

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

45 FREMONT, SUITE 2000

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(415) 904-5260

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Filed:	January 31, 1996
60th Day:	April 1, 1996
Staff:	James Muth
Staff Report:	February 23, 1996
Hearing Date:	March 14, 1996
Commission Action:	

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: Peter Douglas, Executive Director
Tom Crandall, Deputy Director
Steve Scholl, District Director
James Muth, Coastal Planner

SUBJECT: **LCP Amendment No. 2-95 (minor) to Del Norte County's certified Local Coastal Program which updates and consolidates the County's coastal and non-coastal flood hazard prevention ordinances.** (for Commission review and action at its meeting of March 14, 1996 in Santa Barbara).

1. LCP Amendment Description and Discussion.

The County proposes to update and consolidate its coastal and non-coastal flood hazard prevention ordinances to create one County-wide flood hazard prevention ordinance that is in compliance with the requirements of the California Department of Water Resources. The LCP amendment helps to ensure that property owners in Del Norte County will continue to be eligible for flood insurance coverage.

The original flood hazard prevention ordinance for the coastal zone portion of the County was approved by the Coastal Commission in 1986 as part of Del Norte County LCP Amendment No. 2-86 (Major). The proposed consolidated flood hazard prevention ordinance is shown in Exhibit No. 2. Chapter 20.47 of the Del Norte County Code applies to the non-coastal portion of the County, and Chapter 21.45 of the Del Norte County Code applies to the coastal portion of the County.

The proposed LCP amendment also: (a) adopts the Flood Insurance Study for Del Norte County as identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA), (b) updates existing definitions and adds new definitions to the ordinance, and (c) corrects typographical errors.

LCP Amendment No. 2-95 (minor) to Del Norte County's certified Local Coastal Program which updates and consolidates the County's coastal and non-coastal flood hazard prevention ordinances.
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2. Public Participation and Commission Review.

The proposed LCP amendment was the subject of local public hearings before the County Planning Commission and the Board of Supervisors. The LCP amendment submittal was filed as complete on January 31, 1996 and is consistent with Section 30514 of the Coastal Act and Section 13553 of Title 14 of the California Code of Regulations. A Board of Supervisor's Resolution and Ordinance are attached as Exhibits No. 1 and 2. Commission action must occur by April 1, 1996 (within 60 days of filing).

The Executive Director has determined that the proposed LCP amendment is "minor" in nature under Sections 13554 and 13555 of Title 14 of the California Code of Regulations, as the amendment will not result in a change to the kind, density, or intensity of use of the land on the parcels that are subject to flood hazards. The Executive Director informed all interested parties by mail of his determination on February 23, 1996. The Commission will consider the Executive Director's determination at its March 14, 1996 meeting in Santa Barbara. At that time, the Executive Director will report to the Commission any objection to the determination which is received at this office within ten (10) days of the posting of this notice. Anyone wishing to register an objection to the proposed "minor" LCP amendment determination should contact James Muth at (415) 904-5260 at the Commission's North Coast Area Office in San Francisco by March 8, 1996.

If one-third of the appointed members of the Commission so requests, the determination of a minor amendment shall not become effective and the amendment shall be processed as a "major" LCP amendment under Section 13555(b) of Title 14 of the California Code of Regulations. If the Commission concurs with the Executive Director's determination that the LCP amendment is minor in nature, then the amendment shall take effect ten (10) working days after the Commission meeting and notice to Del Norte County under Section 30514(c) of the Coastal Act.

3. Staff Recommendation.

Staff recommends that the Commission concur with the Executive Director's determination that the LCP amendment is minor.

**BOARD OF SUPERVISORS
COUNTY OF DEL NORTE
STATE OF CALIFORNIA**

RESOLUTION NO. 95- 121

**A RESOLUTION OF THE DEL NORTE COUNTY BOARD OF SUPERVISORS
SUBMITTING ORDINANCE NO. 95-15 TO THE COASTAL
COMMISSION FOR CERTIFICATION**

WHEREAS, the County of Del Norte has adopted an ordinance amending and consolidating the Flood Hazard Prevention code, the local Coastal Plan and Title 21 Coastal Zoning Ordinance; and

WHEREAS, the County has petitioned for zoning map amendments pursuant to the provision of the local General Plan and Title 21 Coastal Zoning Ordinance; and

WHEREAS, these amendments have been reviewed and processed pursuant to the provisions of the Local Coastal Plan and Title 21 (Coastal Zoning); and

WHEREAS, the project has been classified as categorically exempt Class 8 from the California Environmental Quality Act; and

WHEREAS, this ordinance is intended to be carried out in a manner in conformity with the Coastal Act and the implementing Local Coastal Plan; and

WHEREAS, this amendment shall take effect and be enforced thirty (30) days after the date of the passage of the companion ordinance, and after approval of the amendment by the Coastal Commission, whichever is later.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Del Norte, State of California do hereby approve the Flood Hazard Prevention changes as outlined by Ordinance No. 95-15 which is attached; and

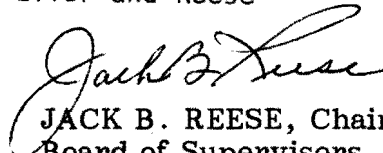
BE IT FURTHER RESOLVED, that submission of such changes to the Coastal Commission for certification, the Board of Supervisors is requesting the subject amendments be identified as requiring rapid and expeditious action.

