

ORDINANCE NO. 81-5

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST,
CALIFORNIA, ENACTING FLOOD DAMAGE PREVENTION MEASURES

WHEREAS, the Legislature of the State of California has in the Government Code delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Ridgecrest, State of California does ordain as follows:

1.1 FINDINGS OF FACT

- (1) The flood hazard areas of the City of Ridgecrest are subject to periodic inundation which may result 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.
- (2) These flood losses may be 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.

1.2 STATEMENT OF PURPOSE

It is the purpose of this ordinance 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:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future blight areas;
- (5) To insure that potential buyers are notified that property is in an area of special flood hazard; and,
- (6) To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.3 METHODS OF REDUCING FLOOD LOSSES

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

- (1) 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 in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling grading, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

2. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable applications.

"Appeal" means a request for a review of the Public Works Director's interpretation of any provision of this ordinance or a request for a variance.

"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.

"Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. This area is designated as Zone A, AO, AH, A1-30 on the FIRM.

"Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

"Breakaway walls" mean any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which are not part of the structural support of the building and which are so designed as to breakaway, under

abnormal flood conditions without damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"Existing mobile home park or mobile home subdivision" means a parcel (or contiguous parcel) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

"Expansion to an existing mobile home park or mobile home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland waters and/or
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Boundary Floodway Map" means the office map on which the Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the FIRM, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

"Floodproofing" means any combination of structural and non-structural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, and contents of buildings.

"Flood-related erosion" a condition that exists in conjunction with a flooding event that alters the composition of the bank of a watercourse. One that increases the possibility of loss due to the erosion of the land area adjacent to the watercourse.

site. For mobile homes within mobile home parks or mobile home subdivisions "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

"Structure" means a walled and roofed building or mobile home that is principally above ground.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) before the improvement or repair is started, or
- (2) 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 the alteration affects the external dimensions of the structure.

This term does not, however, include either:

- (1) 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
- (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

3. GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Ridgecrest.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Insurance Administration, through the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the City of Ridgecrest, California," dated July 6, 1981, with an accompanying Flood Insurance Rate Map is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at City Hall, 139 Balsam, Ridgecrest, California.

3.3 COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.

3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

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

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

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance 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 man-made or natural causes. This ordinance 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 ordinance shall not create liability on the part of the City of Ridgecrest, any officer, or employee thereof, or the Federal Insurance Administration, for any flood damages that result because of reliance on this ordinance or any administrative decision lawfully made thereunder.

4. ADMINISTRATION

4.1 ESTABLISHMENT OF BUILDING PERMIT

A Building Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. Application for a Building Permit shall be made on forms, furnished by the Public Works Director and may include, but not be limited to; plans showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, type of fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Proposed elevation in relation to mean sea level, of the lowest

habitable floor (including basement) of all structures; in Zone A0 elevation of existing grade and proposed elevation of lowest habitable floor of all structures.

- (2) Proposed elevation in relation to mean sea level to which any structure will be floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.1-3(2); and,
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2 DESIGNATION OF RESPONSIBILITY

The Public Works Director is hereby appointed to administer and implement this ordinance by granting or denying building permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE PUBLIC WORKS DIRECTOR shall include, but not limited to:

4.3-1 Permit Review

- (1) Review all building permits to determine that the permit requirements of this ordinance have been satisfied.
- (2) Review all permits to determine that the site is reasonably safe from flooding.
- (3) Review all building permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For purposes of this ordinance, "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.
- (4) Review all proposals for the development of 5 parcels or more to assure that the flood discharge exiting the development after construction is equal to or less than the flood discharge at the location prior to development.

4.3-2 Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Public Works Director shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, state or other source, in order to administer Section 5.

4.3-3 Information to be Obtained and Maintained

Obtain and maintain for public inspection and make available as needed for Flood Insurance Policies:

- (1) the certified elevation required in Section 5.1-3(1); (residential)
- (2) the floodproofing certification required in Section 5.1-3(2); (non-residential)
- (3) the certified elevation required in Section 5.4-2; (subdivision) and
- (4) the anchoring certification required in Section 5.5-1 (mobile home)

4.3-4 Alteration of Watercourses

- (1) Notify adjacent communities and the California Department of Water Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (2) Require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

4.3-5 Interpretation of FIRM Boundaries

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 6.

4.3-6 Maintenance of Flood Protection Measures

The maintenance of any and all flood protection measures, (levees, dikes, dams or reservoirs), will be required of the jurisdiction where such measures provide protection. If these measures are privately owned, an operation or maintenance plan will be required of the owner to be on file with the Public Works Director.

4.3-7 Hazard Mitigation Plan

The Public Works Director shall weigh all requests for future flood plain development against the City of Ridgecrest's General Plan and the most recent flood plain information available. Consideration of the following elements are required before approval:

- (1) Determination if proposed development is in or affects a known flood plain
- (2) Notification of the public of the proposed development to determine if opposition to the development exists

- (3) Determine if there is a practicable alternative or site for the proposed activity
- (4) Identify impact of the activity on the flood plain
- (5) Provide a plan to mitigate the impact of the activity with provisions in Section 4.3-1(4)
- (6) Hold a protest hearing if alternatives or mitigation measures are deemed inadequate by the public.

