

# DEVELOPMENT SERVICES DEPARTMENT

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EL DORADO

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## MEMORANDUM

**DATE:** June 16, 2008  
**TO:** Planning Commission  
**FROM:** Lillian MacLeod, Senior Planner  
**SUBJECT:** OR07-0006, Draft Flood Damage Prevention Ordinance

Agenda of: July 24, 2008  
Item #: 11.b

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### BACKGROUND

In 2004, staff proposed an amendment to the current Flood Damage Prevention Ordinance that would bring it into consistency with federal law that was subsequently recommended for approval by the Commission. At the 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. Multiple requests for comment were made to the organization by staff, but no response was received and the process was put on hold April 22, 2005.

The current update process included a public workshop held before the Commission on September 27, 2007, in which the need for S.A.G.E. review was discussed. Direction was given to set a specific time period for their review and response in order to move the process forward. A revised version of the draft was prepared based on discussion at the Planning Commission with further review and approval by the Department of Water Resources (DWR).

In preparing the revised draft, staff indicated revisions and comparisons to the current Ordinance, and submitted both versions to the County Floodplain Administrator, Building Services, and S.A.G.E. on October 5, 2007 for a 60 day review period. A 30 day time extension was requested by and granted to S.A.G.E. At the end of that period another time extension was requested. Staff informed their representative they could submit comments any time during the public hearing process and went forward with arranging a meeting on January 24, 2008 to discuss the Ordinance. Building Services, as the only representative in attendance, presented their comments and proposed revisions.

The Draft Flood Damage Prevention Ordinance reflects input from the public workshop, discussions with DWR and Building Services, and review by County Counsel.

## **GENERAL PLAN POLICIES**

Under Implementation Measure HS-H, staff is directed to continue participation in the Federal Flood Insurance Program, and to maintain and update the flood hazard maps and 100 year floodplain data. Ministerial development and discretionary project applications are to be reviewed against the information provided by this data (Exhibit A). The DWR is currently in the process of implementing a program to update the floodplain and flood hazard maps, which will be included on FEMA maps at the request of the County. The program is to be completed statewide within the next decade.

## **REGULATORY FRAMEWORK**

The draft Ordinance is based on the *California Model Floodplain Management Ordinance for Noncoastal Communities* of December 2006, to ensure that the minimum requirements of the National Flood Insurance Program (NFIP) are met. The draft 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.

## **SUMMARY OF DRAFT ORDINANCE PROVISIONS**

The provisions of the Draft Ordinance would provide clarification on the requirements and regulations for development in Special Flood Hazard Areas (SFHA), which are also known as 100-year flood zones or base flood zones. There are approximately 8,100 acres of land countywide within SFHAs (*El Dorado County General Plan Environmental Impact Report 2004*). The proposed provisions and new requirements will not increase the amount or extent of construction currently allowed in these Areas, but rather will provide guidance on how construction can proceed. The provisions of the Ordinance involve:

1. Clarification of regulatory authority.
2. Clarification and expansion of terms used;
3. Clarification of the definition of those lands considered to be "Special Flood Hazard Areas";
4. Clarification of the Floodplain Administrator's duties and responsibilities;
5. Clarification of construction standards for proposed development in Special Flood Hazard Areas; and
6. Clarification of the procedure for seeking and issuing variances.

## **DISCUSSION**

In addition, increased standards for participation in the NFIP's Community Rating System (CRS) have been added for review and recommendation by the Commission. The language that would allow participation in the System has been added as an option following the language it would replace. The ramifications of participating in the CRS are discussed in the "Note" on page 1 of the Draft.

## **ENVIRONMENTAL REVIEW**

The Flood Damage Prevention Ordinance is exempt from the requirements of CEQA pursuant to Section 15601(b.3) of the CEQA Guidelines stating that "A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." The Ordinance establishes a purpose and procedure for developing within special flood hazard areas that conforms to the Subdivision Map Act as well as the General Plan, and as such, will have no significant impact on the environment.

## **RECOMMENDATION**

Forward a recommendation to the Board of Supervisors to take the following actions:

1. Certify the project is exempt from environmental review pursuant to Section 15061 of the CEQA Guidelines;
2. Approve OR07-0006 incorporating the Draft Flood Damage Prevention Ordinance into Chapter 17.25 of the Zoning Ordinance.
3. As an alternative, direct staff to incorporate the optional language into the Draft Ordinance that would allow participation in the NFIP's Community Rating System (CRS).

## **ATTACHMENTS**

Attachment 1	2008 Public Draft Flood Damage Prevention Ordinance
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