base flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the

base flood elevation. This is a general rule on creeks and channels in riverine flow, thus is not necessary on land within the island side of levees in the Delta area and very wide levee breach floodplains.

- (h) No new construction or substantial improvements or development may occur without the approval of the Floodplain Administrator and without demonstrating that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not have adverse impacts to downstream, upstream, or adjacent properties, and the FEMA mapping requirements of Section 8-4.407 are met.
- (i) In floodplains of natural streams and natural stream tributaries, and other streams subject to review and approval by the Floodplain Administrator, grading causing an adverse impact, as measured at the property lines of the parcel(s) being developed, must be approved by the Floodplain Administrator..
- (j) Stormwater calculations by a professional civil engineer shall be submitted to the Floodplain Administrator, including but not limited to, detention basin sizing, storm drain pipe sizing and overland flow path design.
- (k) All new development within Zone A that creates more than 4 lots or involves more than 5 acres of land shall provide base flood elevation data to the Floodplain Administrator and meet FEMA mapping requirements per Section 8-4.407. The base flood elevation shall be determined to the satisfaction of the Floodplain Administrator.
- (l) Development master plan floodplain models for specific plan areas must establish the existing condition base flood elevation and assure no adverse impact in accordance with this ordinance. The project proponent shall submit the existing condition model to the Floodplain Administrator prior to publishing the environmental impact report for that development proposal. When the watershed area is greater than one square mile, the existing condition floodplain model must be submitted to FEMA for approval before improvement plans are approved for the development. The project proponent must obtain a CLOMR (Conditional Letter of Map Revision) from FEMA for any actions affecting the floodplain before those actions are constructed.

## **Sec. 8-4.504~~2~~ Standards of construction**

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

- (a) *Anchoring.*

  - (1) All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - (2) All manufactured homes shall meet the anchoring standards of Section 8-4.504~~5~~.

- (b) *Construction materials and methods.* All new construction and substantial improvements shall be constructed:
- (1) With materials and utility equipment resistant to flood damage;
  - (2) Using methods and practices that minimize flood damage;
  - (3) 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; and
  - (4) If within zone AO, there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.
- (c) *Elevation and floodproofing.* (See “Basement,” “Lowest floor,” “New construction,” “Substantial damage,” and “substantial improvement.”)
- (1) Residential construction, new or substantial improvement, shall have the lowest floor, including basement:
    - (i) In a zone AO, elevated above the highest adjacent grade to a height exceeding the depth number specified in feet on the FIRM by at least one foot, or elevated at least three feet above the highest adjacent grade if no depth number is specified.
    - (ii) In a zone A, elevated at least one foot above the base flood elevation, as determined by the community.
    - (iii) In all other SFHA Zones, elevated at least one foot above the base flood elevation.
    - (iv) Prior to the framing of walls and/or floors of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor to be properly elevated. Within the AO zone, the elevation of the lowest floor may also be certified to be properly elevated by the County Building Official. Such certification or verification shall be provided to the Floodplain Administrator.
  - (2) Nonresidential construction, new or substantial improvement, shall either be elevated to conform with Section 8-4.5042(c)(1), or together with attendant utility and sanitary facilities:
    - (i) Be floodproofed below the elevation recommended under Section 8-4.5042(c)(1) so that 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 engineers that the standards of this subsection are satisfied. Such certifications shall be provided to the Floodplain Administrator.
  - (3) All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be

designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exist of floodwaters. Designs for meeting this requirement must meet or exceed the following minimum criteria;

- (i) Have 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. 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 by a registered professional engineer or architect.
- (4) Manufactured homes shall also meet the standards in Section 8-4.5045.
- (5) In the A, AE, and AO zones all new construction and substantial improvements shall have base flood evaluation and construction specifications determined by a registered professional engineer and approved by the Floodplain Administrator.
- (6) All residential development projects located within a special flood hazard area shall include a prominent deed disclosure regarding the potential flood risk to future buyers.
- (7) Fencing on ground that is below the base flood elevation shall be constructed as follows:**
- (i) In the floodplain fringe and parallel to the flow shall be open style.**
  - (ii) Nonparallel fencing in the floodplain shall allow free flow of water such as 5-wire or 4-board horizontal rail type.**
  - (iii) Fencing in a floodway is not allowed except upon proof that there is no adverse impact to upstream or adjacent properties, and approval by the Floodplain Administrator.**
  - (iv) Alternative designs may be considered, such as break-away fencing, if the applicant submits a design to the Floodplain Administrator for consideration.**

### **Sec. 8-4.5023 Standards for utilities**

- (a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- (b) On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

### **Sec. 8-4.5034 Standards for subdivisions**

- (a) All preliminary subdivision proposals shall identify the special flood hazard area and the elevation of the base flood.

