

**ORDINANCE NO. 2023-\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CITRUS HEIGHTS  
AMENDING CHAPTER 42 “FLOODS” OF THE CITRUS HEIGHTS  
MUNICIPAL CODE**

The City Council of the City of Citrus Heights does ordain as follows:

The provisions of Chapter 42 of the City of Citrus Heights Code are amended, as follows:

**SECTION 1. Amendment.** Section 42-4 of the Citrus Heights Code is hereby amended to read as set forth below:

**Sec. 42-4. Definitions.**

Unless specifically defined in this section, 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. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory use* means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

*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.

*Alluvial fan* means a geomorphologic feature characterized by a cone- or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

*Apex* means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

*Appeal* means a request for a review of the floodplain administrator's interpretation of any section of this chapter or a request for a variance.

*Area of shallow flooding* means a designated AO or AH 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. Such flooding is characterized by ponding or sheet flow.

*Area of special flood hazard.* See *Special flood hazard area*.

*Area of special flood-related erosion hazard* means the land within a community that is not likely to be subject to severe flood-related erosion losses. The area may be designated as zone E on the flood insurance rate map (FIRM).

*Area of special mudslide (i.e., mudflows) hazard* means the area subject to severe mudslides (i.e., mudflows). The area is designated as zone M on the flood insurance rate map (FIRM).

*Backfill* means the placement of fill material within a specified depression, hole or excavation pit below the surrounding adjacent ground level as a means of improving floodwater conveyance or to restore the land to the natural contours existing prior to excavation.

*Base flood* means the flood having a one-percent chance of being equaled or exceeded in any given year; also called the 100-year flood.

*Basement* means any area of the building having its floor subgrade (below ground level) on all sides.

*Building.* See *Structure*.

*Building Code* means [California Code of Regulations Title 24, the California Building Standards Code, the family of building codes specifically adopted by the State of California and composed of: \(1\) Part 2, applicable to buildings and structures other than dwellings within the scope of this part; \(2\) Part 2.5, applicable to one and two family dwellings and townhouses not more than three stories, and accessory structures; \(3\) Part 10, applicable to existing buildings \(as defined in that code\); and \(4\) Other specified codes.](#)

*Critical feature* means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

*Curvilinear line* means the border on either a flood hazard boundary map or flood insurance rate map that delineates the special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazard areas and consists of a curved or contour line that follows the topography.

*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 or storage of equipment or materials.

*Encroachment* means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain that may impede or alter the flow capacity of a floodplain.

*Erosion* means the process of the gradual wearing away of land masses. This peril is not per se covered under the National Flood Insurance Program.

*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 homes 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 a community.

*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.

*Fill* means the placement of fill material at a specified location to bring the ground surface up to a desired elevation.

*Fill material* can be natural sand, dirt, soil or rock. For the purposes of floodplain management, fill material may include concrete, cement, soil cement, brick or similar material as approved on a case-by-case basis.

*Flood, flooding and floodwater* mean:

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - a. The overflow of inland or tidal waters;
  - b. The unusual and rapid accumulation or runoff of surface waters from any source; and/or
  - c. Mudslides (i.e., mudflows) which are proximately caused by flooding, as defined in subsection (2) of this definition, and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as which earth is carried by a current of water and deposited along the path of the current; and
- (2) 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 cyclical levels or suddenly caused by an unusually high water level in a 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 subsection (1) of this definition.

*Flood control project* means a dam or barrier design and constructed to keep water away from or out of a specified area, including but not limited to levees, floodwalls, and channelization.

*Flood elevation determination* means a determination by the administrator of the water surface elevations of the base flood, that is, the flood level that has a one-percent or greater chance of occurrence in any given year.

*Flood elevation study* means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

~~*Flood hazard boundary map (FHBM)* means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.~~

*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.

*Flood insurance study* means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood insurance rate map, the flood boundary and floodway map, and the water surface elevation of the base flood.

*Floodplain* and *floodprone area* mean any land area susceptible to being inundated by water from any source. See the definition of *Flood*.

*Floodplain administrator* means the individual appointed to administer and enforce the floodplain management regulations.

*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.

*Floodplain management regulations* means zoning ordinances, subdivision regulations, building codes, health regulations and special purpose ordinances such as floodplain management regulations.

*Floodproofing* means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

*Flood protection system* means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood-modifying works are those constructed to conform to sound engineering standards.

