

ORDINANCE NO. 518

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLUE
LAKE AMENDING THE BLUE LAKE FLOOD PLAIN MANAGEMENT
ORDINANCE NO. 442
SECTION 4.0 (ADMINISTRATION),**

The City Council of the City of Blue Lake, Humboldt County, California, does hereby ordain as follows:

Section 1. Findings. The City Council for the City of Blue Lake hereby makes the following findings:

- A. The City Council adopted the Blue Lake Flood Plain Management Ordinance as Ordinance 442 on November 19, 1996.
- B. A Community Assistance Visit and review of the Flood Plain Management Ordinance made by the California Department of Water Resources has identified several deficiencies in the Ordinance, which when corrected will enable the City to comply with the National Flood Insurance Program (NFIP) provided by the Federal Emergency Management Agency (FEMA).

Section 2. Amendments. Section 4.0 (Administration), as adopted initially by Ordinance No. 442 is hereby amended as shown by the following with new text indicated in double underscore bold and deleted text as strikethrough:

**SECTION 4.0
ADMINISTRATION**

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT. A flood plain development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section 3.2. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: submittals of plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required.

- A. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures - in Zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures; or
- B. proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, if required in Section 5.1 C.2; and
- C. all appropriate certifications listed in Section 4.3 D of this ordinance; and

D. description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR. The City Manager is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accord with its provisions. Alternative designations may be made from time to time by the City Manager.

4.3 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR. The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following.

A. Permit Review.

1. Review all flood plain development permits to determine that requirements of this ordinance have been satisfied,
2. Review all permits to determine that the site is reasonably safe from flooding, as defined herein,
3. Review all flood plain development permits to determine that 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 ordinance, "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**,
4. Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to assure that adequate drainage is provided to reduce flood hazards, **and**
5. **Review all flood plain development permits to determine that all other required state and federal permits have been obtained.**

B. Use of Any Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 3.2, 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 Section 5.0.

~~C. Alteration or Relocation of a Watercourse. The Flood Plain Administrator shall:~~

- ~~1. notify Humboldt County Public Works Director and the California Department of Water Resources prior to alteration or relocation;~~
- ~~2. submit evidence to the above agencies that the flood carrying capacity within the altered or relocated portion of said watercourse is at least maintained; and~~
- ~~3. submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency;~~

C. Notification of Other Agencies.

1. Alteration or relocation of a watercourse:

- a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;**
- b. Submit evidence of such notification to the Federal Emergency Management Agency; and**
- c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.**

2. Base Flood Elevation changes due to physical alterations:

- a. 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).**
- b. 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:

- a. 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.**

- D. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:
1. certification required by Section 5.1 C.1 (lowest floor elevations),
 2. certification required by Section 5.1 C.2 (elevation or floodproofing of nonresidential structures),
 3. certification required by Sections 5.1 C.2 (wet floodproofing standard),
 4. certification of elevation required by Section 5.3 C (subdivision standards),
 5. certification required by Section 5.6 A (floodway encroachments),
- E. Map Determinations. Make interpretations where needed, as to the location of the boundaries of the areas of special flood hazard, 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 4.4.
- F. Remedial Action. Take action to remedy violations of this ordinance as specified in Section 3.3.

4.4 DEVELOPMENT PERMIT.

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Section 3.2. Application for a development permit shall be made on forms furnished by the City. 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 3.2 or Section 4.3.B;
 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 5.1.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 5.1.C.2.
- C. For a crawl-space foundation, location and total net area of foundation openings as required in Section 5.1.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 4.3.D of this ordinance.

4.44.5 FEES. The City Council shall, by resolution or ordinance, establish fees for these permits and appeals or variances. Such fees shall not exceed the actual cost of administering this chapter.

4.54.6 APPEALS. The Planning Commission of City of Blue Lake shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

- A. The applicant may appeal the decision of the Planning Commission to the City of Blue Lake Council, as provided in Section 760-763 of the City of Blue Lake Zoning Ordinance #382 as amended or replaced.
- B. Appeals will be considered only after payment of processing fees as specified in the City's Fee Resolution #554, as amended or replaced from time to time.
- C. The appellant is required to submit, as part of the appeal application, supporting information prepared by a registered or licensed professional, as specified herein, substantiating that their alternative interpretation to any requirement, decision or determination by the Floodplain Administration is consistent with the administration of this ordinance and requirements of the Federal Emergency Management Agency (FEMA) and the State Department of Water Resources.

Section 3. Said revised Section 4.3 is hereby integrated into Ordinance 442 as previously amended. All other provisions of Ordinance 442 as amended shall remain unaffected and in full force and effect.

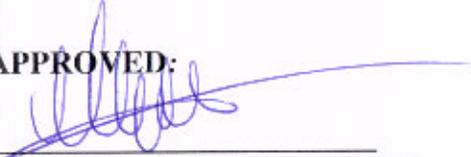
Section 4. To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior city ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

Section 5. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 6. This action is exempt from the California Environmental Quality Act (CEQA) pursuant to 14 Cal. Code Regs. Section 15061(b)(3) of the CEQA Guidelines.

Section 7. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption.

APPROVED:


Michele McCall-Wallace, Mayor

ATTEST:


April Sousa, City Clerk

CLERK'S CERTIFICATE

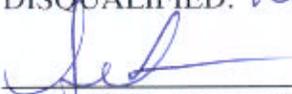
THIS IS TO CERTIFY that Ordinance No. 518 of the City Council of the City of Blue Lake was introduced and read at the regular meeting of the City Council of the City of Blue Lake, California, held on April 12, 2016. This Ordinance, again read at the regular meeting of the Blue Lake City Council, held on May, 20 and at the time, passed by roll call vote, the vote on the adoption of the Ordinance being as follows:

AYES: McCall-Wallace, Sawatzky, Kullmann, Lynch, Sues

NOES: none

ABSENT: none

DISQUALIFIED: none


April Sousa, City Clerk, City of Blue Lake