

TITLE 8: BUILDING AND CONSTRUCTION

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CHAPTER 8.01: GENERAL

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8.01.010 Application of Title.

The provisions of the Title 8 shall apply to all buildings, structures and building service equipment within the City and to all parts thereof except as specifically or by implication otherwise provided in this Title.

(Am. Ord. 76, passed 5-5-1999)

8.01.020 Purpose.

The purpose of this Title is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating the design, construction, quality of materials, use and occupancy, location and maintenance of buildings, equipment structures and grading within the City the electrical, plumbing, heating, comfort cooling and certain other equipment specifically regulated herein; and the moving of buildings within, into, from and through the City.

(Am. Ord. 76, passed 5-5-1999)

8.01.030 Scope.

The provisions of this Title shall apply to the construction, alteration, moving, demolition, repair and use of all buildings, equipment, and structures within the City, except such as is exempted by law from regulation by the City.

Additions, alterations, repairs, moving and changes of use or occupancy in all buildings and structures shall comply with the provisions for new buildings and structures, except as otherwise provided in this Title.

Where in any specific case different sections of this Title specify different materials, methods of construction or installation, or other requirements, those providing the greater safety to life or limb, property or public welfare shall prevail. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(Am. Ord. 76, passed 5-5-1999)

8.01.040 Fees.

(a) Fees authorized by this Title or by a code adopted by reference in this Title, shall be established by resolution of the City in accordance with applicable law.

(b) A permit paid for by check or warrant which is dishonored for any reason shall be automatically revoked.

(Am. Ord. 76, passed 5-5-1999)

8.01.050 Substitutions of References.

Whenever in any of the Uniform Codes adopted in this Title or on or in any other location there appears a reference to the following names or terms, those names or terms shall be deemed and construed as follows, to wit:

(a) "City of" of any other similar reference to a political entity shall mean the incorporated territory of the City of Canyon Lake.

(b) "Director of Building and Safety," "Electrical Safety Engineer," "Administrative Authority" or any other similar term which makes reference to the individual official, board, department or agency created by law to administer and enforce the provisions of the Codes adopted herein shall mean the Building Official and his or her Authorized Assistants.

(c) "City Council" shall mean the City Council of the City of Canyon Lake.
(Am. Ord. 76, passed 5-5-1999)

8.01.060 Copies.

One copy of each uniform code adopted by this Title shall be kept on file in the office of the City Clerk for reference use by the public.
(Am. Ord. 76, passed 5-5-1999)

8.01.070 Administration of Title.

The Building Official shall administer the provisions of this Title.
(Am. Ord. 76, passed 5-5-1999)

8.01.080 Validity of Permits.

Permits required by this Title shall be issued only in accordance with the provisions hereof Any permit issued contrary to the provisions of this Title shall be void and of no force or effect.
(Am. Ord. 76, passed 5-5-1999)

8.01.090 Remedies Cumulative.

Remedies provided to the City for violations of this Title are cumulative with other remedies available to the City, whether set forth in this Title or elsewhere. The conviction and punishment of a person for violating any provision of this Title shall not relieve such person of the obligation to comply herewith in all respects.

(Am. Ord. 76, passed 5-5-1999)

8.01.110 Interpretation, Legal Procedure, and Penalties.

(a) Interpretation. In interpreting and applying the provisions of this Title, said provisions shall be held to be the minimum requirements for the promotion of public health, safety, and general welfare.

(b) Penalties. All respective codes are hereby amended by deleting the sections pertaining to violations and penalties and amending to read as follows:

"It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the City, or cause same to be done, contrary to or in violation of any of the provisions of this code.

Any person, firm, or corporation violating any of the provisions or failing to comply with any of the mandatory requirements of this code shall be guilty of a misdemeanor. Any person, firm, or corporation shall be guilty of a separate offense for each and every day during which any violation of any provision of this Code is committed, continued or permitted. Any violation of this code is a nuisance which may be abated pursuant to the provisions of this Code."

A Notice of Pendency of Administrative Action or Proceeding may be filed in the County Recorder's Office at the time of commencement of action or proceeding or at any time before final judgment or order. The County Clerk shall record and index the pendency of action in the name of each person specified in the action or proceedings. After all

required work has been completed and approved, the Building Official shall cause to be recorded in the Office of the County Recorder a document terminating the above Notice.

In the event that any person, firm, or corporation shall fail, neglect or refuse to demolish, remove, abate or correct a structure or condition existing in violation of this Title upon his or her or its property after a civil court order or criminal conviction obtained pursuant to this Section, the City Council may order the building Official to demolish, remove, abate or correct the offending structure or condition. A statement of the cost of such work shall be transmitted to the City Council who shall cause the same to be paid and levied as a special assessment against the property.
(Am. Ord. 76, passed 5-5-1999)

Board and in the Mayor’s absence the Mayor Pro-Tempore shall preside. Meetings shall be conducted in accordance with the Brown Act.

The Board shall have the right, subject to such limits as the City Council may prescribe by resolution, to employ at the cost and expense of the City, such qualified individuals as the board, in its discretion, may deem reasonable necessary in order to assist it in its investigations and in making its findings and decisions.
(Am. Ord. 76, passed 5-5-1999)

8.01.120 Board of Appeals Created.

All respective Codes are hereby amended by deleting the sections pertaining to the appeals process and amending them to read as follows:

“In order to hear and decide appeals or orders and determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of these Codes, there shall be and there is hereby created a Board of Appeals, consisting of five members, composed of the Mayor and the other members of the City Council. Said members shall hold their respective membership on said Board of Appeals by reason of, and concurrently with their terms of service as Council Members and shall cease to be such members upon their ceasing to be such Council Members. The building Official shall be the Secretary of the Board. The Board may adopt reasonable rules and regulations for conducting its investigations and shall render all its decisions and findings on contested matters, in writing to the building Official, with a duplicate copy thereof to any appellant or contestant affected by any such decision or findings, and may recommend to the City Council such new legislation, if any, as is consistent therewith.”

Three members of the Board shall constitute a quorum. The Mayor shall be the presiding officer of the

CHAPTER 8.02: ADOPTION OF CALIFORNIA MODEL CODES

Section

8.02.010 Construction codes adopted.

8.02.020 Exceptions.

Code of Regulations differ from any sections of the construction codes, State regulations shall prevail over the construction codes.

(Ord. 149, passed 1-8-2014)

8.02.010 Construction codes adopted.

For the purpose of prescribing regulations for erecting, construction, enlargement, alteration, repair, improving, removal, conversion, demolition, occupancy, equipment use, height, and area of buildings and structures, the following construction codes subject to the modifications set forth in this Chapter, are hereby adopted: the California Building Code, 2013 Edition, including Chapter 1 Division II, based on the 2012 International Building Code as published by the International Code Council; the California Residential Code, 2013 Edition, based on the 2012 International Residential Code as published by the International Code Council; the California Green Building Standards Code, 2013 Edition; the California Plumbing Code, 2013 Edition, based on the 2012 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials; the California Mechanical Code, 2013 Edition, based on the 2012 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials; the California Electrical Code, 2013 Edition, based on the 2011 National Electrical Code as published by the National Fire Protection Association; the International Property Maintenance Code, 2012 Edition, as published by the International Code Council; the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, as published by the International Code Council. The provisions of these construction codes as amended by this Chapter shall constitute the Building Regulations of the City of Canyon Lake. Where the California Code of Regulations and State Building Standards

8.02.020 Exceptions.

Exemptions from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction. A permit shall not be required for masonry or concrete fences or retaining walls not over three feet high.

