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

**ORDINANCE NO. 2009-010**

**AN ORDINANCE OF THE DEL NORTE COUNTY BOARD OF SUPERVISORS  
AMENDING CHAPTER 20.47 BY REPLACING THE CHAPTER IN ITS ENTIREITY  
WITH A NEW CHAPTER 20.47 OF THE DEL NORTE COUNTY CODE**

The Board of Supervisors of the County of Del Norte do ordain as follows:

**SECTION 1.** Chapter 20.47, Title 20, of Del Norte County Code is deleted and the following is hereby substituted in its place:

**Chapter 20.47  
FLOOD DAMAGE PREVENTION**

**Sections:**

- 20.47.010 Statutory authorization, findings of fact, purpose and methods.
- 20.47.020 Definitions.
- 20.47.030 General provisions.
- 20.47.040 Administration.
- 20.47.050 Provisions for flood hazard reduction.
- 20.47.060 Variances.
- 20.47.070 Variance procedure.

**20.47.010 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 governments the 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 of Del Norte does ordain that Chapter 20.47 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 uses that are inadequately elevated, floodproofed, 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.

- 47 C. Statement of Purpose. It is the purpose of this chapter to promote the public health, safety  
48 and general welfare, and to minimize public and private losses due to flood conditions in  
49 specific areas by provisions designed:  
50 1. To protect human life and health;  
51 2. To minimize expenditure of public money for costly flood-control projects;  
52 3. To minimize the need for rescue and relief efforts associated with flooding and generally  
53 undertaken at the expense of the general public;  
54 4. To minimize prolonged business interruptions;  
55 5. To minimize damage to public facilities and utilities such as water and gas mains,  
56 electric, telephone and sewer lines, streets and bridges located in areas of special flood  
57 hazard.  
58 6. To help maintain a stable tax base by providing for the sound use and development of  
59 areas of special flood hazard so as to minimize future blighted areas caused by flood  
60 damage.  
61 7. To ensure that potential buyers are notified that property is in an area of special flood  
62 hazard; and  
63 8. To ensure that those who occupy the areas of special flood hazard assume responsibility  
64 for their actions.

65 D. Methods of Reducing Flood Losses. In order to accomplish its purposes, this chapter includes  
66 methods and provisions for:

- 67 1. Restricting or prohibiting uses which are dangerous to health, safety and property due to  
68 water or erosion hazards, or which result in damaging increases in erosion or flood  
69 heights or velocities;  
70 2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be  
71 protected against flood damage at the time of initial construction;  
72 3. Controlling the alteration of natural floodplains, stream channels, and natural protective  
73 barriers, which help accommodate or channel floodwaters;  
74 4. Controlling filling, grading, dredging and other development which may increase flood  
75 damage; and  
76 5. Preventing or regulating the construction of flood barriers which will unnaturally divert  
77 floodwaters or which may increase flood hazards in other areas.

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#### 80 **20.47.020 Definitions.**

81 Unless specifically defined below, words or phrases used in this chapter shall be interpreted  
82 so as to give them the meaning they have in common usage and to give this chapter its most  
83 reasonable application.

84 "Accessory structure" means a structure that is either solely for the parking of no more  
85 than two cars; or a small, low cost shed for limited storage, less than 150 square feet and \$1,500  
86 in value.

87 "Appeal" means a request for a review of the floodplain administrator's interpretation of any  
88 provision of this chapter or a request for a variance.

89 "Area of Special Flood Hazard" See "special flood hazard area."

90 "Base flood" means the flood having a one percent chance of being equalled or exceeded in  
91 any given year (also called the "one-hundred-year flood"). For surfacewater runoff, known flood  
92 elevations of the 1964 flood shall be utilized as the base flood elevation when available or can be  
93 reasonably determined. Base flood is the term used throughout this ordinance.

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

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

104 A. Breakaway wall collapse shall result from a water load less than that which would occur  
105 during the base flood; and

106 B. The elevated portion of the building shall not incur any structural damage due to the  
107 effects of wind and water loads acting simultaneously in the event of the base flood.

