

**DEPARTMENT OF WATER RESOURCES**

SOUTH CENTRAL REGION OFFICE  
3374 EAST SHIELDS AVENUE, ROOM 5  
FRESNO, CA 93726-6913



November 15, 2011

Mr. Jeff Briltz  
City Manager  
City of Lemoore  
210 Fox Street  
Lemoore, California 93245

Dear Mr. Briltz:

This is in response to your letter dated September 22, 2011, regarding requested changes to the city's *Flood Damage Prevention Ordinance*. The request was detailed in the August 16, 2011, Community Assistance Visit (CAV) report that was submitted to the city of Lemoore's Mayor Willard Rodarmel by the Department of Water Resources (DWR) to assist the city with their National Flood Insurance Program (NFIP) compliance.

In a September 8, 2011, letter to the city, Eric Simmons, Senior Engineer in the Mitigation Division of the Federal Emergency Management Agency (FEMA), provided an update on the status of the FEMA Flood Insurance Rate Map (FIRM) restudy for the city of Lemoore. The FEMA letter noted that the city's requested restudy, to determine the Base Flood Elevation (BFE), was started but has been placed on hold until FEMA can prepare alternate modeling methods. This hold by FEMA is needed to update analytical methods for determining the BFE and the regulatory flood risk behind the levees for the city. In your letter, you describe how this study may impact development in the city's Zone A.

DWR conducts the CAVs on behalf of FEMA to evaluate how communities are administering their floodplain management under the NFIP, to offer technical assistance, and to help promote flood risk awareness. The August 16, 2011, CAV report was prepared in accordance with DWR's established procedures to aid the city in meeting the minimum NFIP regulations as specified in Title 44, *Code of Federal Regulations (CFR)*, Section 60.3. Language from 44 CFR 60.3 (b) (3), dated October 1997, is as follows:

- (b) *When the Administrator has designated areas of special flood hazards (A zones) by the publication of the community's FIRM, but has neither produced water surface elevation data nor identified a floodway or coastal high hazard area, the community shall:*
- (3) *Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data.*

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The deadline for the requested revisions to the city's *Flood Damage Prevention Ordinance* was intended to ensure that the city meets the minimum requirements of the NFIP in a timely manner. The city's current flood ordinance assumes that placing 2 feet of fill will be sufficient to protect the improvements in a Zone A flood zone. There is no guarantee that this interim solution will elevate the improvements enough to protect them from the sheet-flow flooding that would result from levee failure in your area. While this solution will provide the city with the ability to continue growth in the Zone A, it does not guarantee that in the future, when the BFE is determined, these improvements will be above the BFE. More importantly though, the placement of two feet of fill is only allowed for a single residential lot or structure, when the Administrator has determined that there is no federal or State agency, or other source available to establish a BFE.

DWR is committed to helping the city. We would like to coordinate a meeting between the FEMA planner, Frank Mansell, and your staff to discuss these and other issues you may have. Please let us know when you are available to meet within the next 60 days. Our goal is to assist you with compliance with the NFIP and to ultimately protect life and property.

If you have any questions or need additional information, please contact Greg Farley of my staff at (559) 230-3358.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Faulkenberry', with a long horizontal flourish extending to the right.

Kevin Faulkenberry, Chief  
South Central Region Office

Enclosure

cc: (See attached list.)

cc: Honorable Barbara Boxer  
United States Senator  
112 Hart Senate Office Building  
Washington, DC 20510-5054

Honorable Diane Feinstein  
United States Senator  
331 Hart Senate Office Building  
Washington, DC 20510-5054

Honorable Jim Costa  
Representative, U.S. Congress  
1314 Longworth House Office Building  
Washington, DC 20510-5054

Mr. Gregor Blackburn  
Mr. Frank Mansell  
Ms. Cynthia McKenzie  
Mr. Eric Simmons  
Federal Emergency Management Agency  
Region IX  
1111 Broadway Street, Suite 1200  
Oakland, California 94607-4052

Lemoore City Council  
City of Lemoore  
119 Fox Street  
Lemoore, California 93245

Ms. Holly Smyth, Chief Planner  
David Wlaschin, Public Works Director  
Chief Planner  
City of Lemoore  
2210 Fox Street  
Lemoore, California 93245