(Ord. 149, passed 1-8-2014)

CHAPTER 8.03: RESERVED

CHAPTER 8.05: RESERVED

CHAPTER 8.06: RESERVED

CHAPTER 8.12: ADOPTION OF CALIFORNIA FIRE CODE, AS AMENDED

Section

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| 8.12.010 | Definitions. | (e) “Fire Chief.” The Fire Chief of Canyon Lake as determined by the City or the Fire Chief’s designee. |
| 8.12.020 | Department of Fire Prevention. | |
| 8.12.030 | General authority and responsibilities. | (f) “Fire Department.” The City or County Fire Department under its contract with the City, as applicable. |
| 8.12.040 | Violation penalties. | |
| 8.12.050 | Sky lanterns or similar devices. | |
| 8.12.060 | Fire safety and evacuation plans. | |
| 8.12.070 | Fire apparatus access roads. | |
| 8.12.080 | Access to building openings and roofs. | (g) “Fire Protection Engineer.” A professional engineer with the education and experience to understand the engineering problems related to safeguarding life and property from fire and fire-related hazards, to identify, evaluate, correct or prevent present or potential fire and fire-related panic hazards in buildings, groups of buildings, or communities, and to recommend the arrangement and use of fire resistant building materials and fire detection and extinguishing systems, devices, and apparatus in order to protect life and property. |
| 8.12.090 | Fire protection water supplies. | |
| 8.12.100 | Fire command center. | |
| 8.12.110 | Mechanical refrigeration. | |
| 8.12.120 | Automatic sprinkler systems. | |
| 8.12.130 | Designation of high-piled storage areas. | |
| 8.12.140 | Fire hazard severity zones. | |
| 8.12.150 | Appendices to California Fire Code. | |
| 8.12.160 | Violation and penalties. | |

8.12.010 Definitions.

Section 202 of the California Fire Code is amended to add the following definitions:

- (a) “City Council.” The City Council of the City of Canyon Lake.
- (b) “Building Official.” City Building and Safety Director or his designee(s).
- (c) “California Fire Code.” The 2013 Fire Code part of the California Building Standard Code, also known as California Code of Regulations, Title 24, Part 9.
- (d) “California Residential Code.” California Code of Regulations, Title 24, Part 2.5.

(h) “Hazardous Fire Area.” Private or public land not designated as State or local fire hazard severity zone (FHSZ) which is covered with grass, grain, brush or forest and situated in a location that makes suppression difficult resulting in great damage. Such areas are designated on Hazardous Fire Area maps filed with the office of the Fire Chief.

(I) “Sky Lantern.” An airborne lantern typically made of paper, Mylar, or other lightweight material with a wood, plastic, or metal frame containing a candle, fuel cell, or other heat source that provides buoyancy.
(Ord. 150, passed 2-5-2014)

8.12.020 Department of Fire Prevention.

A new Section 103.4.2 is added to Section 103.4 of the California Fire Code to read as follows:

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“103.4.2 Cost Recovery. Fire suppression, investigation, rescue or emergency medical costs are recoverable in accordance with Health and Safety Code Sections 13009 and 13009.1, as amended. Additionally, any person who negligently, intentionally or in violation of law causes an emergency response, including, but not limited to, a traffic accident, spill of toxic or flammable fluids or chemicals is liable for the costs of securing such emergency, including those costs pursuant to Government Code Section 53150 et seq., as amended. Any expense incurred by the Riverside County Fire Department under its contract with the City or with the City itself for securing such emergency shall constitute a debt of such person and shall be collectable by Riverside County or the City in the same manner as in the case of an obligation under contract, express or implied.”

(Ord. 150, passed 2-5-2014)

8.12.030 General authority and responsibilities.

(a) A new Section 104.2.1 is added to Section 104.2 of the California Fire Code to read as follows:

“104.2.1 Fees. Fees for services and permits shall be as set forth in a resolution adopted by the City Council.”

(b) A new Section 104.3.2 is added to Section 104.3 of the California Fire Code to read as follows:

“104.3.2 Authority of the Fire Chief and Fire Department.

1. The Fire Chief is authorized and directed to enforce all applicable State fire laws and provisions of this Chapter and to perform such duties as directed by the City Council or their designees.

2. The Fire Chief is authorized to administer, interpret and enforce the provisions of this Chapter. The persons identified in 3, below are authorized to enforce ordinances of the City pertaining to the following:

The prevention of fires.

The suppression or extinguishment of dangerous or hazardous fires.

The storage, use and handling of hazardous materials.

The installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment.

The maintenance and regulation of fire escapes.

The maintenance of fire protection and the elimination of fire hazards on land, in buildings, structures and other property, including those under construction.

The maintenance of means of egress.

The investigation of the cause, origin and circumstances of fire and unauthorized releases of hazardous materials.

3. The following persons are hereby authorized to interpret and enforce the provisions of this Chapter and to make arrests and issue citations (including but not limited to administrative citations) as authorized by law:

The Unit Chief, Peace Officers and Public Officers of the California Department of Forestry and Fire Protection.

The Fire Chief, Peace Officers and Public Officers of the Riverside County Fire Department.

The Riverside County Sheriff and any deputy sheriff.

The Police Chief and any Police Officer of the City.

Officers of the California Highway Patrol.

City Code Enforcement Officers.

Nothing in this Chapter shall be construed to remove the ultimate authority of the City Council of the City to determine the extent and level of fire services.”

(c) A new Section 104.12 is added to Section 104 of the California Fire Code to read as follows:

“104.12 Authority of the Fire Chief. Except upon National Forest Land, the Fire Chief is authorized to determine and announce the closure of any hazardous fire area or portion thereof within the City. Any closure by the Fire Chief for a period of more than fifteen (15) calendar days must be approved by the Board of Supervisors and/or City Council, whichever has jurisdiction, within fifteen (15) calendar days of the Fire Chief’s original order of closure. Upon such closure, no person shall go in or be upon any hazardous fire area, except upon the public roadways and inhabited areas. During such closure, the Fire Chief shall erect and maintain at all entrances to the closed area sufficient signs giving notice of closure. This section shall not prohibit residents or owners of private property within any closed area, or their invitees, from going in or being upon their lands. This section shall not apply to any entry, in the course of duty, by a peace officer, duly authorized public officer or Fire Department personnel.”