108 "Coastal high hazard area" means an area of special flood hazard extending from offshore to  
109 the inland limit of a primary frontal dune along an open coast and any other area subject to high  
110 velocity wave action from storms or seismic sources. It is an area subject to high velocity waters,  
111 including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance  
112 Rate Map (FIRM) as Zone V1-V30, VE, or V. "Development" means any man-made change to  
113 improved or unimproved real estate, including but not limited to buildings or other structures,  
114 mining, dredging, filling, grading, paving, excavation or drilling operations or storage of  
115 equipment or materials.

116 "Existing manufactured home park or subdivision" means a manufactured home park or  
117 subdivision for which the construction of facilities for servicing the lots on which the  
118 manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the  
119 construction of streets, and either final site grading or the pouring of concrete pads) is completed  
120 before 1967.

121 "Expansion to an existing manufactured home park or subdivision" means the preparation of  
122 additional sites by the construction of facilities for servicing the lots on which the manufactured  
123 homes are to be affixed (including the installation of utilities, the construction of streets, and  
124 either final site grading or the pouring of concrete pads). "Flood boundary and floodway map"  
125 means the official map on which the Federal Emergency Management Agency or Federal  
126 Insurance Administration has delineated both the areas of special flood hazard and the floodway.

127 "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency  
128 Management Agency or Federal Insurance Administration has delineated both the areas of  
129 special flood hazards and the risk premium zones applicable to the community.

130 "Flood Insurance Study" means the official report provided by the Federal Insurance  
131 Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map,  
132 and the water surface elevation of the base flood.

133 "Flood" or "flooding" means a general and temporary condition of partial or complete  
134 inundation of normally dry land areas from (1) the overflow of floodwaters, (2) the unusual and  
135 rapid accumulation or runoff of surface waters from any source, and/or (3) the collapse or  
136 subsidence of land along the shore of a lake or other body of water as a result of erosion or  
137 undermining caused by waves or currents of water exceeding anticipated cyclical levels or  
138 suddenly caused by an unusually high water level in a natural body of water, accompanied by a  
139 severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal  
140 surge, or by some similarly unusual and unforeseeable event which results in flooding as defined

141 in this definition.

142 "Floodplain management" means the operation of an overall program of corrective and  
143 preventive measures for reducing flood damage, including but not limited to emergency  
144 preparedness plans, flood-control works and floodplain management regulations.

145 "Floodplain management regulations" means this ordinance and other zoning ordinances,  
146 subdivision regulations, building codes, health regulations, special purpose ordinances (such as  
147 grading and erosion-control) and other application of police power which control development in  
148 flood-prone areas. This term describes federal, state or local regulations in any combination  
149 thereof, which provide standards for preventing and reducing flood loss and damage.

150 "Floodplain" or "flood-prone area" means any land area susceptible to being inundated by  
151 water from any source (see definition of "flooding").

152 "Floodproofing" means any combination of structural and non-structural additions, changes or  
153 adjustments to structures which reduce or eliminate flood damage to real estate or improved real  
154 property, water and sanitary facilities, structures and their contents.

155 "Floodway" means the channel of a river or other watercourse and the adjacent land areas that  
156 must be reserved in order to discharge the base flood without cumulatively increasing the water  
157 surface elevation more than one foot. These areas are designated by the Federal Insurance  
158 Administration. Also referred to as "regulatory floodway."

159 "Functionally dependent use" means a use which cannot perform its intended purpose unless it  
160 is located or carried out in close proximity to water. The term includes only docking facilities,  
161 port facilities that are necessary for the loading and unloading of cargo or passengers, and ship  
162 building and ship repair facilities, but does not include long-term storage or related  
163 manufacturing facilities.