- (b) All final subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor and pad elevation shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.
- (c) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (d) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (e) All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

### **Sec. 8-4.5045 Standards for manufactured homes**

- (a) All manufactured homes that are placed or substantially improved, within special flood hazard areas, on sites located:
  - (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, or
  - (4) In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred “substantial damage” as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least one foot above the base flood elevation and shall be securely fastened 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 special flood hazard areas that are not subject to the provisions of Section 8-4.5045(a) shall be securely fastened to an adequately anchored foundation system to resist floatation collapse, and lateral movement, and shall be elevated so that either the:
  - (1) Lowest floor of the manufactured home is at least one foot above the base flood elevation, or
  - (2) Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 46 inches in height above grade.

### **Sec. 8-4.50556 Standards for recreational vehicles**

All recreational vehicles placed on sites within special flood hazard areas will either:

- (a) Be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway uses – a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or



- (b) Meet the permit requirements of Articles 4 and 5 of this Chapter and the elevation and anchoring requirements for manufactured homes in Section 8-4.5045(a).

### **Sec. 8-4.507 Special construction standards**

- (a) **Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the building resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy. All manufactured homes shall also meet the standards of Section 8-4.505.**
- (b) **Construction materials and methods. Unless specifically described in Section 8-4.508, all new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage and using methods and practices that minimize flood damage. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during flooding.**
- (c) **Compacted Fill. If a site is filled above the base flood elevation, then buildings constructed within special or local flood hazard areas must be constructed on compacted fill in accordance with the Construction Specifications or at least 90% density per ASTM-D1557 (known as Modified Proctor), and extending at least five feet beyond the building foundation walls before dropping below the base flood elevation and shall include appropriate protection from erosion and scour. The design of the fill must be approved by a registered professional engineer.**
- (d) **Drainage Paths -Zone AO. Within zone AO, drainage paths around buildings on slopes are required to guide floodwater around and away from proposed buildings.**
- (e) **Underground and above-ground tanks shall be designed, constructed, installed and anchored to prevent flotation, collapse and lateral movement resulting from floodwater loads, including the effects of buoyancy, hydrostatic pressure, and velocity. Tank inlets, fill openings, outlets, and vents shall be installed 1-foot above the base flood elevation or fitted with covers designed to prevent the inflow of floodwater and outflow of the contents of the tank during the base flood. Water tanks for agricultural operations may be exempted from this elevated venting requirement.**
- (f) **Foundations. Foundations and walls constructed below the base flood elevation shall be vented to equalize hydrostatic pressures. Vent openings shall be permanent openings in the walls that allow for the free passage of water automatically in both directions without human intervention. Such venting shall be on at least two sides of the structure, or enclosure, have a bottom at no more than one-foot above the ground elevation. The total area of such venting shall be at least one square inch per square foot of enclosed footprint. Openings may be equipped with screens, louvers, or automated float control in accordance with FEMA Technical Bulletin TB #1-08 Foundations and walls below the base flood elevation shall be constructed of flood resistant materials in accordance with**

FEMA Technical Bulletin TB #2-08. Alternatively, the project proponent may submit a design that will allow for automatic equalization of hydrostatic flood forces on exterior walls, signed and stamped by a registered civil engineer and approved by the Floodplain Administrator. A window, a door, or a garage door is not considered a vent opening. If there are multiple enclosed areas within the foundation, each area must be vented as herewith described.