PASSED AND ADOPTED this 24th day of October, 1995, by the following polled vote:

AYES: Supervisors Mellett, Clausen, Eller and Reese

NOES: None

ABSENT: Supervisor Bark


JACK B. REESE, Chairman
Board of Supervisors

ATTEST:



KAREN L. WALSH, Clerk of the
Board of Supervisors, County
of Del Norte, State of California

EXHIBIT NO. 1

APPLICATION NO.

DNC LCP #2-95 minor

County Resolution

**BOARD OF SUPERVISORS
COUNTY OF DEL NORTE
STATE OF CALIFORNIA****ORDINANCE NO.95-15****AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF DEL NORTE ESTABLISHING A REVISED FLOOD HAZARD PREVENTION
ORDINANCE FOR THE COUNTY OF DEL NORTE**

The Board of Supervisors of the County of Del Norte does ordain that Chapter 20.47 of Del Norte County Code and Chapter 21.45 of Del Norte County Coastal Code (Chapter and Section numbers shown in parenthesis) is hereby amended to read as follows:

**Chapter 20.47 (21.45)
Flood Damage Prevention****Sections:**

20.47.010 (21.45.010)	Statutory authorization, findings of fact, purpose and methods.
20.47.020 (21.45.020)	Definitions.
20.47.030 (21.45.030)	General Provisions.
20.47.040 (21.45.040)	Administration.
20.47.050 (21.45.050)	Provisions for flood hazard reduction.
20.47.060 (21.45.060)	Variances.
20.47.070 (21.45.070)	Variance procedure.

20.47.010 (21.45.010) Statutory authorization, findings of fact, purpose and methods.

- A. Statutory Authorization. The Legislature of the State of California has in Government Code Sections 65302, 65560 and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the board of supervisors of the county does ordain that Chapter 20.47 (21.45) of this code is established as set out in this chapter.
- B. Findings of Fact.
1. The Flood hazard areas of Del Norte County 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 affects the public health, safety and general welfare.
 2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately

floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

- C. Statement of Purpose. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
1. To protect human life and health;
 2. To minimize expenditure of public money for costly flood-control projects;
 3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 4. To minimize prolonged business interruptions;
 5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in areas of special flood hazard.
- D. Methods of Reducing Flood Losses. In order to accomplish its purposes, this chapter includes methods and provisions for:
1. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
 2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
 4. Controlling filling, grading, dredging and other development which may increase flood damage; and
 5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

20.47.020 (21.45.020) 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.

1. "Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this chapter or a request for a variance.
2. Area of Special Flood Hazard. See "special flood hazard area."
3. "Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year (also called the "one-hundred-year flood"). For surfacewater runoff, known flood elevations of the 1964 flood shall be utilized as the base flood elevation when available or can be reasonably determined.
4. "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.
5. "Breakaway walls" are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood,

metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by floodwaters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

- a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 - b. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.
6. "Coastal high hazard area" is the area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone V.
 7. "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.
 8. "Flood Boundary and Floodway Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.
 9. "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.
 10. "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
 11. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of floodwaters, (2) the unusual and rapid accumulation or runoff of surfacewaters from any source, and/or (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.
 12. "Floodplain management" means the operation of an overall program of corrective and preventive means for reducing flood damage, including but not limited to emergency preparedness plans, flood-control works and floodplain management regulations.
 13. "Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations,

special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion-control ordinance) and other applications of police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

14. "Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").
15. "Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
16. "Floodway" means the channel of a river or other water-course 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. These areas are designated by the Federal Insurance Administration. Also referred to as "regulatory floodway."
17. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include longterm storage or related manufacturing facilities.
18. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
19. "Levee" means a man-made structure, usually an earthen embankment designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
20. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.
21. "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. For the purposes of this chapter, manufactured home and mobilehome are synonymous. The term "manufactured home" does not include a "recreational vehicle".
22. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.
23. "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of

