

COUNCIL AGENDA: AUGUST 5, 2014

SUBJECT: LETTER OF MAP REVISION UPDATE - "MONACHE" SPECIAL FLOOD HAZARD AREA (SFHA)

SOURCE: Public Works Department - Engineering Division

COMMENT: On August 6, 2013, City Council was informed of a staff-prepared hydrological flood study with the goal of removing an area in the northwest quadrant of the city from a Flood Zone A designation. The area is often referred to as "Monache" Special Flood Hazard Area (SFHA). General boundaries of the area are as follows:

*North boundary - Westfield Avenue  
South boundary - Henderson Avenue  
East boundary - Prospect Street  
West boundary - Newcomb Street*

In total, one hundred thirty-seven (137) residential lots exist within the "Monache" SFHA. Seventy-three (73) of the property owners continue to pay flood insurance on their property. A few property owners informed the City that their flood insurance premiums are as high as \$1,400 annually. The August 6, 2013, staff report is attached for Council's reference and provides all of the background information that necessitated the study.

Council authorized staff to submit the study to Federal Emergency Management Agency (FEMA) and request a Letter of Map Revision (LOMR) for the "Monache" SFHA. On March 19, 2014, the Mayor and the City Manager's office received a letter from FEMA stating that the City of Porterville had successfully proven to FEMA that all of the infrastructure in and around the "Monache" SFHA would function adequately during a 1% annual flood (100-year flood).

Before a LOMR can become effective, FEMA must initiate a public hearing process. FEMA notified the public on March 20, 2014, and March 27, 2014, via the Porterville Recorder's Public Notification ads for the area specific to the "Monache" SFHA. Citizens had ninety (90) days from the second publication to request a reconsideration of FEMA's finding. According to FEMA, the LOMR became effective July 25, 2014 due to no official protest being received.

With that said, staff will mail a letter to all property owners with a copy of the LOMR that became effective July 25, 2014. The letter will allow property owners to forward the LOMR to the mortgage companies, insurance companies or simply retain for their records.

RECOMMENDATION: No action, informational only.

ATTACHMENTS: August 6, 2013, Staff Report "Letter of Map Revision – "Monache"  
Special Flood Hazard Area (SFHA)"  
Zone A Map prior to LOMR  
March 11, 2014, FEMA Letter with Zone A Map after LOMR

P:\pubworks\General\Council\Report - Letter of Map Revision Update - Westside SFHA - 2014-07-15.doc

COUNCIL AGENDA: AUGUST 6, 2013

SUBJECT: LETTER OF MAP REVISION - "MONACHE" SPECIAL FLOOD HAZARD AREA (SFHA)

SOURCE: Public Works Department - Engineering Division

COMMENT: A Flood Insurance Study was first prepared for the City of Porterville in 1971 pursuant to the provisions of the National Flood Insurance Act of 1968. In 1975 the City applied for, and was granted, certification permitting the City to qualify for participation in the subsidized flood insurance program under the Flood Disaster Protection Act of 1973. As part of the measures necessary to meet the flood plain management requirements under this action, amendments were enacted in the Zoning Ordinance creating Floodplain Zones that restrict uses in certain flood hazard areas.

A new Flood Insurance Study was completed for the City of Porterville in January of 1983. As part of this study, a revised Flood Insurance Rate Map (FIRM) was prepared that identifies the areas within the City that are subject to flood hazard. The Federal Emergency Management Agency (FEMA) has adopted the 100-year flood for purposes of floodplain management measures. This is a flood that is defined as having a one percent chance of occurring in any given year. This new program provided an actuarial flood insurance with the private market rates based on "true risk." City Council adopted the new program on June 7, 1983, by enacting Ordinance No. 1285.

Effective October 1, 1986, FEMA changed some of the rules governing the National Flood Insurance Program (NFIP). To continue as a participant in the NFIP, the City Council adopted an updated program on March 15, 1988, by enacting Ordinance No. 1397. Within this ordinance was specific language for a Special Flood Hazard Area (SFHA), Zone A without a Base Flood Elevation (BFE) for an area in the vicinity of Monache High School, hereinafter specifically referenced as "Monache" SFHA. The specific language is as follows:

*"New construction and substantial improvements of any structure in Zone AH or AO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM, or at least two feet if no depth number is specified. For the purpose of this ordinance, new construction and substantial improvement of any structure in Zone A located within the following described boundaries shall have the lowest floor including basement, elevated to a depth of one foot above the highest adjacent grade.*

Dir BSC Appropriated/Funded N/A CM J

Item No. 31



North boundary - Westfield Avenue  
South boundary - Henderson Avenue  
East boundary - Prospect Street  
West boundary - Newcomb Street

Effective October 1, 2006, FEMA again modified some of the rules governing the NFIP. To continue as a participant in the NFIP, the City Council adopted an updated program on May 3, 2011, by enacting Ordinance No. 1777. Adoption of the ordinance was predicated by a May 18, 2010, on-site Community Assistant Visit (CAV) by the Department of Water Resources, on behalf of FEMA. The purpose of the meeting was to evaluate how the City of Porterville administers its floodplain management program under the NFIP.

