

**YOLO COUNTY ZONING CODE
TITLE 8 LAND DEVELOPMENT**

CHAPTER 4: FLOOD PROTECTION

Article 1: Findings of Fact, Purpose and Methods

Sec. 8-4.101 Statutory authorization

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Supervisors of Yolo County does hereby adopt the following floodplain management regulations.

Sec. 8-4.102 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 areas of special flood hazards which increase flood heights and velocities also contribute to the flood loss.

Sec. 8-4.103 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 legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood prone, mudslide (i.e. mudflow) or flood related erosion areas. These regulations are 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; and streets and bridges located in areas of special flood hazard;
- (f) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future 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. 8-4.104 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.

A zone

See "Special flood hazard area."

Accessory structure

"Accessory structure" means a structure that is either:

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

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 elevation

“Base flood elevation” means the elevation shown on the Flood Insurance Rate Map for Zones AE and AH that indicates the water surface elevation resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year.

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: plowing, seeding, cultivating, harvesting, field leveling outside defined watercourses, contouring, and planting, as well as routine maintenance of irrigation ditches.

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 December 16, 1980.

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:

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

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

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 (Variances) 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 rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade

“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.

Levee system

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

Lowest floor

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement) (see “Basement”).

1. An unfinished or flood resistant enclosure, below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building’s lowest floor provided it conforms to applicable non-elevation design requirements including, but not limited to:
 - (a) The flood openings standard in Section 8-4.501(c)(3);
 - (b) The anchoring standards in Section 8-4.501(a);
 - (c) The construction materials and methods in Section 8-4.501(b); and
 - (d) The standards for utilities in Section 8-4.502.
2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see “Basement” definition). This prohibition includes below-grade garages and storage areas.

Manufactured home

“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.

Market value

“Market value” is defined in the County of Yolo substantial damage/improvement procedures. See Section 8-4.402(b)(1).

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.

New construction

“New construction” means, for floodplain management purposes, structures for which the “start of construction” commenced on or after December 16, 1980 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 December 16, 1980.

Obstruction

“Obstruction” includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across, or projecting 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 or "100-year flood"

See “Base flood.”

Program deficiency

“Program deficiency” means a defect in a community’s floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

Public safety and nuisance

“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 basin.

Recreational vehicle

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for emergency housing, recreational, camping, travel, or seasonal 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.

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.

Sheet flow area

See "Area of shallow flooding."

Special flood hazard area (SFHA)

"Special flood hazard area (SFHA)" means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on a FIRM as Zone A, AO, A1-30, AE, A-99, or AH.

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 rigid 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 50 percent of the market value of the structure before the damage occurred.

Substantial improvement

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement 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 improvement of a structure 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 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watercourse

“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 Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Yolo County, California and Incorporated Areas, dated May 16, 2012, with accompanying Flood Insurance Rate Maps (FIRM's), 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 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 approved by the Floodplain Administrator. The Flood Insurance Study and Flood Insurance Rate Maps are on file at the Yolo County Community Services Department, 292 West Beamer Street, Woodland, CA, 95695.

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. 8-4.401 Floodplain Administrator

The Director of the Yolo County Community Services Department, or their designee, is hereby 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. 8-4.402 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;
 - (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; and
 - (5) All Letters of Map Revision (LOMR’s) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR’s). Approved CLOMR’s allow construction of the proposed flood control project and land preparation as specified in the “start of construction” definition.

- (b) *Development of substantial improvement and substantial damage procedures.*
 - (1) Using FEMA publication FEMA 213, “Answers to Questions About Substantially Damaged Buildings,” develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining “Market Value.”

- (2) Assure procedures are coordinated with other departments/divisions and implemented by community staff.
- (c) *Review, use, and development 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.

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.

- (d) *Notification of other agencies.*

- (1) Alteration or relocation of a watercourse:

- (i) Notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation;
- (ii) Submit evidence of such notification to the Federal Emergency Management Agency; and
- (iii) Assure that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

- (2) Base Flood Elevation changes due to physical alterations:

- (i) Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).
- (ii) All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

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

- (3) 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.

- (e) *Documentation of floodplain development.* Obtain and maintain for public inspection and make available as needed for the following:
 - (1) The certification required in Section 8-4.501(c)(1) and Section 8-4.504 (lowest floor elevations);
 - (2) The certification required in Section 8-4.501(c)(2) (elevation or floodproofing of nonresidential structures);
 - (3) The certification required in Section 8-4.501(c)(3) (wet floodproofing standard);
 - (4) The certification required in Section 8-4.503(a)(3) (subdivisions and other proposed development standards);
 - (5) The certification required in Section 8-4.506(b) (floodway encroachments)
 - (6) Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.
- (f) *Map determinations.* Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood 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 8-4.404 of this Chapter.
- (g) *Remedial action.* Take action to remedy violations of this Chapter as specified in Section 8-4.303 (Compliance).
- (h) *Biennial report.* Complete and submit Biennial Report to FEMA.
- (i) *Planning.* Assure community's General Plan is consistent with floodplain management objectives herein.

Sec. 8-4.403 Development permit

A 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 Development Permit shall be made on forms furnished by Yolo County. The applicant shall provide the following minimum information:

- (a) Plans in duplicate drawn to scale showing:
 - (1) Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
 - (2) Proposed locations of water supply, sanitary sewer, and other utilities;
 - (3) Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
 - (4) Location of the regulatory floodway when applicable;

- (5) Base flood elevation information as specified in Section 8-4.302 or Section 8-4.402(c);
 - (6) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
 - (7) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 8-4.501(c)(2) of this ordinance and detailed in FEMA Technical Bulletin TB 3-93.
- (b) Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 8-4.501(c)(2).
 - (c) For a crawl-space foundation, location and total net area of foundation openings as required in Section 8-4.501(c)(3) of this ordinance and detailed in FEMA Technical Bulletins 1-93 and 7-93.
 - (d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 - (e) All appropriate certifications listed in Section 8-4.402(e) of this Chapter.