(Ord. 150, passed 2-5-2014)

8.12.040 Violation penalties.

Section 109.4 of the California Fire Code is not adopted.
(Ord. 150, passed 2-5-2014)

8.12.050 Sky lanterns or similar devices.

Section 308.1.6 of the California Fire Code is amended to add the following new section:

“Section 308.1.6.3 Sky lanterns or similar devices. The ignition and/or launching of a sky lantern or similar device is prohibited.

Exception: Upon approval of the fire code official, sky lanterns may be used as necessary for religious or cultural ceremonies providing that adequate safeguards have been taken as approved by the fire code official. Sky lanterns must be tethered in a safe manner to prevent them from leaving the area and must be constantly attended until extinguished.”

(Ord. 150, passed 2-5-2014)

8.12.060 Fire safety and evacuation plans.

Section 404.2 of the California Fire Code is amended to add the following:

“15. Windowless buildings having an occupant load of fifty (50) or more.”

(Ord. 150, passed 2-5-2014)

8.12.070 Fire apparatus access roads.

Section 503 of the California Fire Code is adopted in its entirety with the following amendments:

(a) Section 503.1.1 of the California Fire Code is amended to add the following exception:

“Exception. Where approved by the fire code official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.”

(b) Section 503.2.2 of the California Fire Code is hereby amended to read as follows:

“503.2.2 Authority. The fire code official shall be the only authority authorized to designate fire apparatus access roads, fire lanes and modify the minimum fire lane access widths for fire or rescue operations.”

(c) Section 503.3 of the California Fire code is deleted in its entirety and replaced with the following:

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“503.3 Marking. Fire apparatus access roads, where required, shall be identified by curbs painted red on both the top and face along the entire length of the fire apparatus access road. Where no curb exists or a rolled curb is installed, a six (6) inch wide red strip shall be applied the full length of the fire apparatus access road or approved posted signs shall be installed in accordance with the Riverside County Fire Department Standards.

Exception: On school grounds this requirement shall be implemented as approved by the Fire Chief.”

(d) A new Section 503.7 is added to Section 503 of the California Fire Code to read as follows:

“503.7 Loading areas and passenger drop-off areas. On private properties, where fire apparatus access roads are utilized for loading or unloading or utilized for passenger drop-off or pick-up, an additional eight (8) feet of width shall be added to the minimum required width for the apparatus access road.”

(Ord. 150, passed 2-5-2014)

8.12.080 Access to building openings and roofs.

Section 504.1 of the California Fire Code is amended to add the following language to the end of the first paragraph:

“Where ground ladder access is the only means to reach the highest point on the building, the finished grade on all exterior sides of buildings shall be flat and free of any obstructions that would interfere with ground ladder placement, or as approved by the Fire Code Official. This distance from the building to finished grade shall be determined by the Fire Chief.”

(Ord. 150, passed 2-5-2014)

8.12.090 Fire protection water supplies.

(a) Section 507.5.5 of the California Fire Code is amended to add the following language:

“507.5.5 Clear space around hydrants. A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants, Fire Department connections, exterior fire protection system control valves, or any other exterior fire protection system component that may require immediate access, except as otherwise required or approved.”

(b) A new Section 507.5.7 is added to Section 507 of the California Fire Code to read as follows:

“507.5.7 Fire hydrant size and outlets. Fire hydrant size and outlets shall be required as determined by the fire code official.

1. Residential Standard - one (1) four (4) inch outlet, and one (1) two and one-half (2-1/2) inch outlet.
2. Super Hydrant Standard - one (1) four (4) inch outlet, and two (2) two and one-half (2-1/2) inch outlets.
3. Super Hydrant Enhanced - two (2) four (4) inch outlets, and one (1) two and one-half (2-1/2) inch outlet.”

(c) A new Section 507.5.8 is added to Section 507 of the California Fire Code to read as follows:

“507.5.8 Fire hydrant street marker. Fire hydrant locations shall be visually indicated in accordance with Riverside County Fire Department Std. 06-11. Any hydrant marker damaged or removed during the course of street construction or repair shall be immediately replaced by the contractor, developer, or person responsible for the removal or damage.”

(Ord. 150, passed 2-5-2014)

8.12.100 Fire command center.

(a) Section 508.1 of the California Fire Code is amended as follows:

“Where required by other sections of this code and in all buildings classified as high-rise buildings by the California Building Code, and buildings greater than 300,000 square feet in area, and Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of Fire Department vehicle access, a fire command center for Fire Department operations shall be provided and shall comply with Sections 508.1 through 508.1.5.”

(b) Section 508.1.3 of the California Fire Code is amended to add the following exception as follows:

“Exception: When solely required due to building area greater than 300,000 square feet, the fire command center shall be a minimum of 96 square feet (9 m²) with a minimum dimension of 8 feet (2,438 mm).”

(c) Section 508.1.5 of the California Fire Code is amended to add the following exception as follows:

“Exception: When solely required due to building area greater than 300,000 square feet, the fire command center shall comply with NFPA 72 and contain features 5, 8, 10, 12, 13 and 14. All other features shall be provided only when the building contains the respective system/functionality.”

(Ord. 150, passed 2-5-2014)

8.12.110 Mechanical refrigeration.

Section 606.10.1.2 of the California Fire Code is amended to read as follows:

“606.10.1.2 Manual operation. When required by the fire code official, automatic crossover valves shall be capable of manual operation. The manual valves shall be located in an approved location immediately outside of the machinery room, in a secure metal box or equivalent and marked as emergency controls.”

(Ord. 150, passed 2-5-2014)

8.12.120 Automatic sprinkler systems.

(a) Section 903.2 of the California Fire Code is deleted in its entirety and replaced with the following:

“903.2 Where required. In all new buildings and structures which are 3,600 square feet or greater an approved automatic sprinkler system shall be provided regardless of occupancy classification. Where the California Fire Code is requiring more restrictive requirements in Sections 903.2.1, 903.2.1.1, 903.2.1.2, 903.2.1.3, 903.2.1.4, 903.2.1.5, 903.2.2, 903.2.3, 903.2.4, 903.2.5, 903.2.5.2, 903.2.6, 903.2.7, 903.2.8, 903.2.9, 903.2.10, 903.2.11.6, 903.2.16, 903.2.18, the more restrictive requirement shall take precedence. The following exceptions in the California Fire Code shall not be allowed:

Exception in Section 903.2.3

Exception in Section 903.2.6

Exception in Section 903.2.11.3.

(b) Exception in 903.2.11.1. One and two-family dwellings shall have an automatic fire sprinkler system regardless of square footage in accordance with the California Residential Code. Fire sprinkler systems shall be installed in all mobile homes, manufactured homes and multifamily manufactured homes manufactured after April 30, 2011 with two dwelling units in accordance with Title 25 of the California Code of Regulations.”

(c) Section 903.3.5.3 of the California Fire Code is added as follows:

“903.3.5.3 Hydraulically calculated systems. The design of hydraulically calculated fire sprinkler systems shall not exceed 90% of the water supply capacity.”