- 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
24. "New construction", for floodplain management purposes, means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.
 25. "One-hundred-year flood" means a flood which has a one percent annual probability of being equalled or exceeded. It is identical to the "base flood," which will be the term used throughout the chapter.
 26. "Person" means an individual or his agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.
 27. "Recreational Vehicle" means a vehicle which is:
 - a. Built on a single chassis;
 - b. 400 square feet or less when measured at the largest horizontal projection;
 - c. Designed to be self-propelled or permanently towable by a light-duty truck; and
 - d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
 28. "Remedy a violation" means bring the structure or other development constructed after the effective date of the ordinance codified in this chapter 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 damage, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.
 29. "Riverine" means relating to, formed by or resembling a river (including tributaries), stream, brook, etc.
 30. "Sand dunes" mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.
 31. "Special flood hazard area (SFHA)" means an area having a flood level with a 1 percent or greater chance of being equalled or exceeded in any given year and/or an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FIRM or FIRM as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, V, M or E.
 32. "Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land

preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

33. "Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally aboveground, as well as a manufactured home.
34. "Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
35. "Substantial Improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:
 - a. 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
 - b. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
 - b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
36. "Variance" 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.
 37. "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter constructed after the effective date of the ordinance codified in this chapter is

presumed to be in violation until such time as that documentation is provided.

20.47.030 (21.45.030) General Provisions.

- A. Lands to which this Chapter Applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the county.
- B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated July 3, 1986, is hereby adopted by reference and declared to be a part of this ordinance. In addition, the accompanying Flood Insurance Rate Maps (FIRMs) with a Map Index dated July 3, 1986, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the board of supervisors by the Floodplain Administrator. The study, and FIRM are on file at 700 5th Street, Crescent City, California 95531.
- C. Compliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the county from taking such lawful action as is necessary to prevent or remedy any violation.
- D. 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.
- E. Interpretation. In the interpretation and application of this chapter, all provisions shall be:
 - 1. Considered as minimum requirements;
 - 2. Liberally construed in favor of the governing body; and
 - 3. Deemed neither to limit nor repeal any other powers granted under state statutes.
- F. 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 county, any officer or

employee thereof, or the Federal Insurance Administration, for any administrative decision lawfully made thereunder.

- G. Severability. This chapter and various parts thereof are declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

20.47.040 (21.45.040) Administration.

- A. Establishment of Development Permit. A development permit shall be obtained before construction or development begins within any area of special flood hazards, established in Section 20.47.030B (21.45.030B). Application for a development permit may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:
1. Proposed elevation in relation to base flood level, of the lowest floor (including basement) of all structures;
 2. Proposed elevation in relation to base flood level to which any structure will be floodproofed;
 3. All appropriate certifications listed in subdivision 4 of this subsection; and
 4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- B. Designation of the Floodplain Administrator. The county is appointed to administer and implement this chapter by granting or denying development permits in accordance with its provisions.
- C. Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the floodplain administrator shall include, but not be limited to:
1. Permit Review
 - a. Review all development permits to determine that the permit requirements of this chapter have been satisfied;
 - b. All other required state and federal permits have been obtained;
 - c. The site is reasonably safe from flooding;
 - d. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but floodways have not been determined. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.
 2. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 20.47.030B (21.45.030B), the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation and

- floodway data available from a federal, state or other source including but not limited to the 1964 flood elevation levels and the county drainage plan, in order to administer Section 20.47.050 (21.45.050).
3. Whenever a watercourse is to be altered or relocated:
 - a. Notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;
 - b. Require that the flood-carrying capacity of the altered or relocated portion of the watercourse is maintained.
 4. Obtain and maintain for public inspection and make available as needed:
 - a. The certification required by Section 20.47.050A3a (21.45.050A3a) (lowest floor elevations);
 - b. The certification required by Section 20.47.050A3b (21.45.050A3b) (elevation or floodproofing of nonresidential structures);
 - c. The certification required by Section 20.47.050A3c (21.45.050A3c) (wet floodproofing standard);
 - d. The certified elevation required by Section 20.47.050C2 (21.45.050C2), subdivisions standards;
 - e. The certification required by Section 20.47.050E1 (21.45.050E1), floodway encroachments;
 - f. The information required by Section 20.47.050F6 (21.45.050F6) coastal construction standards.
 5. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards, (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 20.47.070 (21.45.070).
 6. Take action to remedy violations of this chapter as specified in Section 20.47.030C (21.45.030C) of this chapter.

20.47.050 (21.45.050) Provisions for flood hazard reduction.

The County shall obtain, review, and reasonably utilize the best base flood data available from any source: Federal, State, or other; such as high water mark(s), floods of record, or private engineering reports, in order to administer this Chapter. In areas of special flood hazard, the following standards apply:

- A. Standards of Construction. In all areas of special flood hazards the following standards are required:
 1. Anchoring.
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - b. All manufactured homes shall meet the anchoring standards of subsection D of this section.
 2. Construction Materials and Methods

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
3. Elevation and Floodproofing.
- a. New construction and substantial improvements of any structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. Nonresidential structures may meet the standards in subdivision 3c of this subsection. Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.
 - b. Nonresidential construction shall either be elevated in conformance with subdivision 3a of this subsection or together with attendant utility and sanitary facilities:
 - i. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - iii. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the floodplain administrator.
 - c. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - i. Either a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other

- coverings or devices, provided that they permit the automatic entry and exit of floodwaters, or
- ii. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration.

d. Manufactured homes shall also meet the standards in subsection D of this section.