*Flood-related erosion* means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

*Flood-related erosion area* and *flood-related erosion-prone area* mean a land area adjoining the shore of a lake or other body of water which, due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

*Flood-related erosion area management* means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works, and floodplain management regulations.

*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."

*Floodway encroachment lines* means the lines marking the limits of floodways on federal, state, and local floodplain maps.

*Floodway fringe* means the area of a floodplain on either side of the designated floodway where encroachment may be permitted.

*Fraud and victimization*, related to sections 42-23—42-25, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the variance board will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for 50 to 100 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.

*Freeboard* means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

*Functionally dependent use* means a use that 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 shipbuilding and ship repair facilities, but does not include longterm storage or related manufacturing facilities.

*Hardship*, related to sections 42-23—42-25, means the hardship that would result from a failure to grant the requested variance. The variance board requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic 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 exceptional hardships. All of these problems can be resolved through other means, without granting a variance. This is so even if the alternative means are more expensive or complicated than building with a variance, or if they require the property owner to put the parcel to a different use than originally intended, or to build elsewhere.

*Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Historic structure* means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the 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 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 the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior; or
  - b. By the Secretary of the Interior directly in states with approved programs.

*Landfill* means a permitted location for the disposal, placement or dumping of garbage, trash, debris, junk, or waste material.

*Letter of Map Change (LOMC)* means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include: (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 the Interior as meeting the requirements for individual listing on the National Register; (2) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features; (3) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations; and (4) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

*Levee* means a manmade 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.

*Levee system* means a flood protection system that consists of a levee and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

*Lowest floor* means the lowest floor of any 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 nonelevation design requirements of this chapter.

*Manufactured home* 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 attached to the required utilities. The term "manufactured home" does not include a recreational vehicle.

*Manufactured home park or subdivision* means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

*Map* means the flood hazard boundary map (FHBM) or the flood insurance rate map (FIRM) for a community, issued by the Flood Insurance Administration of the Federal Emergency Management Agency.

*Market Value* means the price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in these regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by one of the following methods: (1) Actual Cash Value (replacement cost depreciated for age and quality of construction); (2) tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser; or (3) a qualified independent appraiser.

*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 are referenced.

*Minimum necessary*, related to sections 42-23—42-25, means the minimum necessary to afford relief to the applicant of a variance with a minimum deviation from the requirements of this chapter. For variances to an elevation requirement, this means the variance board need not grant permission for the applicant to build at grade, for example, or even to whatever elevation the applicant proposes, but only that level the board believes will both provide relief and preserve the integrity of the local ordinance.

*Mudslide (i.e., mudflow)* describes a condition where there is a river, flow or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover, and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain.

*Mudslide-prone area (i.e., mudflow-prone)* means an area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

*New construction* means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

*New 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 homes 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 on or after the effective date of floodplain management regulations adopted by a community.

*Obstruction* includes but is not limited to any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or, due to its location, its propensity to

snare or collect debris carried by the flow of water or its likelihood of being carried downstream.

*One-hundred 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.

*Principal structure* means a structure used for the principal use of the property as distinguished from an accessory use.

*Public safety and nuisances*, related to sections 42-23 through 42-25, mean the granting of a variance must not result in additional threats to public safety or create nuisances. This chapter is intended to help protect the health, safety, well-being, and property of the local citizens. This is a long-range community effort made up of a combination of approaches such as adequate drainage systems, warning and evacuation plans, and keeping new property above the flood levels. These longterm goals can only be met if exceptions to the requirements of this chapter are kept to a bare minimum.

*Recreational vehicle* means a vehicle that is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or fewer when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Regulatory 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 a designated height.

*Riverine* means relating to, formed by, or resembling a river, including tributaries; stream; brook; etc.

*Sheet flow area*. See *Area of shallow flooding*.

*Special flood hazard area (SFHA)* means an area having special flood or flood-related erosion hazards, and shown on ~~an FHBM or the~~ FIRM as zone A, AE, AO, A1—A30, AE, A99, or AH.

*Start of construction* includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*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.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*Substantial improvement* means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions; or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

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

*Water surface elevation* means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, where specified, of floods of various magnitudes and frequencies in the floodplain of coastal or riverine areas.

*Watercourse* means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on, or over which, waters flow at least periodically. The term "watercourse" includes specifically designated areas in which substantial flood damage may occur.