(Ord. 150, passed 2-5-2014)

8.12.130 Designation of high-piled storage areas.

A new section is added to Section 3204.2 of the California Fire Code to read as follows:

“3204.2.1 Minimum requirements for client leased or occupant owned warehouses. Designs of an automatic sprinkler system for client leased or occupant owned buildings containing high pile storage shall be based on the requirements of NFPA 13. The responsible fire protection engineer shall perform a survey of the building to determine commodity classification, storage configuration, building height and other information related to the development of an appropriate sprinkler system design. The fire protection engineer shall also make reasonable efforts to meet with the building owner or operator to understand seasonal or customer related fluctuations to the stored commodities, storage height, and configuration. The sprinkler design shall be based on the most demanding requirements determined through the onsite survey and discussions with the building owner or operator. The technical report shall describe the basis for determining the commodity and sprinkler design selection, how the commodities will be isolated or separated, and include referenced design document(s), including NFPA 13 or the current applicable factory mutual data sheets. If a specific fire test is used as the basis of design, a copy of the fire test report shall be provided at the time of plan review.”

(Ord. 150, passed 2-5-2014)

8.12.140 Fire hazard severity zones.

A new Section is added to Section 4904 of the California Fire Code to read as follows:

“4904.3 High Fire Hazard Severity Zone Maps. In accordance with Government Code Sections 51175 through 51189, Very High Fire Hazard Severity Zones are designated as shown on a map titled Very High Fire Hazard Severity Zones, dated April 8, 2010 and retained on file at the office of the Fire Chief and supersedes other maps previously adopted by Riverside County designating high fire hazard areas.”

(Ord. 150, passed 2-5-2014)

8.12.140 Appendices to California Fire Code.

The appendices to the California Fire Code are adopted in their entirety except as to the following:

(a) Appendix B. Exception 1 of Section BI05.2 is amended to read as follows:

“Exception 1: A reduction in required fire-flow of up to 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting fire-flow shall not be less than 1,500 gallons per minute (5,678 L/min) for the prescribed duration as specified in Table B105.1”

(b) Appendix C. Section C102.1 Fire hydrant locations is amended to read as follows:

“Fire hydrants shall be provided at street intersections and along required fire apparatus access roads and adjacent public streets.”

(c) Appendix D. Appendix D shall not be adopted.

(d) Appendix I. Appendix I shall not be adopted.

(e) Appendix J. Appendix J shall not be adopted.

(f) Appendix K. Appendix K shall not be adopted.

(Ord. 150, passed 2-5-2014)

8.12.160 Violation and penalties.

It shall be unlawful for any person, firm, corporation or association of persons to violate any provision of this Chapter, or to violate the provisions of any permit granted pursuant to this Chapter. Punishments and penalties for violations shall be in accordance with Health and Safety Code Sections 17995 through 17995.5, as well as through administrative citation or any other legally available means.

(Ord. 150, passed 2-5-2014)

CHAPTER 8.20: RESERVED

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CHAPTER 8.25: EXPEDITED STREAMLINE PERMIT PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

Sections:

- 8.25.010 Purpose and intent.
- 8.25.020 Definitions.
- 8.25.030 Applicability; preemption of association authority.
- 8.25.040 Rooftop solar energy system requirements.
- 8.25.050 Application and documents.
- 8.25.060 Permit review.
- 8.25.070 Inspection requirements.
- 8.25.080 Fees for rooftop solar systems.

(c) “City business days” shall mean those on which the City's Building and Safety Department is open.

(d) “Checklist” means a checklist of rooftop solar energy system requirements based on the adopted City codes provided to the applicant for guidance in preparation of plans for a rooftop solar energy system package.

(e) “Electronic submittal” means the utilization of electronic e-mail, internet or facsimile.

(f) “Reasonable restrictions” on a rooftop solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

(g) “Small residential rooftop solar energy system” means all of the following:

(1) A rooftop solar energy system that is no larger than ten kilowatts alternating current nameplate rating of 30 kilowatts thermal.

(2) A rooftop solar energy system that conforms to all applicable State fire, structural, electrical, and other building codes as adopted or amended by the City, and all State and City health and safety standards.

(3) A rooftop solar energy system that is installed on a single-family or two-family dwelling units.

8.25.010 Purpose and intent.

The purpose and intent of this chapter is to provide an expedited streamlined rooftop solar permitting process that complies with the Solar Rights Act and Assembly Bill 2188, (Chapter 521, Statutes 2014, Government Code, Section 65850.5) in order to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This chapter encourages the use of rooftop solar systems by removing unreasonable barriers, minimizing costs to property owners and the City and expanding the ability of property owners to install rooftop solar energy systems. This chapter allows the City to achieve these goals while protecting the public health and safety.

(Ord. 163, passed 8-12-2015)

8.25.020 Definitions.

As used in this chapter:

(a) “Association” shall mean the Canyon Lake Property Owners Association.

(b) “Building Official” shall mean the contract official designated by the City.

(4) A rooftop solar panel or modular array that does not exceed the maximum legal building height as defined by the City.

(h) “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(i) “Standard plans” means plans provided by the California Solar Permitting Guidebook that are provided to the applicant to assist with expedited rooftop solar energy system plan submittals.

(j) “Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specific performance” means:

(1) For water heater systems or solar swimming pool heating systems: an amount exceeding 10% of the cost of the system, but in no case more than \$1,000, or decreasing the efficiency of the solar energy system by an amount exceeding 10%, as originally specified and proposed.

(2) For photovoltaic systems: an amount not to exceed \$1,000 over the system cost as originally specified and proposed, or decrease in efficiency of an amount exceeding 10% as originally specified and proposed.

(Ord. 163, passed 8-12-2015)

8.25.030 Applicability; preemption of association authority.

(a) This chapter applies to the permitting of all small residential rooftop solar systems in the City.

(b) Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this chapter codified are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type or components of a small rooftop solar energy system in such a way as to

require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

(c) This chapter supersedes any requirements of the association.

(Ord. 163, passed 8-12-2015)

8.25.040 Rooftop solar energy system requirements.

(a) Rooftop solar energy systems shall meet applicable health and safety standards and requirements imposed by the State and the City.

(b) Rooftop solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronic Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of Public Utilities Commission regarding safety and reliability.

(c) Upon confirmation by the Building Official of the application and supporting documentation being complete and meeting the requirements of the checklist, the Building Official shall administratively approve the application and issue all required permits or authorizations. Such approval does not authorize an applicant to connect the small residential rooftop energy system to the utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider. The applicant is responsible for coordination of any connection to the provider's electrical grid.

(Ord. 163, passed 8-12-2015)

8.25.050 Applications and documents.

(a) The Building and Safety Division shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.

(b) All documents required for the submission of an expedited rooftop solar system application shall be

**Expedited Streamline Permit Process for
Small Residential Rooftop Solar Energy Systems**

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made available on the City website, specifically including all required permitting documents. To the extent possible, the City shall provide for electronic submission of such documents from the website, including the use of electronic signatures.