B. Standards for Utilities.

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

C. Standards for Subdivisions with Areas of Special Flood Hazard.

1. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.
2. All final subdivision plans will provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood elevation, the lowest floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.
3. All subdivision proposals shall be consistent with the need to minimize flood damage.
4. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
5. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

D. Standards for Manufactured Homes. All new and replacement manufactured homes and additions to manufactured homes shall:

1. Be elevated so that the lowest floor is at or above the base flood elevation; and
2. Be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement;
3. Be installed using methods and practices which minimize flood damage. These regulations are in addition to applicable state and local requirements.

E. Floodways. Located within areas of special flood hazard established in Section 20.47.030B (21.45.030B) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If subdivision 1 of this subsection is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this section.

F. Coastal High Hazard Areas. Within coastal high hazard areas established in Section 20.47.030B (21.45.030B), the following standards shall apply:

1. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values shall be those required by applicable state or local building standards.
2. All new construction and other development shall be located on the landward side of the reach of mean high tide.
3. All new construction and substantial improvements shall have the space below the lowest floor free of obstructions or constructed with breakaway walls. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.
4. Fill shall not be used for structural support of buildings.
5. Man-made alteration of sand dunes which would increase potential flood damage is prohibited.
6. The floodplain administrator shall obtain and maintain the following records:
 - a. Certification by a registered engineer or architect that a proposed structure complies with subdivision 1 of this subsection;
 - b. The elevation (in relation to base flood level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.

G. Standards for recreational vehicles.

1. All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map will either:
 - a. Be on the site fewer than 180 consecutive days, and 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
 - b. Meets the permit requirements of Section 20.47.040 (21.45.040) of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 20.47.050D (21.45.050D).
2. Recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of Section 20.47.050G1 (21.45.050G1) and Section 20.47.050F (21.45.050F).

Section 20.47.060 (21.45.060) Variances.

The issuance of a variance pursuant to this section is for flood plain management purposes only. Variance requests regarding zoning

criteria and the hearing and notice process to be followed for this section are to be in conformance with Chapter 20.54 and 21.50D (Variances) of Del Norte County Code. This section establishes the criteria the County shall use to examine a variance request from the provisions of this chapter and to approve or disapprove such request.

A. Variances shall only be issued upon:

1. A showing of good and sufficient cause.
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization to the public, or conflict with existing local laws or ordinances.

B. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Section.

C. Variances shall not be issued within any designated 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.

E. Variances granted to construct the lowest living floor below the base flood elevation will require the County to inform the applicant in writing that granting of such variance will increase the cost of flood insurance commensurate with the increased risk resulting from the lower elevation.

F. Variances granted shall be in a written form and a copy of such variance and the accompanying written report shall be forwarded to the Federal Administrator.

20.47.070 (21.45.070) Variance procedure.

A. Appeal Board.

1. The board of supervisors of the county shall hear and decide appeals and requests for variances from the requirements of this chapter. Variance requests are to be in conformance with Chapters 20.54 and 21.50D of this code.
2. The county shall hear and decide appeals when it is alleged there is an error in any requirements, decision or determination made by the floodplain administrator in the enforcement or administration of this chapter.
3. In passing upon such applications, the county shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;

- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. The safety of access to the property in time of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site; and
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water system, and streets and bridges.
- 4. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 3a through k of this subsection have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
 - 5. Upon consideration of the factors of subdivision 3 of this subsection and the purposes of this chapter, the county may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
 - 6. The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

B. Conditions for Variances.

- 1. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- 2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- 3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 4. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

- c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
5. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the provisions of subdivisions 1 through 4 of this subsection are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the floodplain board in the office of the county recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

PASSED AND ADOPTED by the Board of Supervisors, County of Del Norte, State of California, this 14 th day of November , 1995, by the following polled vote:

AYES: Supervisors Mellett, Clausen, Eller, Bark and Reese

NOES: None

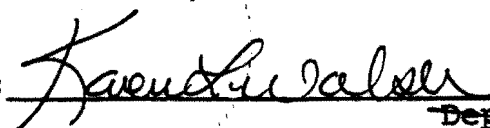
ABSENT: None



Jack B. Reese, Chairman
Board of Supervisors

ATTEST:

KAREN L. WALSH, Clerk of the
Board of Supervisors, County
of Del Norte, State of California

By: _____
Deputy