

ORDINANCE NUMBER 981

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS AMENDING TITLE 15 OF THE PERRIS MUNICIPAL CODE, RESCINDING CHAPTER 15.08 IN ITS ENTIRETY AND ADDING CHAPTER 15.09 RELATING TO FLOOD STANDARDS AND CRITERIA FOR FLOOD PLAIN MANAGEMENT IN ACCORDANCE WITH PROVISIONS AND REGULATIONS OF FEMA AND CALIFORNIA DEPARTMENT OF WATER RESOURCES

THE CITY COUNCIL OF THE CITY OF PERRIS DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 15.08 is hereby repealed in its entirety.

SECTION 2. Chapter 15.09 is hereby added to read as follows:

*"Chapter 15.09
FLOODPLAIN MANAGEMENT*

<i>15.09.010</i>	<i>Findings of Fact.</i>
<i>15.09.020</i>	<i>Statement of Purpose.</i>
<i>15.09.030</i>	<i>Methods of reducing flood losses.</i>
<i>15.09.040</i>	<i>Definitions.</i>
<i>15.09.050</i>	<i>Lands to which this ordinance applies.</i>
<i>15.09.060</i>	<i>Establishment of development permit.</i>
<i>15.09.070</i>	<i>Designation of the floodplain administrator.</i>
<i>15.09.080</i>	<i>Duties and responsibilities of the floodplain administrator.</i>
<i>15.09.090</i>	<i>Standards of construction.</i>
<i>15.09.100</i>	<i>Standards for utilities.</i>
<i>15.09.110</i>	<i>Standards for subdivisions.</i>
<i>15.09.120</i>	<i>Standards for manufactured homes.</i>
<i>15.09.130</i>	<i>Floodways.</i>
<i>15.09.140</i>	<i>Mudslide (i.e., mudflow) - prone areas.</i>
<i>15.09.150</i>	<i>Flood-related erosion-prone areas.</i>
<i>15.09.160</i>	<i>Variance procedure/appeal board.</i>
<i>15.09.170</i>	<i>Conditions for variances.</i>

15.09.010 *Findings of Fact.*

- A. The flood hazard areas of the City of Perris are subject to periodic inundation which result in loss of life 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 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.

15.09.020 *Statement of 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 provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. 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 flood blight areas;
- G. To insure that potential buyers are notified that property is in an area of special flood hazard; and

- H. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

15.09.030 Methods of reducing flood losses. In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. 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 flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplain, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- D. Controlling filling, grading, dredging and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

15.09.040 Definitions. Unless specifically defined below, 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. "Appeal" means a request for a review of floodplain administrator's interpretation of any provision of this chapter or a request for a variance.
- B. "Area of shallow flooding" means a designated AO or Ah Zone of 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 undetermined; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- C. "Area of Special Flood Hazard". See "Special flood hazard area".
- D. "Base flood" means the flood having a one percent change of being equaled or exceeded in any given year (also called the "100-year flood").
- E. "Basement" means any area of the building having its floor subgrade (below ground

level) on all sides.

- F. "Breakaway Walls" are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by floodwaters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:
1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.
- G. "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.
- H. "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 or a floodplain.
- I. "Existing 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 home 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 the effective date of the floodplain management regulations adopted by the City of Perris.
- J. "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 site grading or the pouring of concrete pads).
- K. "Flood or flooding" means a general and temporary condition of partial or complete inundated of normally dry land areas from: (1) the overflow of floodwaters, (2)

the unusual and rapid accumulation or runoff of surface waters from any source, and/or (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

- L. "Flood Boundary and Floodway Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.
- M. "Flood Hazard Boundary Map" means the official map on which the Federal Emergency management Agency or Federal Insurance Administration has delineated the areas of flood hazards.
- N. "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 and the risk premium zones applicable to the community.
- O. "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway map, and the water surface elevation of the base flood.
- P. "Floodplain or flood-prone areas" means any land area susceptible to being inundated by water from any source (see definition of "flooding").
- Q. "Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.
- R. "Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

- S. "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.
- T. "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."
- U. "Floodway encroachment lines" means the lines marking the limits of floodway on Federal, state and local floodplain maps.
- V. "Floodway fringe" in that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.
- W. "Fraud and victimization" as related to variances of this chapter, means the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City of Perris will, consider the fact the 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.
- X. "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.
- Y. "Hardship" as related to variances of this chapter, means the exceptional hardship that would result from failure to grant the requested variance. The City of Perris requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economical or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise 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.