**SECTION 2. Amendment.** Section 42-7 of the Citrus Heights Code is hereby amended to read as set forth below:

**Sec. 42-7. Establishment of areas of special flood hazard.**

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the flood insurance study [for Sacramento County, California and Incorporated Areas](#) dated ~~August 19, 1991~~ [August 16, 2012](#), and the [accompanying Flood Insurance Rate Maps](#) (FIRM), ~~dated August 19, 1991~~, and all subsequent amendments and/or revisions [thereto](#), are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are

recommended to the city council by the floodplain administrator. The study and flood insurance rate maps (FIRMs) are on file in the office of the city engineer, City Hall, ~~6237~~ 6360 Fountain Square Drive, Citrus Heights, CA 95621.

**SECTION 3. Amendment.** Section 42-12 of the Citrus Heights Code is hereby amended to read as set forth below:

**Sec. 42-12. Development permit.**

- (a) A development permit shall be obtained before any construction or other development begins within any area of special flood hazard, area of flood-related erosion hazard or area of mudslide (i.e., mudflow) established in section 42-7.
- (b) Application for a development permit shall be made on forms furnished by the floodplain 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 such.
- (c) Specifically, the following information is required in the application:
  - (1) Proposed elevation, in relation to mean sea level, of the lowest floor, including basement, of all structures; in zone AO~~;~~~~the elevation of the highest adjacent grade and proposed elevation of the lowest floor of all structures;~~
  - (2) Proposed elevation, in relation to mean sea level, of the lowest floor, including basement, of all structures; in zones A1-30, AE and AH;
  - ~~(23)~~ Proposed elevation in relation to mean sea level to which any structure will be floodproof;
  - ~~(34)~~ All appropriate certifications listed in section 42-14(4); and
  - ~~(45)~~ Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

**SECTION 4. Amendment.** Section 42-14 of the Citrus Heights Code is hereby amended to read as set forth below:

**Sec. 42-14. Floodplain administrator's duties and responsibilities.**

The duties and responsibilities of the floodplain administrator shall include but not be limited to the following:

- (1) Review all development permits to determine that:
  - a. The permit requirements of this chapter have been satisfied;
  - b. All other required state and federal permits have been obtained;
  - c. The site is reasonably safe from flooding; and

- d. 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.
- (2) 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 sections 42-15—42-22 when base flood elevation data has not been provided in accordance with section 42-7. Any such information shall be submitted to the city council for adoption.
- (3) Whenever a watercourse is to be altered or relocated:
- a. Notify adjacent communities and the state department of water resources prior to such alternation or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration of the Federal Emergency Management Agency.
  - b. Require that the flood-carrying capacity of the altered or relocated portion of the watercourse is maintained.
  - c. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses indicate changes in base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
  - d. Require applicants who propose alteration of a watercourse to notify adjacent communities and the NFIP State Coordinating Agency, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
- (4) Obtain and maintain for public inspection and make available as needed the following:
- a. The certification required by section 42-15(3)a, which pertains to floor elevations.
  - b. The certification required by section 42-15(3)b, which pertains to elevations in areas of shallow flooding.
  - c. The certification required by section 42-15(3)c, which pertains to elevation or floodproofing of nonresidential structures.
  - d. The certification required by section 42-15(3)c.1 or (3)c.2, which pertains to wet floodproofing standard.
  - e. The certification of elevation required by section 42-17(b), which pertains to subdivision standards.
  - f. The certification required by section 42-20(1), which pertains to floodway encroachments.
  - g. The reports required by section 42-21(d), which pertains to mudflow standards.
- (5) Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards, areas of flood-related erosion hazards or areas of mudslide (i.e., mudflow). 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 42-24.

- (6) Take action to remedy violations of this chapter as specified in section 42-8.

**SECTION 5. Amendment.** Section 42-15 of the Citrus Heights Code is hereby amended to read as set forth below:

**Sec. 42-15. Standards for construction.**

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

- (1) *Anchoring.* Standards for anchoring shall be as follows:
  - a. All new construction, substantial improvements, and other proposed new development shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - b. All manufactured homes shall meet the anchoring standards of section 42-18.
- (2) *Construction materials and methods.* Standards for construction materials and methods shall be as follows:
  - a. All new construction, substantial improvement and other proposed new development shall be constructed with materials and utility equipment resistant to flood damage.
  - b. All new construction, substantial improvement and other proposed new development shall be constructed using methods and practices that minimize flood damage.
  - c. All new construction, substantial improvement and other proposed new development shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.
  - d. Require within zone AH or AO that adequate drainage paths around structures on slopes guide floodwaters around and away from proposed structures.
- (3) *Elevation and floodproofing.* Standards for elevation and floodproofing shall be as follows:
  - a. ~~All New~~ new construction, substantial improvement and other proposed new development within zones AE, and AH shall comply with the applicable requirements of the building code and have the lowest floor, including basement, elevated ~~to or~~ two-feet above the base flood elevation. Nonresidential structures may meet the standards in subsection (3)c of this section. 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 to be

properly elevated by the community building inspector. Such certification or verification shall be provided to the floodplain administrator.