Mr. Harry Tow, P.E.  
City Engineer  
Quad Knopf, Inc.  
Post Office Box 3699  
Visalia, California 93278

Mr. Don Warkentin  
President, West Hills College Lemoore  
555 College Avenue  
Lemoore, California 93245

Mr. Tim Palmquist  
Pharris Lemoore, LLC  
14 Corporate Plaza Drive, Suite 100  
Newport Beach, California 92660

Mayor  
Willard Rodarmel  
Mayor Pro Tem  
John Flourde  
Council Members  
John Gordon  
John Murray  
William Siegel



Office of the  
City Manager

119 Fox Street  
Lemoore • CA 93245  
Phone • (559) 924-6700  
FAX • (559) 924-9003

September 22, 2011

Kevin Faulkenberry, Chief, South Central Region  
State of California Department of Water Resources  
3374 East Shields Avenue, Room 5  
Fresno, CA 93726

Dear Mr. Faulkenberry:

I am responding, for Mayor Rodarmel, to your letter of August 16, 2011 regarding your concerns with respect to our Flood Damage Prevention Ordinance and its application in the Zone A Flood Hazard Area in our City.

You have, in that letter, required that we modify our Flood ordinance in a manner which would, in effect, place a moratorium on growth and development in the City, allowing only developments less than five acres or 50 lots in size. We request that you revise that requirement.

After several years of discussion by and meetings with FEMA representatives, beginning on May 24, 2005 the Zone A designation became effective June 16, 2009. Our City, and other affected local government agencies repeatedly requested that base flood elevations be established to permit us to comply with FEMA regulations. We were assured by FEMA that such establishment was a priority program.

We are now advised by your letter that, although the required studies to determine base flood elevations are in progress, it "may be a few years" until such elevations are established. This delay, if your ordinance modification requirement is implemented, will effectively preclude development in the nearly 1,600 acres designated by our General Plan for such growth. Infrastructure constraints preclude City growth elsewhere.

Foreseeing this problem and the likelihood of continued delay in FEMA establishment of base flood elevations, the City in 2009 adopted an interim modification in its flood ordinance which would permit development by elevating structures two feet above highest adjacent grades, a procedure similar to that in the California model ordinance for developments less than 50 lots and five acres. FEMA was notified by letter of this modification and voiced no objection (see attached).

This adoption was undertaken in consideration of the following:

1. There is no feasible method for local or project-level determination of base flood elevations.

FEMA will have required four to five years to make such determination for the Kings River levee-breach Zone A area which includes Lemoore.

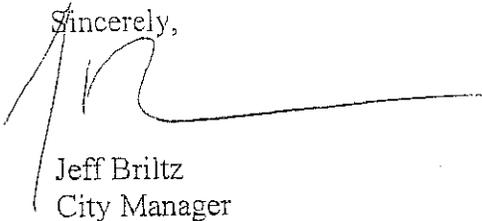
2. The Preliminary Flood Insurance Study, Kings County, California and Incorporated Areas concluded with respect to the subject floodplain (pages 13 and 17):

*The extent of the 1-percent-annual-chance flood in the event of levee failure was determined. Normal-depth calculations were used to estimate the base flood elevation if detailed topographic or representative cross section information was available. The remaining base flood elevations were estimated from effective FIRM maps. The 1-percent-annual-chance floodplain boundary was traced along the contour line representing the estimated base flood elevation. Topographic features such as highways, railroads, and high ground were used to refine approximate floodplain boundary limits. The 1-percent annual chance peak flow and floodplain widths and depth (assumed at 1 foot) were used to ensure the floodplain boundary was not overly conservative. (underlining added)*

It should be noted that the topography of the Zone A area in Lemoore is practically featureless and that sheet flow flooding in the area, if it were to occur, would be of essentially uniform depth.

We again, protest this requirement and request your approval of our modified ordinance.

Sincerely,



Jeff Briltz  
City Manager

cc: Senator Boxer  
Senator Feinstein  
Congressman Costa  
Eric Simmons, FEMA  
Tim Palmquist, Victory Village  
Lemoore City Council  
Holly Smyth, Planning Director  
David Wlaschin, Public Works Director  
Don Warkentin, President West Hills College  
Harry Tow, City Engineer, Quad Knopf