5. PROVISIONS FOR FLOOD HAZARD REDUCTION

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

5.1-1 Anchoring

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) All mobile homes shall meet the anchoring standards of Section 5.5-1.

5.1-2 Construction Materials and Methods

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall use methods and practices that minimize flood damage.
- (3) All elements that function as a part of the structure, such as furnace, water heater, air conditioner, etc., shall be elevated to or above the base flood elevation or depth number specified on the FIRM.

5.1-3 Elevation and Floodproofing

- (1) New construction and substantial improvement of any structure shall have the lowest habitable floor, including basement, elevated to or above the base flood elevation. Nonresidential structures may meet the standards in Section 5.1-3(2). Upon completion of the structure the elevation of the lowest habitable floor including basement shall be certified by a registered professional engineer or surveyor or verified by the Public Works Director that elevation requirements have been met. Notification of compliance shall be recorded as set forth in Section 4.3-3(1).
- (2) Nonresidential construction shall either be elevated in conformance with Section 5.1-3(1) 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 bouyancy, and;
 - (c) be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Section 4.3-3(2).
- (3) Mobile homes shall meet the above standards and also the standards in Section 5.5.

5.2 STANDARDS FOR STORAGE OF MATERIALS AND EQUIPMENT

- 5.2-1 The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
- 5.2-2 Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

5.3 STANDARDS FOR UTILITIES

- 5.3-1 All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.
- 5.3-2 On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.4 STANDARDS FOR SUBDIVISIONS

- 5.4-1 All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.
- 5.4-2 All final subdivision plans shall provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the official as set forth in Section 4.3-3(3).
- 5.4-3 All subdivision proposals shall be consistent with the need to minimize flood damage;
- 5.4-4 All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- 5.4-5 All subdivision proposals shall have adequate drainage provided to

reduce exposure to flood damage as set forth in Section 4.3-1(4). Certification of compliance shall be required of the developer.

5.5 STANDARDS FOR MOBILE HOMES AND MOBILE HOME PARKS AND SUBDIVISIONS

5.5-1 All mobile homes and additions to mobile homes shall be anchored to resist flotation, collapse, or lateral movement by one of the following methods:

- (1) by providing an anchoring system designed to withstand horizontal forces of 15 pounds per square foot and up lift forces of 9 pounds per square foot; or
- (2) by the anchoring of the unit's system, designed to be in compliance to the Department of Housing and Development Mobile Home Construction and Safety Standards.

5.5-2 Mobile Home Parks and Mobile Home Subdivisions

The following standards are required for (a) mobile homes not placed in mobile home parks or subdivisions, (b) new mobile home parks or subdivisions, (c) expansions to existing mobile home parks or subdivisions and, (d) repair, reconstruction, or improvements to existing mobile home parks or subdivisions that equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

- (1) Adequate surface drainage and access for a mobile home transporter shall be provided.
- (2) All mobile homes shall be placed on pads or lots elevated on compacted fill or on pilings so that the lowest floor of the mobile home is at or above the base flood level. If elevated on pilings:
 - (a) the lots shall be large enough to permit steps;
 - (b) the pilings shall be placed in stable soil no more than ten feet apart and,
 - (c) reinforcement shall be provided for pilings more than six feet above the ground level.

5.5-3 No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision and shall be anchored in accordance with the provisions of Section 5.5-1.

6. VARIANCE PROCEDURE

6.1 APPEALS

6.1-1 The Planning Commission (Commission) of the City of Ridgecrest shall hear and decide appeals and requests for variances from the requirements of this ordinance.

- 6.1-2 The Commission shall hear and make a recommended decision when it is alleged there is an error in any requirement, decision, or determination made by the Public Works Director in the enforcement or administration of this ordinance. The decision of the Commission shall be final.
- 6.1-3 The City Council may in its discretion and for good cause shown, hear appeals from decisions of the Commission.
- 6.1-4 In passing upon such applications, the Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
- (1) the danger that materials may be swept onto other lands to the injury of others;
 - (2) the danger to 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 availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
 - (6) the compatability of the proposed use with existing and anticipated development;
 - (7) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - (8) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (9) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
 - (10) 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 culverts.
- 6.1-5 Generally, variances may be issued for new construction and substantial improvements to be erected on a lot one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 6.1-4(1-10) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- 6.1-6 Upon consideration of the factors of Section 6.1-4 and the purposes of this ordinance, the Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of

this ordinance.

6.1-7 The Public Works Director shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

6.2 CONDITIONS FOR VARIANCES

6.2-1 Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on 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.

6.2-2 Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

6.2-3 Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

6.2-4 Variances shall only be issued upon:

- (1) a showing of 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.

6.2-5 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 base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

APPROVED AND ADOPTED this 16th day of December, 1981, by the following roll call vote:

- AYES: Mayor Hockett, Vice-Mayor Bergens, Councilmen Cheshire and Grossman
- NOES: None
- ABSENT: None
- ABSTAIN: None


 HAROLD J. HOCKETT, Mayor

ATTEST:

 JACQUELINE C. REED, City Clerk