(c) The small residential rooftop solar energy system permit process, permit fees, standard plans, and checklists shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.
(Ord. 163, passed 8-12-2015)

8.25.060 Permit review.

(a) The City shall implement an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems. Review of a completed application shall be limited to the Building Official's review of whether the application meets local, State, and Federal health and safety requirements.

(1) If an application is deemed incomplete, a written corrections notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

(b) In coordination with the Planning Department, the Building Official shall issue a building permit, the issuance of which is nondiscretionary, within three City business days for electronic applications upon receipt of a completed application that meets the requirements of the approval checklist and standard plans.

(c) The Building Official may require an applicant to apply for a conditional use permit if the Building Official finds, based on substantial evidence, that the rooftop solar energy system could have a specific, adverse impact upon the public health and safety.

(1) If a conditional use permit is required, the City may deny such application if it makes written findings based upon substantive evidence in the record that the proposed installation would have a specific adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact.

(2) Such decisions may be appealed to the City Council pursuant to the provisions of the conditional use permit process, as that may be revised from time to time.

(d) Any condition imposed on an applicant shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.
(Ord. 163, passed 8-12-2015)

8.25.070 Inspection requirements.

(a) Rooftop solar energy system inspection shall be performed in a timely manner after 24 hours' prior written notice to the applicant. Alternatively, within five City business days. The inspector shall make every attempt to notify the applicant of the time the inspection will be performed within a two-hour window by a phone call or email communication.

(b) If a small residential rooftop solar energy system fails inspection or is not ready for inspection, a subsequent inspection is authorized.

(c) Consolidation of inspections. To the extent possible, the Building and Safety Department and the Fire Department shall consolidate the initial inspection.
(Ord. 163, passed 8-12-2015)

8.25.080 Fees for rooftop solar systems.

The City shall establish fees for the permitting and inspection of rooftop solar systems pursuant to this chapter. A re-inspection fee may be assessed to an applicant if the solar project was not ready for the scheduled inspection.
(Ord. 163, passed 8-12-2015)

CHAPTER 8.30: SAFETY ASSESSMENT PLACARDS

Sections:

- 8.30.010 Purpose.
- 8.30.020 Definitions.
- 8.30.030 Official placards.
- 8.30.040 Violation.
- 8.30.050 Penalties.

8.30.010 Purpose.

This Chapter establishes standard placards to be used to indicate the condition for continued occupancy of a building or structure after a disaster or other type of damage. It also authorizes the Building Official to post the appropriate placard at each entry point to each building or structure upon completion of a safety assessment.

(Ord. 119, passed 6-3-2009)

8.30.020 Definitions.

As used in this Chapter, the following words and phrases shall have the meanings set out here:

(a) "Building Official" shall mean the Building Official for the City of Canyon Lake and his/her designee.

(b) "Building" or "Structure" means any building or structure for any type of occupancy located in the City.

(c) "Safety assessment" means a visual, non-destructive examination of a building or structure to assess its condition for continued occupancy. A safety assessment may be performed by the Building Official when he/she has reasonable evidence that a structure may have suffered damage from natural or manmade causes.

(Ord. 119, passed 6-3-2009)

8.30.030 Official placards.

(a) The following language must be used to indicate the condition of a building or structure for continued occupancy.

(1) **INSPECTED - Lawful Occupancy Permitted** is to be posted on any building or structure when no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building structures.

(2) **RESTRICTED USE** is to be posted on each building or structure that has been damaged when the damage has resulted in some form of restriction on continued occupancy. The Building Official will note in general terms the type of damage seen and clearly and concisely note the restrictions on continued occupancy.

(3) **UNSAFE - Do Not Enter or Occupy** is to be posted on each building or structure that has been damaged to the extent that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the Building Official. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered.

(b) In addition to the language set out above, each placard shall have the following information:

CANYON LAKE MUNICIPAL CODE
CHAPTER 8
31516 Railroad Canyon Road,
Canyon Lake, CA 92587
(951) 244-2955

Forms of the placards described above are on file in the Building and Safety Department and in the City Clerk's office.

(c) Once it has been attached to a building or structure, a placard is not to be removed, altered, or covered until done so by an authorized representative of the Building Official. It shall be unlawful for any person, firm or corporation to alter, remove, cover, or deface a placard unless authorized pursuant to this Chapter.

(Ord. 119, passed 6-3-2009)

8.30.040 Violation.

(a) It shall be a violation of this Code for any person, firm, or corporation to alter, remove, cover or deface a placard once affixed to a building or structure.

(b) It shall be a violation of this Code for any person, firm or corporation to refuse or fail to comply with any of the requirements of this Chapter.

(c) Each and every day during any portion of which any violation of any of the provisions of this Chapter shall be deemed a separate offense.

(Ord. 119, passed 6-3-2009)

8.30.050 Penalties.

The City may enforce this Chapter through any legally available means, including but not limited to administrative citation.

(Ord. 119, passed 6-3-2009)

CHAPTER 8.35: FLOODPLAIN MANAGEMENT REGULATIONS

Section

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- 8.35.020 Findings of fact.
- 8.35.030 Statement of purpose.
- 8.35.040 Methods of reducing flood losses.
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- 8.35.200 Designation of the Floodplain Administrator.
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Provisions for Flood Hazard Reduction

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- 8.35.350 Floodways.
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Variance Procedure

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GENERAL PROVISIONS

8.35.010 Statutory authorization.

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Canyon Lake does hereby adopt the following floodplain management regulations. This Chapter meets and exceeds the minimum standards for the State of California, as recommended by FEMA, and as requested in coordination with the Engineer for the Property Owner's Association. (Ord. 153, passed 9-17-2014)

8.35.020 Findings of fact.

(a) The flood hazard areas of Canyon Lake are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

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(b) These flood losses are caused by uses that are inadequately elevated, flood-proofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contributes to flood losses.

(c) This Chapter meets and exceeds the minimum standards for the State of California, as recommended by FEMA, and as requested in coordination with the Engineer for the Property Owner's Association. Community adoption of higher standards can be applied towards credit under the Community Rating System (CRS) program and result in reduced premiums for all flood insurance policy holders within the entire community.
(Ord. 153, passed 9-17-2014)

8.35.030 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 legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood-prone, mudslide [i.e., mudflow] or flood related erosion areas. These regulations are designed to:

- (a) Protect human life and health;
- (b) Minimize expenditure of public money for costly flood control projects;
- (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) Minimize prolonged business interruptions;
- (e) Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
- (f) Help maintain a stable tax base by providing for the sound use and development of areas of special

flood hazard so as to minimize future blighted areas caused by flood damage;

(g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and

(h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Ord. 153, passed 9-17-2014)

8.35.040 Methods of reducing flood losses.

In order to accomplish its purposes, this Chapter includes regulations to:

(a) Restrict or prohibit 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) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

(d) Control filling, grading, dredging, and other development which may increase flood damage; and

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

8.35.050 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 zone.” See “Special flood hazard area.”

“Accessory structure” means a structure that is either:

- (1) Solely for the parking of no more than two cars or boats; or
- (2) A small, low cost shed for limited storage, less than 150 square feet and \$1,500 in value.