- (g) Non-Conversion. To put current and future tenants and owners on notice that the area below the base flood elevation may not be architecturally finished and converted to living space and that the space may only be used as incidental material storage, building access and vehicle parking [also see Sec. 8-4.508], a declaration of land use restriction shall be executed and recorded whenever there is a height of more than five feet to assure that foundation area is never converted to living space. The declaration of land use restriction shall be in a form acceptable to the Floodplain Administrator and County Counsel. The Floodplain Administrator shall have the right to inspect for conversion with 72-hour notice.
- (h) Basements. No basements are allowed where deep prolonged flooding may occur and where flood velocities are greater than 5 feet per second. However, basements may be constructed with a floor elevation below the base flood elevation (BFE) in the following situation:
- (1) In areas where flooding due to the base flood is less than 24 hour duration;
  - (2) There is a minimum of 30 feet of horizontal separation between the foundation wall and the base flood water surface and the distance is increased by 3 feet per foot of depth below the BFE (example: 4 feet below BFE requires minimum 42 feet of separation);
  - (3) A report prepared by a registered civil engineer or geotechnical engineer accompanies the design, for basements deeper than 5 feet below the BFE, indicating that the design is adequate to prohibit seepage;
  - (4) The soil separating the base flood water from the structure provides at least one foot of freeboard for a minimum width of 15 feet;
  - (5) The soil has low permeability in its existing condition or is re-compacted to a depth adequate to minimize seepage; and
  - (6) The lowest opening shall have at least one foot of freeboard above the BFE, or
  - (7) An alternate solution may be designed, certified by a professional civil engineer and submitted for review and approval by the Floodplain Administrator.
- (i) Electrical panels and solar panels for uses other than new or substantially improved residential, commercial, or industrial structures (such as agricultural wells and barns) in areas protected by levees, and in the Delta area may be installed below the base flood elevation. In this case, marine grade (or otherwise flood resistant) equipment is recommended.
- (i) Commercial solar power facilities are treated as development (Section 8-4.501), if the facilities are connected to and serve an on-site building or use. If the solar power facility is connected only to the grid, the facility is required to meet the standards of subsection (i), above. For solar facilities connected to on-site use

any structures or electrical panels for such facilities shall be elevated or flood-proofed at least one foot above the base flood elevation, and designed and anchored in accordance with this section if considered as a substantial improvement of a defined NFIP structure.

- (k) Any structure with increased cost of compliance flood insurance coverage that sustains flood damage on two or more occasions exceeding 25 percent of the market value (measured before the recent damage occurred) but less than 50 percent in any one event should, as such insurance allows, elevate or otherwise mitigate the flood risk.

### **Sec. 8-4.508 Special elevation and flood-proofing**

- (a) Attached garages for residential buildings shall be constructed at least one foot above the base flood elevation and all building materials below the minimum floor elevation shall be flood resistant. Garage space under a house must be elevated at least one foot (1') above the base flood elevation except as allowed subsection (d), below.
- (b) Detached garages, barns, and storage buildings shall be constructed per Section 8-4.502. At the discretion of the Floodplain Administrator, minor detached structures not meeting these requirements, may be allowed with proper venting and an executed and recorded declaration of land use restriction in a form deemed acceptable to County Counsel, provided they are constructed at or above the base flood elevation.
- (c) An agricultural building, as defined in Section 202 of the California Building Code, may not be granted an "exempt agricultural building permit" if it is located within a special flood area.
- (d) In agricultural zones where building an agricultural structure is impractical under Section 8-4.501 and such structures are functionally dependent on the agricultural land use, barns and other agricultural structures may be constructed or substantially improved at grade. The types of agricultural structures that qualify include: farm storage structures used exclusively for the storage of farm machinery and equipment (e.g., pole and prefabricated metal frame structures with open or closed sides); grain bins; corn cribs; and general purpose barns for the temporary feeding of livestock, provided they remain open on at least one side. The structures shall be designed so that damage to the structure and its contents are minimized, and no additional threats to public safety are created. In accordance with FEMA Technical Bulletin 'Wet Flood-proofing Requirements' (Technical Bulletin TB7-93, as amended), the following requirements shall be met:
- (1) The structure shall be anchored to resist flotation, collapse, and lateral movement;
  - (2) Portions of the structure located below the base flood elevation shall be constructed of flood-resistant materials;