- Z. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- AA. "Historic structure" means any structure that is:
1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
 2. 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 to qualify as a registered historic district;
 3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior;
 4. individually listed on a local inventory of historic places in communities with historic preservation programs which 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.
- AB. "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.
- AC. "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 accord with sound engineering practices.
- AD. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, 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, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

- AE. "Manufactured homes" 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 connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty consecutive days.
- AF. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.
- AG. "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 and referenced.
- AH. "New construction" means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by this community.
- AI. "One hundred year flood" or "100-year flood" means a flood which has a one percent annual probability of being equaled or exceeded. It is identical to the "base flood", which will be the term used throughout this chapter.
- AJ. "Person" means an individual or his agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivision.
- AK. "Principal structure" means a structure used for the principal use of the property as distinguished from an accessory use.
- AL. "Public safety and nuisance" as related to variances of this chapter, means that the granting of a variance must not result in anything which is injurious to safety and 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.
- AM. "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 chapter or otherwise deterring future similar violations, or reduction federal financial exposure with

regard to the structure or other development.

- AN. "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- AO. "Special flood hazard area (SFHA)" means an area having special flood or flood-related erosion hazards, and shown on a FHBM or FIRM as Zone A, AI-30, AE, A99, or AH.
- AP. "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty 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, footings, 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.
- AQ. "Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- AR. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to this before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.
- AS. "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty 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 that alteration affects the external dimensions of the structure. The term does not, however, include either:

- a. 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
 - b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- AT. "Variance" means a grant relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.
- AU. "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.
- AV. "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 of floods of various magnitudes and frequencies in the floodplains of costal or riverine areas.
- AW. "Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographical feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

15.09.050 Lands to which this ordinance applies. This chapter applies to all areas of special flood hazards, within the jurisdiction of the City of Perris.

- A. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration (FIA) or the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated July 2, 1992, and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated July 2, 1992, and all subsequent amendments and or revisions, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of the chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which area recommended to the City of Perris by the Floodplain Administrator. The study, FIRMs and FBFMs are on

file at City of Perris, Department of Planning and Community Development, 170-B Wilkerson Avenue, Perris, CA 92570.

- B. 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 City of Perris from taking such lawful action as is necessary to prevent or remedy any violation.
- C. 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 ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- D. Interpretation. In the interpretation and application of this chapter, 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.
- E. 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 the City of Perris, any officer or employee thereof, of the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
- F. Severability. This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

15.09.060 Establishment of development permit. A development permit shall be obtained before construction or development begins within any area of special flood hazards established in Section 15.09.050. application for a development permit shall be made on forms furnished by the flood plain administrator and may include, but not be limited to: 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;
- B. Proposed elevation in relation to mean seal level to which any structure will be floodproofed;
- C. All appropriate certifications listed in subsection D of Section 15.09.080; and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

15.09.070 Designation of the floodplain administrator. The director of planning and community development or his designee is appointed to administer and implement this chapter by granting or denying development permits in accordance with its provisions.

15.09.080 Duties and responsibilities of the floodplain administrator. The duties and responsibilities of the floodplain administrator shall include, but not be limited to:

- A. Permit Review
 1. Review all development permits to determine that 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. Require, until a regulatory floodway is designated, that new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is

demonstrated that the cumulative effect of the proposed development will not increase the water surface elevation of the base flood more than one foot at any point with the community, or language to that effect.

- B. Use of other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 15.09.050A, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Section 15.09.070. Any such information shall be submitted to the city council for adoption.
- C. Whenever a watercourse is to be altered or relocated:
 - 1. Notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;
 - 2. Require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.
- D. Obtain and maintain for public inspection and make available as needed:
 - 1. The certification required in subdivision 4 of subsection C of Section 15.09.090;
 - 2. The certification required in paragraph c of subdivision 2 of Section 15.09.090;
 - 3. The certification required in paragraph a or b of subdivision 3 of subsection C of Section 15.09.090;
 - 4. The certified elevation required in subsection B of Section 15.09.110;
 - 5. The certification required in Section 15.09.130.
- E. 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 15.09.160.
- F. Take action to remedy violations of this chapter as specified in subsection B of this

section.

15.09.090 Standards of construction. In all area of special flood hazards the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. All manufactured homes shall meet the anchoring standards of Section 15.09.120.

B. 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 be constructed using methods and practices that minimize flood damage.
3. All new construction and substantial improvements shall be constructed 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.
4. Require within zones AH or AO, adequate drainage paths around structures or slopes to guide floodwaters around and away from proposed structures.

C. Elevation and Floodproofing. (See definitions for "new construction," "substantial damage" and "substantial improvement".)

