

Title 17
FLOOD HAZARD AREAS

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Chapter 17.04
GENERAL PROVISIONS

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17.04.010 Statutory authorization.

The Legislature of the state of California has in Government Code Sections 65302, 65560 and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city council of the city of Patterson ordains as set out in this title. (Ord. 715 (part), 2010: Ord. 419 § 1.1, 1987).

17.04.020 Findings of fact.

A. The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public 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 the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 715 (part), 2010: Ord. 419 § 1.2, 1987).

17.04.030 Statement of purpose.

It is the purpose of this title 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:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the alternative use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 715 (part), 2010: Ord. 419 § 1.3, 1987).

17.04.040 Methods of reducing flood losses.

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

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 715 (part), 2010: Ord. 419 § 1.4, 1987).

17.04.050 Lands to which this title applies.

This title shall apply to all areas of special flood hazards within the jurisdiction of the city of Patterson. (Ord. 715 (part), 2010: Ord. 419 § 3.1, 1987).

17.04.060 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, dated September 26, 2008, and the flood insurance rate map (FIRM), dated September 26, 2008, and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this title. This flood insurance rate map (FIRM) is on file in the office of the city clerk of the city. (Ord. 715 (part), 2010: Ord. 442 § 1, 1989: Ord. 419 § 3.2, 1987).

17.04.070 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this title and other applicable regulations. Violations of the provisions of this title 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 in this title shall prevent the city council from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 715 (part), 2010: Ord. 419 § 3.3, 1987).

17.04.080 Abrogation and greater restrictions.

This title is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this title and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 715 (part), 2010: Ord. 419 § 3.4, 1987).

17.04.090 Interpretation of provisions.

In the interpretation and application of this title, 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. (Ord. 715 (part), 2010: Ord. 419 § 3.5, 1987).

17.04.100 Warning and disclaimer of liability.

The degree of flood protection required by this title 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 title 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 title shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this title or any administrative decision lawfully made thereunder. (Ord. 715 (part), 2010: Ord. 419 § 3.6, 1987).

17.04.110 Severability.

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

other than the section so declared to be unconstitutional or invalid. (Ord. 715 (part), 2010).

Chapter 17.08 DEFINITIONS

Sections:

- 17.08.010 Generally.
- 17.08.020 Accessory structure.
- 17.08.030 Appeal.
- 17.08.040 Area of shallow flooding.
- 17.08.050 Area of special flood hazard.
- 17.08.060 Base flood.
- 17.08.070 Basement.
- 17.08.080 Breakaway walls.
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- 17.08.330 Special flood hazard area (SFHA).
- 17.08.340 Start of construction.
- 17.08.350 Structure.
- 17.08.360 Substantial damage.
- 17.08.370 Substantial improvement.
- 17.08.380 Variance.
- 17.08.390 Violation.

17.08.010 Generally.

Unless specifically defined in this chapter, words or phrases used in this title shall be interpreted so as to give them the meaning they have in common usage and to give this title its most reasonable application. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987).

17.08.020 Accessory structure.

“Accessory structure” means a structure is either for the parking of no more than two cars or a small, low-cost shed for limited storage, equal to or greater than one hundred twenty square feet and one thousand five hundred dollars in value. (Ord. 715 (part), 2010).

17.08.030 Appeal.

“Appeal” means a request for a review of the floodplain administrator’s interpretation of any provision of this title or a request for a variance. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.020).

17.08.040 Area of shallow flooding.

“Area of shallow flooding” means a designated AO, or AH Zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.030).

17.08.050 Area of special flood hazard.

“Area of special flood hazard,” see Section 17.08.330, Special flood hazard area (SFHA). (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.040).

17.08.060 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”). (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.050).

17.08.070 Basement.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.060).

17.08.080 Breakaway walls.

“Breakaway walls” are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by floodwaters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

- A. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

B. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.070).

17.08.090 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 and materials. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.080).