- (3) The structure shall be designed to allow for the automatic entry of flood waters;
  - (4) Mechanical and utility equipment shall be elevated or floodproofed to or above the base flood elevation;
  - (5) The structure shall be used solely for agricultural purposes, including the production, harvesting, storage, drying, or raising of agricultural commodities and/or livestock;
  - (6) The building is constructed of flood resistant material, fully vented, with at least one opening at least 10 feet wide on at least one side (may be a barn or garage door provided the building is fully vented without including the door opening), and anchored to resist the potential flooding;
  - (7) All mechanical, plumbing and electrical equipment in the building, including utilities and sanitary facilities, shall be one foot above the base flood elevation or flood-proofed below that elevation;
  - (8) Compliance with these criteria, particularly in deep special or local flood hazard areas may require consultation with a qualified registered professional engineer or architect;
  - (9) The structure should not be used as collateral for a federally backed lender and shall not be considered an insurable structure under the National Flood Insurance Program, nor shall it be eligible for relief funds in the case of flood damage;
  - (10) The property owner executes and records a declaration of land use restriction with the County indicating the use of the building and assuring that all of the above requirements are met and will be maintained for the useful life of the building and that the building will not be converted to habitable, public, or commercial use.
- (e) For new or substantially improved structures, heating, plumbing fixtures, air conditioning equipment, furnaces, ductwork, electrical panels, solar panels, outlets, switches and fixtures serving new or substantially improved structures shall be at least one foot above the base flood elevation or the finished floor whichever is lower or may be flood-proofed to one foot above the base flood elevation.
- (f) Lateral additions to post-FIRM buildings (residential or nonresidential) must comply with this ordinance including elevation. Lateral additions must not alter any aspect of the building that had to be met when the building was constructed in compliance with the NFIP and the effective ordinance at the time of original construction. A non-substantial improvement lateral addition may be allowed in special or local flood hazard areas under the following conditions:
- (1) If the base flood elevation is unchanged since original building construction, the addition must be elevated in compliance with this ordinance. An exception may be granted (above the base flood elevation but lacking one foot vertical freeboard) for very small dependent expansions such as expanding an existing room or adding a bathroom.
  - (2) If a revised higher base flood elevation is in effect, a lateral addition

may be allowed if the addition is elevated at least as high as the existing floor. This includes areas that were mapped Zone X and are now AE due to levee deaccreditation.

## **Sec. 8-4.5069 Floodways**

Located within areas of special flood hazard established in Section 8-4.302 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (a) Prohibit encroachments, including fill, new construction, substantial improvements, and other new development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in the base flood elevation during the occurrence of the base flood discharge.
- (b) In addition to the requirements of subsection (a) of this Section, all new construction, substantial improvements, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this Chapter.

## **Article 6: Variances**

### **Sec. 8-4.601 Purpose of variances**

- (a) The variance criteria set forth in this Article 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 (e.g., size, shape, topography, location, and/or surroundings), not to the structure, its inhabitants, or the property owners. Variances shall only be granted when the strict application of this Chapter deprives such property of privileges enjoyed by other property in the vicinity and located within identical flood zones. In addition, conditions shall be attached to variances as necessary to ensure that such approvals do not grant special privileges that are inconsistent with the limitations of other properties in the vicinity and flood zone in which the proposed development is located.
- (b) It is the duty of Yolo County 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 chapter are more detailed and contain multiple provisions that must be met before a variance can be granted. The criteria are designed to screen out

those situations in which alternatives other than a variance are more appropriate. Variances may not be granted for any activity which is not expressly authorized by the provisions of this Chapter.

### **Sec. 8-4.602 Variance procedures**

- (a) In passing upon requests for variances, the Planning Commission shall consider all technical evaluations, all relevant factors, standards in other Sections of this chapter, and the:
  - (1) Danger that materials may be swept into other lands to the injury of others;
  - (2) Danger to life and property due to flooding or erosion damage;
  - (3) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
  - (4) Importance of the services provided by the proposed facility to the community;
  - (5) Necessity to the facility of a waterfront location, where applicable;
  - (6) Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - (7) Compatibility of the proposed use with existing and anticipated development;
  - (8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - (9) Safety of access to the property in time of flood for ordinary and emergency vehicles;
  - (10) Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
  - (11) 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.
  
- (b) Any applicant to whom a variance is granted shall be given written notice over the signature of the Floodplain Administrator that:
  - (1) 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 each \$100 of insurance coverage, and
  - (2) Such construction below the base flood level increases risk to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Yolo County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
  
- (c) The Floodplain Administrator shall maintain the records of variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