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

“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. See Appendix at the end of this Chapter.

“Apex” means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

“Appendix” or “Appendices” means those additional and specific requirements suggested in FEMA’s Model Flood Plain Ordinance and set out in the Appendix at the end of this Chapter.

“Appeal” means a request for a review of the Floodplain Administrator’s interpretation of any provision of this Chapter.

“Area of special mudslide (i.e., mudflow) hazard” is the area subject to severe mudslides (i.e., mudflows). The area is designated as Zone M on the Flood Insurance Rate Map (FIRM).

“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” is the land within a community which is most 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).

“Base flood” means a flood which has a 1% chance of being equaled or exceeded in any given year (also called the “100-year flood”). Base flood is the term used throughout this Chapter.

“Base flood elevation” (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1% or greater chance of being equaled or exceeded in any given year.

“Basement” means any area of the building having its floor subgrade - i.e., below ground level - on all sides.

“Building.” See “Structure.”

“City” means the City of Canyon Lake.

“Development” means any man-made 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 which may impede or alter the flow capacity of a floodplain.

“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 January 7, 1998.

“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).

“Flood, flooding, or flood water” means:

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and

(2) The condition resulting from flood-related erosion.

“Flood Boundary and Floodway Map (FBFM)” 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 floodway.

“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 or flood-prone area” means any land area susceptible to being inundated by water from any source. See “Flooding.”

“Floodplain Administrator” is the community official designated by title to administer and enforce the floodplain management regulations, in this case the City Engineer.

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain management regulations” means this Chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes Federal, State or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

“Flood-proofing” 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. For guidelines on dry and wet flood-proofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

“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 level 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 unusually and unforeseeable event which results in flooding.

“Flood-related erosion area” or “Flood-related erosion-prone area” means 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 fringe” is that area of the floodplain on either side of the “regulatory floodway” where encroachment may be permitted.

“Fraud and victimization” as related to Sections 8.35.500 through 8.35.520, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City Council 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.

“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, and does not include long-term storage or related manufacturing facilities.

“Governing body” is the local governing unit (the City) that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

“Hardship” as related to Sections 8.35.500 through 8.35.520 means the exceptional hardship that would

result from a failure to grant the requested variance. The City Council 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 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.

“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 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 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; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that 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 without approved programs.

“Levee” means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to

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contain, control or divert the flow of water so as to provide protection from temporary flooding.

“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.

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement. (See “Basement” definition).

(1) An unfinished or flood resistant enclosure below the lowest floor that is 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 it conforms to applicable non-elevation design requirements, including, but not limited to:

(A) The flood openings standard in Section 8.35.300(c)(3);

(B) The anchoring standards in Section 8.35.300(a);

(C) The construction materials and methods standards in Section 8.35.300(b); and

(D) The standards for utilities in Section 8.35.310.

“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.

“Market value” shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed.

(1) The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry.

(2) The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the Floodplain Administrator, but shall not include economic or other forms of external obsolescence.

Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

“Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

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

“New construction,” for floodplain management purposes, means structures for which the “start of construction” commenced on or after January 7, 1998, 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 January 7, 1998.

“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” or “100-year flood.” See “Base flood.”

AProgram deficiency@ means a defect in a community=s floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

APublic safety and nuisance@ as related to Sections 8.35.500 through 8.35.520, means that the granting of a variance must not result in anything which is injurious to safety or 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.

ARecreational vehicle@ means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less 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.

ARegulatory 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.

ARemedy 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 this Chapter or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

ARiverine@ means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

ASheet flow area.@ See AArea of shallow flooding.@

ASpecial flood hazard area (SFHA)@ means an area in the floodplain subject to a 1% or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

AStart 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 manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of seawalls, 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, shade structures 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.

AStructure@ means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home, and excludes shade structures, boat shade structures, and boat docks that are exempt from the CLOMR/LOMR process.

ASubstantial damage@ means:

(1) 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% of the market value of the structure before the damage occurred; or

(2) Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred. This is also known as Arepetitive loss.@

ASubstantial improvement@ means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the Astart of construction@ of the improvement. This term includes structures which have incurred Asubstantial 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 assure safe living conditions; or

(2) Any alteration of a Ahistoric structure,@ provided that the alteration will not preclude the structure=s continued designation as a Ahistoric structure.@

AVariance@ means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this Chapter.

AViolation@ means the failure of a structure or other development to be fully compliant with this Chapter. 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.

AWater surface elevation@ means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

AWatercourse@ means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.
(Ord. 153, passed 9-17-2014)

8.35.060 Lands to which this Chapter applies.

This Chapter shall apply to all areas of special flood hazards within the jurisdiction of Canyon Lake.
(Ord. 153, passed 9-17-2014)

8.36.070 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the AFlood Insurance Study (FIS) for Canyon Lake dated as of the effective date of this Chapter, with accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs),

dated as of the effective date of this Chapter 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 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, FIRMs and FBFMs are on file at the City offices.

(Ord. 153, passed 9-17-2014)

8.35.080 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. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation.

(Ord. 153, passed 9-17-2014)

8.35.090 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.

(Ord. 153, passed 9-17-2014)

8.35.100 Interpretation.

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

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and

(c) Deemed neither to limit nor repeal any other powers granted under State statutes.

(Ord. 153, passed 9-17-2014)

8.35.110 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 man-made 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 Council any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

(Ord. 153, passed 9-17-2014)

8.35.110 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 this Chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

(Ord. 153, passed 9-17-2014)

ADMINISTRATION

8.35.200 Designation of the Floodplain Administrator.

The City Engineer is hereby appointed to administer, implement, and enforce this Chapter by granting or denying development permits in accord with its provisions and is the Floodplain Administrator.

(Ord. 153, passed 9-17-2014)

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8.35.210 Duties and responsibilities of the Floodplain Administrator.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

(a) Permit review. Review all development permits to determine:

(1) Permit requirements of this Chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;

(2) All other required State and Federal permits have been obtained;

(3) The site is reasonably safe from flooding;

(4) 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. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the City of Canyon Lake; and

(5) All Letters of Map Revision (LOMRs) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on Conditional Letters of Map Revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the Astart of construction@ definition.

(b) Development of substantial improvement and substantial damage procedures.

(1) Using FEMA publication FEMA 213, AAnswers to Questions About Substantially Damaged Buildings,@ develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining Amarket value.@

(2) Assure procedures are coordinated with other departments/divisions and implemented by community staff.

(c) Review, use and development of other base flood data.

(1) When base flood elevation data has not been provided in accordance with Section 8.35.070, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal or State agency, or other source, in order to administer Sections 8.35.300 through 8.35.370.

(2) NOTE: Based on locally accepted information, Canyon Lake has established a Base Flood Elevation (BFE) of 1395.3.

(d) Notification of other agencies.

(1) Alteration or relocation of a watercourse:

(A) Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;

(B) Submit evidence of such notification to the Federal Emergency Management Agency; and

(C) Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

(2) Base flood elevation changes due to physical alterations.