The CAV was followed with a June 22, 2010, letter to the Mayor of Porterville and the letter provided several findings. The findings pertinent to the "Monache" SFHA are as follows:

- It was determined that Ordinance 1397, Sections 7-138 thru 7-142 of the *Municipal Code, Flood Damage Prevention Code*, adopted on March 15, 1988, does not meet minimum NFIP as specified in "Title 44, Code of Federal Regulations (CFR), Section 60.3." Title 44, Code of Federal Regulations and the NFIP are one and the same and as previously stated, Ordinance 1397 allowed for the structures in the "Monache" SFHA to be constructed 1 foot above the highest adjacent grade, which is contrary to Section 60.3 of the 44CFR.
- An updated floodplain ordinance was also requested and to be processed within 60 days of CAV report. The new ordinance created new language associated with the "Monache" SFHA by requiring new development or substantial improvements to comply with Section 60.3 of the 44CFR, which is typically 2 feet above the highest adjacent grade.
- The CAV also revealed that the "Monache" SFHA is now being served by a completely functional storm drain system, as of 2010, and recommends that the City provide FEMA with the proper information under the Section 65.3 of the 44CFR. Proper information includes a hydrological study and submission of a Letter of Map Revision application. The outcome could, if approved by FEMA, render this area "reasonably safe from flooding" and remove the current flood hazard area designation. Additionally, property owners would then be allowed to cancel flood insurance policies.

Funds were appropriated for the hydrological study during fiscal year 2010/2011 and staff commenced with the study as time permitted during the same fiscal year. Significant progress was accomplished during the latter part of last fiscal year and staff is now ready to submit the LOMR application and supporting documentation to FEMA.

Costs associated with the preparation of the LOMR package have exceeded \$50,000. The costs identified herein represent three years worth of engineering effort and include two different hydrology computer models with supporting studies. The first effort using modern up-to-date software familiar to staff was later discovered "not officially" approved by FEMA. This discovery necessitated a second effort using software acceptable to FEMA.

In total, one hundred thirty-seven (137) residential lots exist within the "Monache" SFHA and of those, sixty-four (64) property owners hired an engineer to classify their property as an area no longer prone to flooding by filing a Letter of Map Revision. The cost associated with this effort is unknown to staff because it was performed entirely by the private sector. A few property owners still within the "Monache" SFHA inform that their flood insurance premiums are as high as \$1,400 annually.

The FEMA application review fee is \$5,300. Staff attended a neighborhood meeting to discuss our progress with the study and to answer questions the neighborhood may have. The application fee was discussed and a few property owners were willing to pay their proportional share, while a majority felt it was the City's responsibility.

The area is unique in nature due to the specific language contained in Ordinance 1397 for the "Monache" SFHA and shown in *italics* in this report. The language in question is not allowed per Section 60.3 of the 44CFR. The storm drain system within this area of Porterville is now fully functional and requires that the floodplain administrator follow through with the LOMR application and supporting documentation.

In accordance with Section 65.3 of the 44CFR, and the City's new ordinance, Ordinance 1777, agencies that participate in the program are required to condition new developments to file LOMRs' or file LOMRs' on behalf of the community when storm drain systems become fully functional and the applicable SFHA is no longer relevant in the opinion of the floodplain administrator. The regulation was not part of the City's two (2) prior ordinances, Ordinance 1285 and Ordinance 1397, and was not known to the floodplain administrator at the time.

It is staff's opinion that the special language in the Floodplain Ordinance must remain due to the fact that the properties in the area have already



been constructed to an elevation lower than specified by FEMA. Whether the City or the area property owners pay the application fee, the City must show good faith and move forward with the application process. The hydrological study is being funded by the Storm Drain Developer Fee account and could also be the funding source for the LOMR application filing fee.

The City of Porterville has other SFHA designations that are much larger than the "Monache" SFHA. The Zones range from a Zone A, without a "Base Flood Elevation" (BFE), Zone A with a BFE, Zone AH with BFE, Zone AO (Depth 1') and Zone AE. Each zone has individual administrative policy requirements.