## Sec. 8-4.603 Conditions for variances

- (a) **Variations may be issued for structures functionally dependent on close proximity to water. A “functional dependent use,” such as docking, seafood processing, and port facilities may be wet floodproofed upon approval of a variance.** Variations may also be issued for new construction, substantial improvement, and other proposed new development 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 the structure(s) is not for habitable purposes and** providing that the procedures of Articles 4 and 5 of this Chapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- (b) Variations may be issued for the repair or rehabilitation or “historic structures” 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.
- (c) Variations shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- (d) Variations 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 deviation from the requirements of this ordinance. For example, in the case of variations to an elevation requirement, this means that the Planning Commission need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to the elevation which the Planning Commission believes will both provide relief and preserve the integrity of the local ordinance.
- (e) Variations shall only be issued upon a:
- (1) Showing of good and sufficient cause;
  - (2) Determination that failure to grant the variance would result in exceptional “hardship” to the applicant; and
  - (3) Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud or victimization of, the public, or conflict with existing local laws or ordinances.
- (f) ~~Variations may be issued for new construction and substantial improvements, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of subsections (a) through (f) 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 does not result in additional threats to public safety and does not create a public nuisance.~~
- (gf) The Planning Commission may attach such conditions to the granting of variations as it deems necessary to further the purposes of this Chapter.

## **Sec. 8-4.604 Minor variances**

~~The Floodplain Administrator may approve a minor variance to allow wet floodproofing for the following specific categories of structures:~~

- ~~(a) *Structures functionally dependent on close proximity to water.* A “functional dependent use,” such as docking, seafood processing, and port facilities may be wet floodproofed upon approval of a minor variance.~~
- ~~(b) *Historic buildings.* Minor variances may be approved for the repair and rehabilitation of “historic structures,” upon determination by the Floodplain Administrator that:
  - ~~(1) The proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure; and~~
  - ~~(2) The proposed minor variance is the minimum necessary to preserve the historic character and design of the structure.~~~~
- ~~(c) *New construction or substantial improvement of a non-habitable structure on a lot one-half acre or less in size.* Minor variances may be issued for new construction, substantial improvement, and other proposed new development 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 the structure(s) is not for habitable purposes. The Floodplain Administration shall take into consideration:
  - ~~(1) The proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;~~
  - ~~(2) Documentation that identifies the new or substantial improvement will:
    - ~~(i) be floodproofed below the base flood level so that the structure is watertight; and~~
    - ~~(ii) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.~~~~
  - ~~(3) Construction with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, shall have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.~~~~
- ~~(d) *Accessory structures.* Types of accessory structures that qualify for a minor variance shall be limited to those that are used solely for parking (two-car detached garages or smaller) and/or limited storage capacity of inexpensive contents (e.g., small, low-cost sheds). For the purposes of this Section, “small, low-cost accessory structures” shall mean those structures that have a roof area not more than 400 square feet. Minor variances approved for accessory structures shall include the following requirements:~~



- ~~(1) The structure shall be anchored to resist flotation, collapse, and lateral movement;~~
- ~~(2) Portions of the structure located below the base flood elevation shall be constructed of flood-resistant materials;~~
- ~~(3) The structure shall be designed to allow for the automatic entry of flood waters;~~
- ~~(4) Mechanical and utility equipment shall be elevated or floodproofed to or above the base flood elevation;~~
- ~~(5) Use of the structure shall be restricted to parking and/or limited storage; and~~
- ~~(6) The structure shall comply with all other applicable provisions of this Chapter.~~

~~(e) *Agricultural structures.* Types of agricultural structures that qualify for a minor variance include: farm storage structures used exclusively for the storage of farm machinery and equipment (e.g., pole and prefabricated metal frame structures with open or closed sides); grain bins; corn cribs; and general purpose barns for the temporary feeding of livestock, provided they remain open on at least one side. Minor variances approved for agricultural structures shall include the following requirements:~~

- ~~(1) The structure shall be anchored to resist flotation, collapse, and lateral movement;~~
- ~~(2) Portions of the structure located below the base flood elevation shall be constructed of flood-resistant materials;~~
- ~~(3) The structure shall be designed to allow for the automatic entry of flood waters;~~
- ~~(4) Mechanical and utility equipment shall be elevated or floodproofed to or above the base flood elevation;~~
- ~~(5) The structure shall be used solely for agricultural purposes, including the production, harvesting, storage, drying, or raising of agricultural commodities and/or livestock;~~
- ~~(6) The structure shall be designed so that damage to the structure and its contents are minimized, and no additional threats to public safety are created; and~~

~~(f) Any minor variance approved under this Section shall ensure compliance with the requirements of all other applicable provisions of this Chapter.~~