Sec. 8-4.404 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 Development Permit.

- (a) *Administration.* The Resources Management Coordinator (RMC) may be the designee for the Floodplain Administrator, for consideration of Development Permits within the boundaries of the CCRMP.
- (b) *Permit review.* All 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 Development Permit for consideration by the Floodplain Administrator, or designee. Applications for 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 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
 - (iv) To implement the Test 3 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. 8-4.405 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. 8-4.406 Violations, suspension, and revocation

- (a) Violation of any of the provisions in this chapter shall constitute a misdemeanor and may be subject to fines in accordance with Title 1 of the County 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 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 Development 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 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 8-4.405. 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 Standards of construction

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

(a) *Anchoring.*

All new construction and substantial improvements of structures, including manufactured homes, 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.

(b) *Construction materials and methods.* All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

- (1) With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
- (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) Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

(c) *Elevation and floodproofing*

- (1) Residential construction, new or substantial improvement, shall have the lowest floor, including basement:
 - (i) In AE, AH, A1-30 Zones, elevated at least one foot above the base flood elevation.
 - (ii) In an AO zone, 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.
 - (iii) In an A Zone, without BFE's specified on the FIRM [unnumbered A zone], elevated at least one foot above the base flood elevation, as determined under Section 8-4.402(c).

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 licensed land surveyor, and verified by the County Building Official or their designee, to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator.

- (2) *Nonresidential construction.* All new construction or substantial improvement of nonresidential structures shall either be elevated to conform with Section 8-4.501(c)(1), or:
 - (i) Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under Section 8-4.501(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 civil engineer or architect that the standards of Section 8-4.501(c)(2)(i) & (ii) are satisfied. Such certifications shall be provided to the Floodplain Administrator.

- (3) *Flood openings.* 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 exit of floodwater. Designs for meeting this requirement must meet or exceed the following minimum criteria:
 - (i) For non-engineered openings:
 - a. Have a minimum of two openings on different sides 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;
 - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and
 - d. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or
 - (ii) Be certified by a registered civil engineer or architect.

- (4) *Manufactured homes.* See Section 8-4.504.

- (5) *Garages and low cost accessory structures.*

- (i) Attached garages.
 - a. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. See Section 8-4.501(c)(3). Areas of the garage below the BFE must be constructed with flood resistant materials. See Section 8-4.501(b).
 - b. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.
- (ii) Detached garages and accessory structures.
 - a. "Accessory structures" used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 8-4.201, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:
 - 1. Use of the accessory structure must be limited to parking or limited storage;
 - 2. The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
 - 3. The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
 - 4. Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
 - 5. The accessory structure must comply with floodplain encroachment provisions in Section 8-4.506; and
 - 6. The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 8-4.501(c)(3).
 - b. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 8-4.501.

Sec. 8-4.502 Standards for utilities

All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

- (a) infiltration of flood waters into the systems; and
- (b) discharge from the systems into flood waters.

Sec. 8-4.503 Standards for subdivisions

- (a) All preliminary subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than 50 lots or 5 acres, whichever is the lesser, shall:
 - (1) Identify the Special Flood Hazard Areas (SFHA) and the Base Flood Elevation (BFE).
 - (2) Identify the elevations of lowest floors 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:
 - (i) Lowest floor elevation.
 - (ii) Pad elevation.
 - (iii) Lowest adjacent grade.
- (b) All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
- (c) All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (d) All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

Sec. 8-4.504 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

- (1) Within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, 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 Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map that are not subject to the provisions of Section 8-4.504(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 36 inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

Sec. 8-4.505 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, 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
- (b) Meet the permit requirements of Articles 4 and 5 of this Chapter and the elevation and anchoring requirements for manufactured homes in Section 8-4.504(a).

Sec. 8-4.506 Floodways

Located within areas of special flood hazard established in Section 8-4.302 are areas designated as floodways. Since floodways are an extremely hazardous area due to the velocity of flood waters 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 1 foot at any point within the County of Yolo.

- (b) Within an adopted regulatory floodway, the County of Yolo shall 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.
- (c) If subsections (a) and (b) are satisfied, 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 issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.
- (b) 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.
- (c) 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 Conditions for variances

- (a) Generally, variances may be issued in the discretion of the Floodplain Administrator 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 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) Variances may be issued in the discretion of the Floodplain Administrator for the repair or rehabilitation of “historic structures” (as defined in Section 8-4.201 of this Chapter) 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) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- (d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. “Minimum necessary” means to afford relief with a minimum deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means that the Floodplain Administrator need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the Floodplain Administrator believes will both provide relief and preserve the integrity of the local ordinance.
- (e) 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.
- (f) 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 Emergency Management Agency.

Sec. 8-4.603 Variance procedures

- (a) In passing upon requests for variances, the Floodplain Administrator shall consider all technical evaluations, all relevant factors, standards specified 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) Variances 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 and victimization" of the public, or conflict with existing local laws or ordinances.
- (c) Variances 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 this Article 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.
- (d) Upon consideration of the factors of subsection (a) above, and the purposes of this Chapter, the Floodplain Administrator may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.