(A) Within six months of information becoming available or project completion, whichever comes first, the Floodplain Administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).

(B) All LOMRs for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on

Conditional Letters of Map Revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the Astart of construction@ definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

(3) Changes in corporate boundaries. Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

(e) Documentation of floodplain development. Obtain and maintain for public inspection and make available as needed the following:

(1) Certification required by Sections 8.35.300(c)(1) and Section 8.35.330 (lowest floor elevations);

(2) Certification required by Section 8.35.300(c)(2) (elevation or flood-proofing of nonresidential structures);

(3) Certification required by Section 8.35.300(c)(3) (wet flood-proofing standard);

(4) Certification of elevation required by Section 8.35.320(a)(3) (subdivisions and other proposed development standards);

(5) Certification required by Section 5.35.350 (floodway encroachments); and

(6) Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

(f) Map determination. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, 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 8.35.230.

(g) Remedial action. Take action to remedy violations of this Chapter as specified in Section 8.35.080.

(h) Biennial report. Complete and submit biennial report to FEMA.

(I) Planning. Assure community=s General Plan is consistent with floodplain management objectives herein.

(j) Non-conversion of enclosed areas below the lowest floor. To ensure that the areas below the BFE shall be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation without first becoming fully compliant with the floodplain management ordinance in effect at the time of conversion, the Floodplain Administrator shall:

(1) Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are five feet or higher;

(2) Enter into a Anon-conversion agreement for construction within flood hazard areas@ or equivalent with the City of Canyon Lake. The agreement shall be recorded with the Riverside County Recorder as a deed restriction. The non-conversion agreement shall be in a form acceptable to the Floodplain Administrator and County Counsel; and

(3) Have the authority to inspect any area of a structure below the base flood elevation to ensure compliance upon prior notice of at least 72 hours. (Ord. 153, passed 9-17-2014)

8.35.220 Development permit.

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Section 8.35.070. Application for

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a development permit shall be made on forms furnished by the City of Canyon Lake. The applicant shall provide the following minimum information:

(a) Plans in duplicate, drawn to scale, showing:

(1) Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;

(2) Proposed locations of water supply, sanitary sewer, and other utilities;

(3) Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;

(4) Location of the regulatory floodway when applicable;

(5) Base flood elevation information as specified in Section 8.35.070 or Section 8.35.210(c);

(6) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and

(7) Proposed elevation in relation to mean sea level to which any nonresidential structure will be flood-proofed, as required in Section 8.35.300(c)(2) and detailed in FEMA Technical Bulletin TB 3-93.

(b) Certification from a registered civil engineer or architect that the nonresidential flood-proofed building meets the flood-proofing criteria in Section 8.35.300(c)(2).

(c) For a crawl-space foundation, location and total net area of foundation openings as required in Section 8.35.300(c)(3) and detailed in FEMA Technical Bulletins 1-93 and 7-93.

(d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(e) All appropriate certifications listed in Section 8.35.210(e).
(Ord. 153, passed 9-17-2014)

8.35.230 Appeals.

The City Council shall hear and decide appeals pursuant to Section 8.35.520 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.
(Ord. 153, passed 9-17-2014)

PROVISIONS FOR FLOOD HAZARD REDUCTION

8.35.300 Standards of construction.

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

(a) Anchoring. All new construction and substantial improvements of structures, including manufactured homes, 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) Construction materials and methods. All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

(1) With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;

(2) Using methods and practices that minimize flood damage;

(3) 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; and

(4) Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

(c) Elevation and flood-proofing.

(1) Residential construction. All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:

(A) In AE, AH, A1-30 Zones, elevated at least two feet above the base flood elevation.

(B) In an AO zone, elevated above the highest adjacent grade to a height two feet above the depth number specified in feet on the FIRM, or elevated at least four feet above the highest adjacent grade if no depth number is specified.

(C) In an A zone, without BFEs specified on the FIRM [unnumbered A zone], elevated to at least two feet above the base flood elevation; as determined under Section 8.35.210(c).

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

(2) Nonresidential construction. All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with Section 8.35.300(c)(1) or:

(A) Be flood-proofed, together with attendant utility and sanitary facilities, below the elevation recommended under Section 8.35.300(c)(1), 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 civil engineer or architect that the standards of Section 8.35.300(c)(2)(A) and (B) are satisfied. Such certification shall be provided to the Floodplain Administrator.

(3) Flood openings. All new construction and substantial improvements of structures 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 meet the following minimum criteria:

(A) For non-engineered openings:

1. Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one foot above grade;

3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and

4. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or

(B) Be certified by a registered civil engineer or architect.

(4) Manufactured homes. See Section 8.35.330.

(5) Garages and low cost accessory structures.

(A) Attached garages.

1. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of floodwaters. See Section 8.35.300(c)(3). Areas of the garage below the BFE must be constructed with flood resistant materials. See Section 8.35.300(b).

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2. A garage attached to a nonresidential structure must meet the above requirements or be dry flood-proofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.

(B) Detached garages and accessory structures.

1. Accessory structures used solely for parking (two car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 8.35.050, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:

a. Use of the accessory structure must be limited to parking or limited storage;

b. The portions of the accessory structure located below the BFE must be built using flood-resistant materials;

c. The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;

d. Any mechanical and utility equipment in the accessory structure must be elevated or flood-proofed to or above the BFE;

e. The accessory structure must comply with floodplain encroachment provisions in Section 8.35.350; and

f. The accessory structure must be designed to allow for the automatic entry of floodwaters in accordance with Section 8.35.300(c)(3).

2. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 8.35.300.

(6) Crawlspace construction. This subsection applies to buildings with crawl spaces up to two feet below grade. Below-grade crawl space

construction in accordance with the requirements listed below will not be considered basements.

(A) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawl space construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer;

(B) The crawl space is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. For guidance on flood openings, see FEMA Technical Bulletin 1-93;

(C) Crawl space construction is not permitted in V zones. Open pile or column foundations that withstand storm surge and wave forces are required in V zones;

(D) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE; and

(E) Any building utility systems within the crawl space must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.

(F) Requirements for all below-grade crawl space construction, in addition to the above requirements, to include the following:

1. The interior grade of a crawl space below the BFE must not be more than two feet below the lowest adjacent exterior grade (LAG), shown as in figure 3 of Technical Bulletin 11-01;

2. The height of the below-grade crawl space, measured from the interior grade of the

crawl space to the top of the crawl space foundation wall must not exceed four feet (shown as L in figure 3 of Technical Bulletin 11-01) at any point;

3. There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event, not to exceed 72 hours; and

4. The velocity of floodwaters at the site should not exceed five feet per second for any crawl space. For velocities in excess of five feet per second, other foundation types should be used. (Ord. 153, passed 9-17-2014)

8.35.310 Standards for utilities.

(a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

(1) Infiltration of floodwaters into the systems; and

(2) 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. (Ord. 153, passed 9-17-2014)

8.35.320 Standards for subdivisions and other proposed development.

(a) All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than 50 lots or five acres, whichever is the lesser, shall:

(1) Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).