17.08.100 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. (Ord. 715 (part), 2010).

17.08.110 Flood or flooding.

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from (A) the overflow of floodwaters, (B) the unusual and rapid accumulation or runoff of surface waters from any source, and/or (C) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an usually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.090).

17.08.120 Flood boundary and floodway map.

“Flood boundary and floodway map” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.100).

17.08.130 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 and the risk premium zones applicable to the community. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.110).

17.08.140 Flood insurance study.

“Flood insurance study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the flood boundary and floodway map, and the water surface elevation of the base flood. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.120).

17.08.150 Floodplain or flood-prone area.

“Floodplain” or “flood-prone area” means any land area susceptible to being inundated by water from any source (see Section 17.08.110, Flood or flooding). (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.130).

17.08.160 Floodplain management.

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.140).

17.08.170 Floodplain management regulations.

“Floodplain management regulations” means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.150).

17.08.180 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. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.160).

17.08.190 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.” (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.170).

17.08.200 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. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.180).

17.08.210 Highest adjacent grade.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of the structure. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.190).

17.08.220 Historic structure.

“Historic structure” means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of 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 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 without approved programs. (Ord. 715 (part), 2010).

17.08.230 Lowest floor.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this title, including but not limited to:

- A. The flood openings standard in Section 17.12.010(C).
- B. The anchoring standards in Section 17.12.010(A).
- C. The construction materials and methods standards in Section 17.12.010(B); and
- D. The standards for utilities in Section 17.12.020. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.200).

17.08.240 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 connected to the required utilities. For floodplain management purposes, the term “manufactured home” also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.210).

17.08.250 Manufactured home park or subdivision.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.220).

17.08.260 Market value.

“Market value” is defined in the city of Patterson substantial damage/improvement procedures. See Section 17.16.030(I)(1). (Ord. 715 (part), 2010).

17.08.270 Mean sea level.

“Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or North American Vertical Datum (NAVD) of 1988, to which base flood elevations shown on a community’s flood insurance rate map are referenced. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.230).

17.08.280 New construction.

“New construction” means, for floodplain management purposes, structures for which the start of construction commenced on or after August 1, 1979, and includes any subsequent improvements to such structures. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.240).

17.08.290 One-hundred-year flood or 100-year flood.

“One-hundred-year flood” or “100-year flood” means a flood which has a one percent annual probability of being equalled or exceeded. It is identical to the “base flood,” which will be the term used throughout this title. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.250).

17.08.300 Person.

“Person” means an individual or his agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.260).

17.08.310 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 this title or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.270).

17.08.320 Riverine.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.280).

17.08.330 Special flood hazard area (SFHA).

“Special flood hazard area (SFHA)” means an area having a special flood hazard or flood-related erosion hazards with a one percent chance or greater of flooding in any given year, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99 or AH. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.290).

17.08.340 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, placement, or other improvement was within one hundred eighty days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For 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. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.300).

17.08.350 Structure.

"Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.310).

17.08.360 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 percent of the market value of the structure before the damage occurred. (Ord. 715 (part), 2010).

17.08.370 Substantial improvement.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either: (A) before the improvement or repair is started; or (B) if the structure has been damaged, and is being restored, before the damage occurred.

For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (A) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or (B) any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.320).

17.08.380 Variance.

"Variance" means a grant of relief from the requirements of this title which permits construction in a manner that would otherwise be prohibited by this title. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.330).

17.08.390 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 title is presumed to be in violation until such time as that documentation is provided. (Ord. 715 (part), 2010: Ord. 419 § 2 (part), 1987. Formerly 17.08.340).

Chapter 17.12 PROVISIONS FOR FLOOD HAZARD REDUCTION

Sections:

- 17.12.010 Standards of construction.
- 17.12.020 Standards for utilities.
- 17.12.030 Standards for subdivisions.
- 17.12.040 Standards for manufactured homes.
- 17.12.050 Standards for recreational vehicles.
- 17.12.060 Floodways.