Zone A without a BFE is the most problematic because it requires a greater effort to determine the actual flood level (the area lacks technical study). Zone A and Zone AH with BFE provides specific guidelines for construction by establishing an elevation that finished floors must be constructed at or above. Zone AO (Depth 1') specifies that a finish floor shall be constructed at or above the ground elevation when FEMA mapped the area. Zone AE is the flood area along the Tule River and provides a BFE. This Zone is the most scrutinized because it is within a State classified Designated Floodway. Each individual SFHA described herein except the "Monache" SFHA, lack complete storm drain infrastructure and are classified by staff as **not** being candidates for studies such as the one currently completed.

**RECOMMENDATION:** That the City Council provide direction regarding the most appropriate funding source for the \$5,300 LOMR application filing fee.

**ATTACHMENTS:** Ordinance 1285  
Ordinance 1397  
Ordinance 1777  
Department of Water Resources Community Assistance Report  
Locator Map - Portion of FIRM Map, Panel 1633 of 2550









Federal Emergency Management Agency

Washington, D.C. 20472

March 11, 2014

RECEIVED

MAR 17 2014

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

The Honorable Cameron J. Hamilton  
Mayor, City of Porterville  
291 North Main Street  
Porterville, CA 93257

IN REPLY REFER TO: **City of Porterville**  
Case No.: 13-093104 **Public Works Dept**  
Community Name: City of Porterville, CA  
Community No.: 060407  
Effective Date of  
This Revision: **July 25, 2014**

Dear Mayor Hamilton:

The Flood Insurance Rate Map for your community has been revised by this Letter of Map Revision (LOMR). Please use the enclosed annotated map panel(s) revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals issued in your community.

Additional documents are enclosed which provide information regarding this LOMR. Please see the List of Enclosures below to determine which documents are included. Other attachments specific to this request may be included as referenced in the Determination Document. If you have any questions regarding floodplain management regulations for your community or the National Flood Insurance Program (NFIP) in general, please contact the Consultation Coordination Officer for your community. If you have any technical questions regarding this LOMR, please contact the Director, Mitigation Division of the Department of Homeland Security's Federal Emergency Management Agency (FEMA) in Oakland, California, at (510) 627-7175, or the FEMA Map Information eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP). Additional information about the NFIP is available on our website at <http://www.fema.gov/business/nfip>.

Sincerely,

Luis Rodriguez, P.E., Chief  
Engineering Management Branch  
Federal Insurance and Mitigation Administration

List of Enclosures:

Letter of Map Revision Determination Document  
Annotated Flood Insurance Rate Map

cc: Mr. Michael K. Reed, PLS  
Deputy Public Works Director  
City Engineer  
City of Porterville





**Federal Emergency Management Agency**  
Washington, D.C. 20472

**LETTER OF MAP REVISION  
DETERMINATION DOCUMENT**

COMMUNITY AND REVISION INFORMATION		PROJECT DESCRIPTION	BASIS OF REQUEST
COMMUNITY	City of Porterville Tulare County California	STORM DRAIN	HYDRAULIC ANALYSIS HYDROLOGIC ANALYSIS NEW TOPOGRAPHIC DATA
	COMMUNITY NO.: 060407		
IDENTIFIER	Flood Zone A Removal	APPROXIMATE LATITUDE & LONGITUDE: 36.085, -119.048 SOURCE: USGS QUADRANGLE      DATUM: NAD 83	
ANNOTATED MAPPING ENCLOSURES		ANNOTATED STUDY ENCLOSURES	
TYPE: FIRM*      NO.: 06107C1633E      DATE: June 16, 2009		NO REVISION TO THE FLOOD INSURANCE STUDY REPORT	

Enclosures reflect changes to flooding sources affected by this revision.  
\* FIRM - Flood Insurance Rate Map; \*\* FBFM - Flood Boundary and Floodway Map; \*\*\* FHBM - Flood Hazard Boundary Map

**FLOODING SOURCE(S) & REVISED REACH(ES)**

Unnamed Ponding Area - from Mulberry Avenue to just north of Jean Avenue

**SUMMARY OF REVISIONS**

Flooding Source	Effective Flooding	Revised Flooding	Increases	Decreases
Unnamed Ponding Area	Zone A	Contained	NONE	YES

\* BFEs - Base Flood Elevations

**DETERMINATION**

This document provides the determination from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) regarding a request for a Letter of Map Revision (LOMR) for the area described above. Using the information submitted, we have determined that a revision to the flood hazards depicted in the Flood Insurance Study (FIS) report and/or National Flood Insurance Program (NFIP) map is warranted. This document revises the effective NFIP map, as indicated in the attached documentation. Please use the enclosed annotated map panels revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals in your community.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605. Additional Information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