1. Residential construction, new or substantial improvement, shall have the lowest floor, including basement,
 - a. in an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.

- b. in an A zone, elevated to or above the base flood elevation, as determined by this community.
- c. in all other Zones, elevated to or above the base flood elevation.

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

2. Nonresidential construction shall either be elevated to conform with Section 15.09.090 or together with attendant utility and sanitary facilities
 - a. be floodproofed below the elevation recommended under Section 15.09.090 so that 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 buoyancy; and
 - c. be certified by a registered professional engineer or architect that the standards of this section are satisfied. Such certification shall be provided to the Floodplain Administrator.
3. All new construction and substantial improvement 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 exceed the following minimum criteria:
 - a. be certified by a registered professional engineer or architect; or
 - b. be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration, Federal Emergency Management Agency, or
 - c. have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
4. Manufactured homes shall also meet the standards in 15.09.120

15.09.100 Standards for utilities.

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

15.09.110 Standards for subdivisions.

- A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.
- B. All final subdivision plans will 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 floodplain administrator.
- C. All subdivision proposals shall be consistent with the need to minimize flood damage.
- D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

15.09.120 Standards for manufactured homes. All new and replacement manufactured homes and additions to manufactured homes shall:

- A. All manufactured homes that are placed or substantially improved, within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, 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 be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored 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 this section will be elevated so that either the
1. lowest floor of the manufactured home is at or 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 and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

15.09.130 Floodways. Located within areas of special flood hazard established in subsection A of Section 15.09.050 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments do not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If Section 15.09.110 is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions in this chapter.

15.09.140 Mudslide (i.e., mudflow) - prone areas.

- A. The floodplain administrator shall review permits for proposed construction or other development to determine if it is proposed within a mudslide area.
- B. Permits shall be reviewed to determine that the proposed development is reasonable safe from mudslide hazards. Factors to be considered in making this determination include but are not limited to:
 1. The type and quality of soils;
 2. Evidence of groundwater or surface water problems;
 3. The depth and quality of any fill

4. The overall slope of the site; and
5. The weight that any proposed development will impose on the slope.

C. Within areas which have mudslide hazards, the following requirements apply:

1. A site investigation and further review shall be made by persons qualified in geology and soils engineering;
2. The proposed grading, excavation, new construction and substantial improvements shall be adequately designed and protected against mudslide damages;
3. The proposed grading, excavations, new construction and substantial improvements do not aggravate the existing hazard by creating either on-site or off-site disturbances; and
4. Engineering drawings and specifications to be submitted for all corrective measures, accompanied by supporting soils engineering and geology reports.

15.09.150 Flood-related erosion-prone areas. Within zone E on the Flood Insurance Rate Map, a setback is required for all new development from the ocean, lake, bay, riverfront or other body of water to create a safety buffer consisting of a natural vegetative or contour strip. This buffer shall be designated according to the flood-related erosion hazard and erosion rate, in relation to the anticipated "useful life" of structures, and depending upon the geologic hydrologic, topographic and climatic characteristics of the land. The buffer may be used for suitable openspace purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only.

15.09.160 Variance procedure/appeal board.

- A. The City Council of the City of Perris shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The City Council 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 chapter.
- C. In passing upon such applications, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger of 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 necessity to the facility of a waterfront location, where applicable;
 6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
 11. 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 bridges.
- D. Generally, variances may be issued for new construction and substantial improvements 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 subdivisions 1 through 11 of subsection C of this section have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- E. Upon consideration of the factors of subsection C of this section and the purposes of this chapter, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- F. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official 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 \$100 of insurance coverage, and

2. such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Riverside County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- G. The floodplain administrator shall maintain their records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

15.09.170 Conditions for variances.

- A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in 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.
- B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- D. 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.
- E. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the provisions of subsections A through D of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety. 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 regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the floodplain board in the office of the Riverside

County recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land."

SECTION 3. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard, and this ordinance shall take effect thirty (30) days after its final passage.

ADOPTED, SIGNED and APPROVED this 11th day of July 1994.

MAYOR OF THE CITY OF PERRIS

Attest:

City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF PERRIS)

I, Beti An Hynes, duly elected City Clerk of the City of Perris, California, do hereby certify that the foregoing Ordinance Number 891 was introduced at a regular meeting held June 27, 1994 and adopted by the City Council at a regular meeting thereof held the 11th day of July, 1994, by the following called vote:

Ayes: Torres, Fletcher, Baitinger, Long and Denney
Noes: None
Absent: None

CITY CLERK