17.12.010 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 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 17.12.040.

B. Construction Materials and Methods.

1. All new construction and substantial improvements, to include manufactured homes, shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements, to include manufactured homes, shall be constructed using methods and practices that minimize flood damage.
3. All new construction and substantial improvements, to include manufactured homes, shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

C. Elevation and Floodproofing.

1. New construction and substantial improvement of any residential structure within A1-30, AE and AH Zones shall have the lowest floor, including basement, elevated to one foot above the base flood elevation. Nonresidential structures may meet the standards in subsection (C)(3) of this section. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator. Refer to Sections 1403.6 and 1405.6 of the 2007 California Building Code.

2. New construction and substantial improvement of any structure in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM plus one foot, or at least three feet if no depth number is specified.

Nonresidential structures may meet the standards in subsection (C)(3) of this section. Upon the completion of the structure the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.

3. Nonresidential construction shall either be elevated in conformance with subsection (C)(1) or (2) of this section or, together with attendant utility and sanitary facilities:

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

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Be certified by a registered professional engineer or architect that the design and methods of construction of this subsection are satisfied. Such certifications shall be provided to the floodplain administrator.

4. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. Have a minimum of two openings on different sides of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

b. 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; and

c. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow floodwater to directly enter.

5. Detached garages and accessory structures should be used solely for parking (two-car detached garages or smaller) or limited storage (small, low-cost sheds) and may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:

a. Use of the accessory structure must be limited to parking and limited storage;

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

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

d. Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed at least one foot above the BFE;

e. The accessory structure must comply with floodplain encroachment provisions in Section 17.12.060; and

f. The accessory structure must be designed to allow for the automatic entry of floodwaters in accordance to the floodproofing requirements stated in this section.

6. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in this section.

7. Manufactured Homes. See Section 17.12.040. (Ord. 715 (part), 2010; Ord. 419 § 5.1, 1987).

17.12.020 Standards for utilities.

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

B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 715 (part), 2010; Ord. 419 § 5.2, 1987).

17.12.030 Standards for subdivisions.

- A. All new subdivisions and other proposed development, including proposals for manufactured home parks and subdivisions, greater than fifty lots or five 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 shall be consistent with the need to minimize flood damage.
- C. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- D. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards. (Ord. 715 (part), 2010: Ord. 419 § 5.3, 1987).

17.12.040 Standards for manufactured homes.

All new and replacement manufactured homes and additions to manufactured homes in A1-30, AH, and AE zones shall:

- A. Be elevated so that the lowest floor is one foot above the base flood elevation; or
- B. If no elevation is determined, lowest floor, including basement, shall be elevated above the highest adjacent grade at least as high as the depth number specified in feet plus one foot, or at least three feet if no depth number is specified;
- C. Be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement. (Ord. 715 (part), 2010: Ord. 419 § 5.4, 1987).

17.12.050 Standards for recreational vehicles.

All recreational vehicles placed in Zones A1-30, AH, and AE will either:

- A. Be on the site for fewer than one hundred eighty consecutive days; or
- B. Be fully licensed and ready for highway use. 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

C. Meet the permit requirements of Chapter 17.16 and the elevation and anchoring requirements for manufactured homes in Section 17.12.040. (Ord. 715 (part), 2010).

17.12.060 Floodways.

Located within areas of special flood hazard established in Section 17.04.060 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one foot at any point within the city of Patterson.

B. Prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

C. If subsections A and B of this section are satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this chapter. (Ord. 715 (part), 2010; Ord. 419 § 5.5, 1987. Formerly 17.12.050).

**Chapter 17.16
ADMINISTRATION**

Sections:

- 17.16.010 Development permit.
- 17.16.020 Floodplain administrator—Designated.
- 17.16.030 Floodplain administrator—Duties and responsibilities.
- 17.16.040 Variances—Appeal board.
- 17.16.050 Variances—Conditions.

