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EL DORADO

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MEMORANDUM

DATE: September 17, 2007 Agenda of: September 27, 2007

TO: Planning Commission Item #: 9.a.

FROM: Lillian MacLeod, Senior Planner

SUBJECT: Flood Damage Prevention Ordinance Update

Background

The current Flood Damage Prevention Ordinance is not consistent with federal law. In 2004, staff proposed an amendment to the ordinance that would bring it into consistency. It was reviewed by the Planning Commission on January 13, 2005, who recommended approval. At the subsequent Board of Supervisors hearing on February 1, 2005, the matter was continued off calendar until such time as S.A.G.E (Surveyors, Architects, Geologists and Engineers) had a chance to review the document and provide comments. The process was put on hold April 22, 2005, pending response from the organization. To date, no response has been received, and no further action was taken.

General Plan Policies

Under Implementation Measure HS-H, staff is directed to continue participation in the Federal Flood Insurance Program through maintenance and update of the flood hazard maps and 100 year floodplain data. Ministerial development and discretionary project applications will be reviewed against the information provided by this data (Exhibit A).

Regulatory Framework

The project is an update of County Code Chapter 17.25 - Flood Damage Prevention Ordinance (Exhibit B). The update will bring the County's current Flood Damage Prevention Ordinance into conformance with Title 44 of the Code of Federal Regulations, as administered by the Federal Emergency Management Agency (FEMA), Federal Insurance Administration, and the California Department of Water Resources. The proposed revisions are based on the *California Model Floodplain Management Ordinance for Noncoastal Communities* (December 2006), to ensure that the minimum requirements of the National Flood Insurance Program (NFIP) are met.

Zoning Update Considerations

- A. The proposed changes to the County Code would provide clarification on the requirements for and regulation of currently allowed development in Areas of Special Flood Hazard, which are also known as 100-year flood zones and base flood areas. There are approximately 8,100 acres of land Countywide within Areas of Special Flood Hazard (*El Dorado County General Plan Environmental Impact Report 2004*). The proposed revisions and new requirements will not increase the amount or extent of construction currently allowed in these flood zones but rather will provide guidance on how construction in these areas can proceed. The proposed changes to the ordinance involve:
1. Clarification and expansion of terms used in the ordinance;
 2. Clarification of the definition of those lands considered to be "Areas of Special Flood Hazard";
 3. Clarification of the Floodplain Administrator's duties and responsibilities;
 4. Clarification of construction standards for proposed development in Areas of Special Flood Hazard; and
 5. Clarification of the procedure for seeking and issuing exceptions to the ordinance requirements (variances).
- B. In addition, increased requirements for participation in the NFIP's Community Rating System (CRS) have been added for review and discussion by the Commission. The language that would allow participation in the System has been bracketed in bold parentheses to be substituted for that language preceding it and underlined in bold. The proposed language will increase standards of construction in the flood zone areas that will result in reduced premiums for all flood insurance policy holders within the County. Information on the CRS is attached (Exhibit D).
- C. In the memorandum to the Planning Commission of October 11, 2006, *Zoning Ordinance Update Discussion . . . Identification of Existing Code Problems, etc.*, (Exhibit C), one area proposed for discussion regarding the subject ordinance has to do with swimming pool construction in the flood zone areas and its potential for damage from inundation and contamination due to flood waters. The Commission must consider and provide direction to staff on whether or not to add language to the ordinance that either remains silent on allowing this type of development in the flood zone areas at the owner's risk, regulates it through more stringent building standards, or prohibits it altogether.

RECOMMENDATION

Provide staff with comments and direction regarding the working draft document.

ATTACHMENTS

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| Exhibit A | General Plan Policies 6.4.1.1 – 6.4.1.5, 6.4.2.1, 6.4.2.2 and Measure HS-H |
| Exhibit B | Chapter 17.25 of the County Code |
| Exhibit C | Excerpts from Memorandum to the Planning Commission, October 11, 2006 |
| Exhibit D | Community Rating System |