Luis Rodriguez, P.E., Chief  
Engineering Management Branch  
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency  
Washington, D.C. 20472

**LETTER OF MAP REVISION  
DETERMINATION DOCUMENT (CONTINUED)**

**COMMUNITY INFORMATION**

**APPLICABLE NFIP REGULATIONS/COMMUNITY OBLIGATION**

We have made this determination pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Pursuant to Section 1361 of the National Flood Insurance Act of 1968, as amended, communities participating in the NFIP are required to adopt and enforce floodplain management regulations that meet or exceed NFIP criteria. These criteria, including adoption of the FIS report and FIRM, and the modifications made by this LOMR, are the minimum requirements for continued NFIP participation and do not supersede more stringent State/Commonwealth or local requirements to which the regulations apply.

NFIP regulations Subparagraph 60.3(b)(7) requires communities to ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. This provision is incorporated into your community's existing floodplain management ordinances; therefore, responsibility for maintenance of the altered or relocated watercourse, including any related appurtenances such as bridges, culverts, and other drainage structures, rests with your community. We may request that your community submit a description and schedule of maintenance activities necessary to ensure this requirement.

**COMMUNITY REMINDERS**

We based this determination on the 1-percent-annual-chance discharges computed in the submitted hydrologic model. Future development of projects upstream could cause increased discharges, which could cause increased flood hazards. A comprehensive restudy of your community's flood hazards would consider the cumulative effects of development on discharges and could, therefore, indicate that greater flood hazards exist in this area.

Your community must regulate all proposed floodplain development and ensure that permits required by Federal and/or State/Commonwealth law have been obtained. State/Commonwealth or community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction or may limit development in floodplain areas. If your State/Commonwealth or community has adopted more restrictive or comprehensive floodplain management criteria, those criteria take precedence over the minimum NFIP requirements.

We will not print and distribute this LOMR to primary users, such as local insurance agents or mortgage lenders; instead, the community will serve as a repository for the new data. We encourage you to disseminate the information in this LOMR by preparing a news release for publication in your community's newspaper that describes the revision and explains how your community will provide the data and help interpret the NFIP maps. In that way, interested persons, such as property owners, insurance agents, and mortgage lenders, can benefit from the information.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605. Additional Information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

Luis Rodriguez, P.E., Chief  
Engineering Management Branch  
Federal Insurance and Mitigation Administration





Federal Emergency Management Agency  
Washington, D.C. 20472

**LETTER OF MAP REVISION  
DETERMINATION DOCUMENT (CONTINUED)**

We have designated a Consultation Coordination Officer (CCO) to assist your community. The CCO will be the primary liaison between your community and FEMA. For information regarding your CCO, please contact:

Mr. Jeff Lusk  
Acting Director, Mitigation Division  
Federal Emergency Management Agency, Region IX  
1111 Broadway Street, Suite 1200  
Oakland, CA 94607-4052  
(510) 627-7175

**STATUS OF THE COMMUNITY NFIP MAPS**

We will not physically revise and republish the FIRM for your community to reflect the modifications made by this LOMR at this time. When changes to the previously cited FIRM panel(s) warrant physical revision and republication in the future, we will incorporate the modifications made by this LOMR at that time.