(2) Identify the elevations of lowest floors of all proposed structures and pads on the final plans.

(3) If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:

(A) Lowest floor elevation.

(B) Pad elevation.

(C) Lowest adjacent grade.

(b) All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

(c) All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(d) All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards. (Ord. 153, passed 9-17-2014)

8.35.330 Standards for manufactured homes.

(a) All manufactured homes that are placed or substantially improved, 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 upon which a manufactured home has incurred Asubstantial damage@ as the result of a flood, shall:

(1) Within Zones AI-30, AH, and AE on the community=s Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at least two feet above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

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(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 Section 8.35.330(a) will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

(1) Lowest floor of the manufactured home is at least two feet 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.

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

(Ord. 153, passed 9-17-2014)

8.35.340 Standards for recreational vehicles.

(a) All recreational vehicles placed in Zones A1-30, AH, and AE will either:

(1) Be on the site for fewer than 180 consecutive days; or

(2) Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

(3) Meet the permit requirements of Section 8.35.220 and the elevation and anchoring requirements for manufactured homes in Section 8.35.330(a).

(Ord. 153, passed 9-17-2014)

8.35.350 Floodways.

Since floodways are an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(a) Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one foot at any point within the City.

(b) Within an adopted regulatory floodway, the City shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(c) If Section 8.35.350(a) and (b) are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this Subchapter.

(Ord. 153, passed 9-17-2014)

8.35.360 Mudslide (i.e., mudflow) 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 site and improvement will be reasonably 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 ground water or surface water problems;

- (3) Depth and quality of any fill;
 - (4) Overall slope of the site; and
 - (5) Weight that any proposed development will impose on the slope.
- (Ord. 153, passed 9-17-2014)

8.35.370 Flood-related erosion-prone areas.

(a) The Floodplain Administrator shall require permits for proposed construction and other development within all flood-related erosion-prone areas known to the community.

(b) Permit applications 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 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.

(Ord. 153, passed 9-17-2014)

VARIANCE PROCEDURE

8.35.500 Nature of variances.

(a) The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

(b) The variance criteria set forth in this Subchapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this Chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

(c) The City Council shall help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this Subchapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

(Ord. 153, passed 9-17-2014)

8.35.510 Conditions for variances.

(a) Generally, variances may be issued for new construction, substantial improvement, and other proposed new development 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 that the

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procedures of Sections 8.35.300 through 8.35.370 and this Subchapter have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(b) Variances may be issued for the repair or rehabilitation of historic structures (as defined in Section 8.35.050) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(c) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

(d) Variances shall only be issued upon a determination that the variance is the minimum necessary considering the flood hazard, to afford relief. Minimum necessary means to afford relief with a minimum of deviation from the requirements of this Chapter. For example, in the case of variances to an elevation requirement, this means the City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City Council believes will both provide relief and preserve the integrity of the local ordinance.

(e) 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.

(f) The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency. (Ord. 153, passed 9-17-2014)

8.35.520 Appeal Board.

(a) In passing upon requests for variances, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter, and the:

(1) Danger that materials may be swept onto other lands to the injury of others;

(2) Danger of life and property due to flooding or erosion damage;

(3) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

(4) Importance of the services provided by the proposed facility to the community;

(5) Necessity to the facility of a waterfront location, where applicable;

(6) Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(7) Compatibility of the proposed use with existing and anticipated development;

(8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(9) Safety of access to the property in time of flood for ordinary and emergency vehicles;

(10) Expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and

(11) 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.

(b) Variances shall only be issued upon a:

(1) Showing of good and sufficient cause;

(2) Determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(3) Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see Public safety and nuisance), cause fraud and victimization of the public, or conflict with existing local laws or ordinances.

(c) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Section 8.35.520(a) through (d) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

(d) Upon consideration of the factors of Section 8.35.510(a) 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.

(Ord. 153, passed 9-17-2014)

APPENDIX

ALLUVIAL FAN ADVISORY

1. Hazards of Alluvial Fan Development.

Alluvial fans present a unique flood hazard environment where the combination of sediment, slope, and topography create an ultra hazardous condition for which elevation on fill will not provide reliable protection. Active alluvial fan flooding is characterized by flow path uncertainty combined with abrupt deposition and erosion. As a result, any area of an alluvial fan may be subject to intense flood hazards.

The technology of mathematically modeling the hydrodynamics of water and debris flows for alluvial fans is still in the early development stage. The Federal Emergency Management Agency (FEMA) has formulated a mapping procedure for the purpose of defining the likelihood of flood hazards on inundated alluvial fan zones to be used for flood insurance purposes and general floodplain regulation, referred to as the FEMA alluvial fan methodology.

An active alluvial fan flooding hazard is indicated by three related criteria:

- a. Flow path uncertainty below the hydrographic apex;
- b. Abrupt deposition and ensuing erosion of sediment as a stream or debris flow loses its competence to carry material eroded from a steeper, upstream source area; and
- c. An environment where the combination of sediment availability, slope, and topography creates an ultra hazardous condition for which elevation on fill will not reliably mitigate the risk.

Inactive alluvial fan flooding is similar to traditional riverine flood hazards, but occurs only on alluvial fans. It is characterized by flow paths with a higher degree of certainty in realistic assessments of flood risk or in the reliable mitigation of the hazard. Counter to active alluvial fan flooding hazards, an inactive alluvial fan flooding hazard is characterized by relatively stable flow paths. However, areas of inactive alluvial fan flooding, as with active alluvial fan flooding, may be subject to sediment deposition and erosion, but to a degree that does not cause flow path instability and uncertainty.

An alluvial fan may exhibit both active alluvial fan flooding and inactive alluvial fan flooding hazards. The hazards may vary spatially or vary at the same location, contingent on the level of flow discharge. Spatially, for example, upstream inactive portions of the alluvial fan may distribute flood flow to active areas at the distal part of the alluvial fan. Hazards may vary at the same location, for example, with a flow path that may be stable for lower flows, but become unstable at higher flows.

More detailed information can be found at FEMA's website: A Guidelines for Determining Flood Hazards on Alluvial Fans@ at http://www.fema.gov/fhm/ft_afgd2.shtm#1.

2. Alluvial Fans and LOMRs.

The NFIP does not allow for the removal of land from the floodplain based on the placement of fill (LOMR-F) in alluvial fan flood hazard areas. The NFIP will credit a major structural flood control project, through the LOMR process, that will effectively eliminate alluvial fan flood hazards from the protected area. Details about map revisions for alluvial fan areas can be found in the Code of Federal Regulations at Title 44, Part 65.13.

3. Alluvial Fan Task Force.

As stated in AB 2141 (Longville, Chapter 878, Statutes of 2004), the State of California Department of Water Resources will convene an Alluvial Fan Task Force (AFTF). The AFTF will produce an alluvial fan model ordinance for local communities and a recommendations report to the legislature. As of March 2006, the model ordinance and report are projected to be completed by 2007.

(Ord. 153, passed 9-17-2014)