17.16.010 Development permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazards. Application for a 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:

- A. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; in Zone AO or VO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures;
- B. Proposed elevation in relation to mean sea level to which any structure will be floodproofed;
- C. All appropriate certifications listed in Section 17.16.030(F);
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and
- E. Prior to the issuance of any development permit for a covered project, the applicant shall pay the city a fee, established by resolution of the city council, to compensate the city for staffing expenses incurred in administering this permit. (Ord. 715 (part), 2010; Ord. 419 § 4.1, 1987).

17.16.020 Floodplain administrator— Designated.

The city manager of the city of Patterson is hereby appointed to administer and implement this title by granting or denying development permits in accordance with its provisions. Duties and responsibilities can be administered and carried out by city staff. (Ord. 715 (part), 2010; Ord. 419 § 4.2, 1987).

17.16.030 Floodplain administrator—Duties and responsibilities.

The duties and responsibilities of the floodplain administrator shall include, but not be limited to:

- A. Permit Review.
 - 1. Review all development permits to determine that the permit requirements of this title have been satisfied;
 - 2. All other required state and federal permits have been obtained;
 - 3. The site is reasonably safe from flooding;
 - 4. The proposed development does not adversely affect the carrying capacity of the floodplain. For purposes of this title, “adversely affects” means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.
- B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 17.04.060, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Chapter 17.12. Any such information shall be submitted to the city council for adoption.

NOTE: A base flood elevation may be obtained using one of 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.

C. 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;
2. Require that the flood-carrying capacity of the altered or relocated portion of the watercourse is maintained.

D. Base Flood Elevation Changes Due to Physical Alterations.

1. Within six 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).
2. All LOMRs 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 (C-LOMR). Approved C-LOMRs allow construction of the proposed flood control project and land preparation as specified in the “start of construction” definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain requirements are based on current data.

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

F. Obtain and maintain for public inspection and make available as needed:

1. The certification required in Section 17.12.010(C)(1) (floor elevations);
2. The certification required in Section 17.12.010(C)(2) (elevations in areas of shallow flooding);
3. The certification required in Section 17.12.010(C)(3) (elevation or floodproofing of nonresidential structures);
4. The certification required in Section 17.12.010(C)(4)(a), (b) and (c) (wet floodproofing standard);
5. The certified elevation required in Section 17.12.030(A) (subdivision standards);
6. The certification required in Section 17.12.060(B) (floodway encroachments).

- G. 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 Sections 17.16.040 and 17.16.060.
- H. Take action to remedy violations of this title as specified in Section 17.04.070.
- I. 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. (Ord. 715 (part), 2010; Ord. 419 § 4.3, 1987).

17.16.040 Variances—Appeal board.

- A. The city council shall hear and decide appeals and requests for variances from the requirements of this title.
- B. The city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this title.
- C. In passing upon such applications, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this title, and:
 - 1. The danger that materials may be swept onto other lands to the injury of others;
 - 2. The danger of life and property due to flooding or erosion damage;
 - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 4. The importance of the services provided by the proposed facility to the community;
 - 5. The necessity to the facility of a waterfront location, where applicable;
 - 6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - 7. The compatibility of the proposed use with existing and anticipated development;
 - 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

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

E. Upon consideration of the factors of subsection C of this section and the purposes of this title, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this title.

F. The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request. (Ord. 715 (part), 2010; Ord. 419 § 6.1, 1987).

17.16.050 Variances—Conditions.

- A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- D. Variances shall only be issued upon:
 1. Showing a good and sufficient cause;
 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of, the public, or conflict with existing local laws or ordinances.

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

F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation and that the cost of flood insurance will result in increased premium rates up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage, and such construction poses a risk to life and property. A copy of the notice shall be recorded by the floodplain board in the office of the Stanislaus County recorder and shall be recorded in a manner so that it appears in that chain of title of the affected parcel of land. (Ord. 715 (part), 2010; Ord. 419 § 6.2, 1987).