- b. New construction, substantial improvement, and other proposed new development in zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM or at least two feet [above base flood elevation](#) if no depth number is specified. Nonresidential structures may meet the standards in subsection (3)c of this section. 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 to be properly elevated by the community building inspector. Such certification or verification shall be provided to the floodplain administrator.
- c. Nonresidential construction shall either be elevated to conform with subsection (3)a or (3)b of this section or, together with attendant utility and sanitary facilities, shall:
  - 1. Be floodproofed so that, below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water;
  - 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
  - 3. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the floodplain administrator.
- d. Require, for all new construction, substantial improvement and other proposed new development, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement 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 either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - 1. Either 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 shall be provided, 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); or
  - 2. Certification to comply with a local floodproofing standard approved by the Federal Insurance Administration of the Federal Emergency Management Agency.
- e. Manufactured homes shall also meet the standards in section 42-18.

**SECTION 6. Amendment.** Section 42-21 of the Citrus Heights Code is hereby amended to read as set forth below:

**Sec. 42-21. Mudslide-prone areas.**

- (a) The floodplain administrator shall review permits for proposed construction of other development to determine if it is proposed within a mudslide area.
- (b) Permits shall be reviewed to determine that the proposed development is reasonably safe from mudslide hazards. Factors to be considered in making this determination include but are not limited to the following:
  - (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, substantial improvement and other proposed new development shall be adequately designed and protected against mudslide damages;
  - (3) The proposed grading, excavation, new construction, substantial improvement and other proposed new development do not aggravate the existing hazard by creating either on-site or off-site disturbances; and
  - (4) Drainage, planting, watering, and maintenance shall not endanger slope stability.
- ~~(d) Within zone M on the flood insurance rate map, the city shall adopt a drainage ordinance which at least complies with the standards of sections 7001 through 7006 and sections 7008 through 7015 of the most recent amendment of the 1973 Uniform Building Code:~~
  - ~~(1) The location of foundation and utility systems of new construction, substantial improvement and other proposed new development;~~
  - ~~(2) The location, drainage and maintenance of all excavations, cuts and fills and planted slopes;~~
  - ~~(3) Protective measures, including but not limited to retaining walls, buttress fills, subdrains, diverter terraces, benchings, etc.; and~~
  - ~~(4) Engineering drawings and specifications to be submitted for all corrective measures, accompanied by supporting soils engineering and geology reports.~~

**SECTION 7. Amendment.** Section 42-22 of the Citrus Heights Code is hereby amended to read as set forth below:

**Sec. 42-22. Erosion-prone areas.**

- (a) The floodplain administrator shall require permits for proposed construction and other development within all flood-related erosion-prone areas as known to the city.
- (b) Such permits shall be reviewed to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing hazard.
- (c) If a proposed improvement is found to be in the path of flood-related erosion or would increase the erosion hazard, such improvement shall be relocated, or adequate protective measures shall be taken to avoid aggravating the existing erosion hazard.
- (d) ~~Within zone E on the flood insurance rate map, a~~ 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 open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only.

**SECTION 8. Severability.** If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 9. Effective Date and Notice.** This ordinance shall take effect thirty (30) days after its adoption, provided it is published in full or in summary within fifteen (15) days of its adoption, in a newspaper of general circulation published and circulated in the City of Citrus Heights.

**PASSED AND ADOPTED** by the City Council of the City of Citrus Heights this \_\_\_\_ day of \_\_\_\_ 2023 by the following vote:

|                 |                         |
|-----------------|-------------------------|
| <b>AYES:</b>    | <b>Council Members:</b> |
| <b>NOES:</b>    | <b>Council Members:</b> |
| <b>ABSENT:</b>  | <b>Council Members:</b> |
| <b>ABSTAIN:</b> | <b>Council Members:</b> |

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**Tim Schaefer, Mayor**

**ATTEST:**

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**Amy Van, City Clerk**