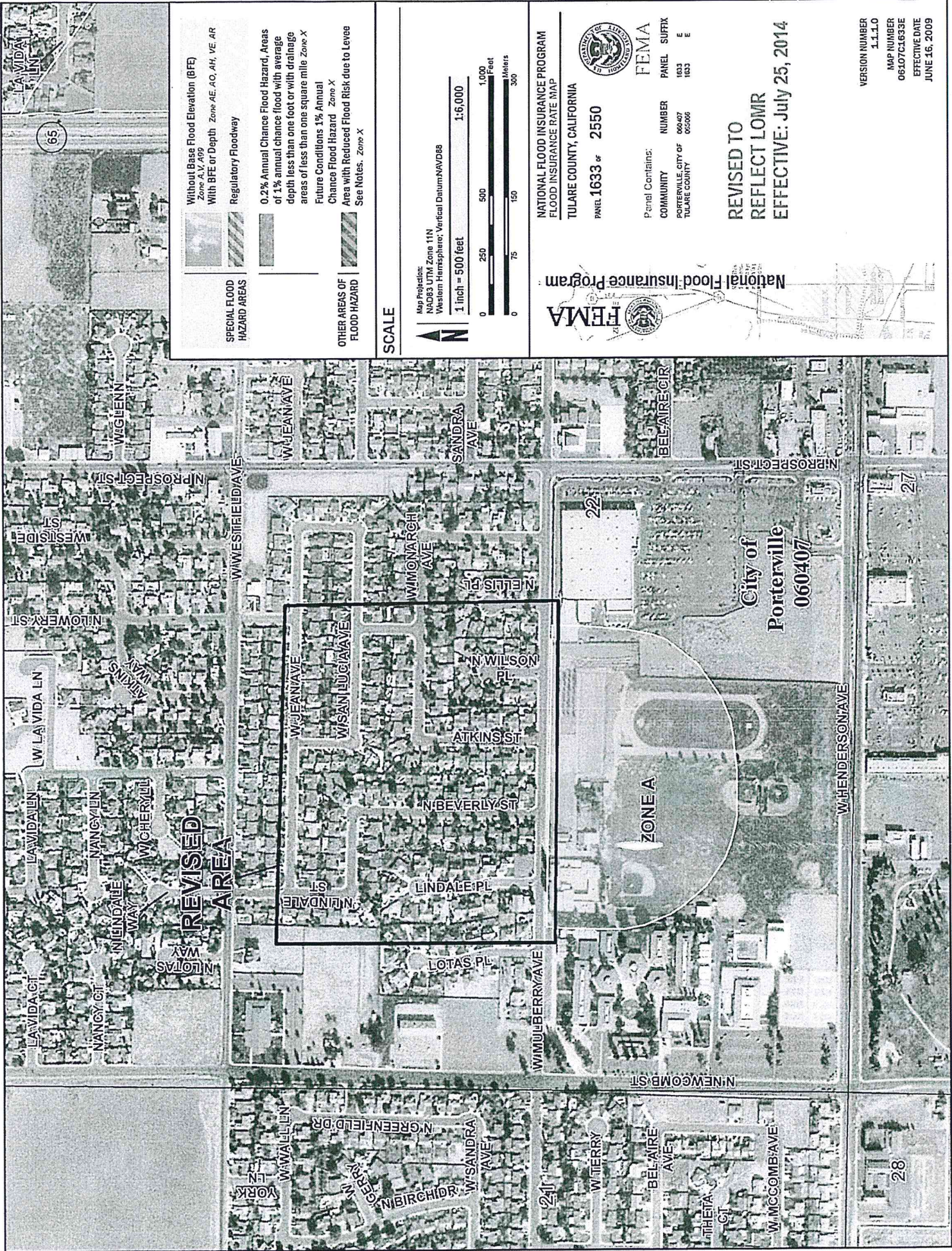
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A handwritten signature in black ink, appearing to read "Luis Rodriguez".

Luis Rodriguez, P.E., Chief  
Engineering Management Branch  
Federal Insurance and Mitigation Administration







**SPECIAL FLOOD HAZARD AREAS**

Without Base Flood Elevation (BFE)  
 Zone A, V, AP9  
 With BFE or Depth Zone AE, AO, AH, VE, AR  
 Regulatory Floodway

0.2% Annual Chance Flood Hazard. Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile. Zone X

Future Conditions 1% Annual Chance Flood Hazard Zone X  
 Area with Reduced Flood Risk due to Levee  
 See Notes. Zone X

**SCALE**

Map Projection:  
 NAD83 UTM Zone 11N  
 Western Hemisphere; Vertical Datum NAVD83

1 inch = 500 feet

0 250 500 1,000 Feet  
 0 75 150 300 Meters

**NATIONAL FLOOD INSURANCE PROGRAM**  
 FLOOD INSURANCE RATE MAP  
 TULARE COUNTY, CALIFORNIA

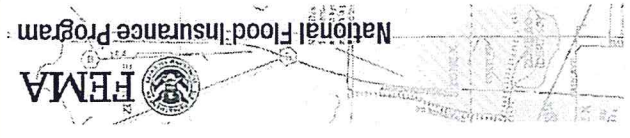
PANEL 1633 of 2550

FEMA  
 FEDERAL EMERGENCY MANAGEMENT AGENCY  
 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Panel Contains:  
 COMMUNITY NUMBER 060407  
 PORTERVILLE, CITY OF TULARE COUNTY 060407  
 PANEL SUFFIX 1633 1633 E

**REVISED TO REFLECT LOMR EFFECTIVE: July 25, 2014**

VERSION NUMBER 1.1.1.0  
 MAP NUMBER 06107C1633E  
 EFFECTIVE DATE JUNE 16, 2009



**REVISED AREA**

City of Porterville  
 060407

**ZONE A**