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

166 "Historic structure" means any structure that is:

- 167 A. Listed individually in the National Register of Historic Places (a listing maintained by  
168 the Department of Interior) or preliminarily determined by the Secretary of the  
169 Interior as meeting the requirements for individual listing on the National Register;  
170 B. Certified or preliminarily determined by the Secretary of the Interior as contributing to  
171 the historical significance of a registered historic district or a district preliminarily  
172 determined by the Secretary to qualify as a registered historic district;  
173 C. Individually listed on a state inventory of historic places in states with historic  
174 preservation programs which have been approved by the Secretary of Interior; or  
175 D. Individually listed on a local inventory of historic places in communities with historic  
176 preservation programs that have been certified either by an approved state program as  
177 determined by the Secretary of the Interior or directly by the Secretary of the Interior  
178 in states without approved programs.

179 "Levee" means a man-made structure, usually an earthen embankment designed and  
180 constructed in accordance with sound engineering practices to contain, control or divert the flow  
181 of water so as to provide protection from temporary flooding.

182 "Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see  
183 "Basement" definition).

- 184 A. An unfinished or flood resistant enclosure below the lowest floor that is usable solely  
185 for parking of vehicles, building access or storage in an area other than a basement  
186 area, is not considered a building's lowest floor provided it conforms to applicable  
187 non-elevation design requirements, including, but not limited to:

- 188 1. The flood openings standard in Section 20.47.050.A.3.c;  
189 2. The anchoring standards in Section 20.47.050.A.1;  
190 3. The construction materials and methods standards in Section 20.47.050.A.2; and  
191 4. The standards for utilities in Section 20.47.050.B.

192 For residential structures, all subgrade enclosed areas are prohibited as they are considered to be  
193 basements (see "Basement" definition). This prohibition includes below-grade garages and  
194 storage areas. "Manufactured home" means a structure, transportable in one or more sections,  
195 which is built on a permanent chassis and is designed for use with or without a permanent  
196 foundation when attached to the required utilities. For the purposes of this chapter, manufactured  
197 home and mobilehome are synonymous. The term "manufactured home" does not include a  
198 "recreational vehicle."

199 "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land  
200 divided into two or more manufactured home lots for sale or rent.

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

205 "New construction," for floodplain management purposes, means structures for which the  
206 "start of construction" commenced on or after the initial FIRM date of January 24, 1983, and  
207 includes any subsequent improvements to such structures.

208 "New manufactured home park or subdivision" means a manufactured home park or  
209 subdivision for which the construction of facilities for servicing the lots on which the  
210 manufactured homes are to be affixed (including at a minimum, the installation of utilities, the  
211 construction of streets, and either final site grading or the pouring of concrete pads) is completed  
212 on or after the initial FIRM date of January 24, 1983.

213 "One-hundred-year flood" means a flood which has a one percent annual probability of being  
214 equalled or exceeded. It is identical to the "base flood," which will be the term used throughout  
215 the chapter.

216 "Person" means an individual or his agent, firm, partnership, association or corporation, or  
217 agent of the aforementioned groups, or this state or its agencies or political subdivisions.

218 "Recreational vehicle" means a vehicle which is:

- 219 A. Built on a single chassis;  
220 B. Four hundred square feet or less when measured at the largest horizontal projection;  
221 C. Designed to be self-propelled or permanently towable by a light-duty truck; and  
222 D. Designed primarily not for use as a permanent dwelling but as temporary living quarters  
223 for recreational, camping, travel or seasonal use.

224 "Remedy a violation" means bring the structure or other development constructed after the  
225 effective date of the ordinance codified in this chapter into compliance with state or local  
226 floodplain management regulations, or, if this is not possible, to reduce the impacts of its  
227 noncompliance. Ways that impacts may be reduced include protecting the structure or other  
228 affected development from flood damage, implementing the enforcement provisions of the  
229 ordinance or otherwise deterring future similar violations, or reducing federal financial exposure  
230 with regard to the structure or other development.

231 "Riverine" means relating to, formed by or resembling a river (including tributaries), stream,  
232 brook, etc.

233 "Sand dunes" mean naturally occurring accumulations of sand in ridges or mounds landward  
234 of the beach.

235 "Special flood hazard area (SFHA)" means an area having a flood level with a one percent or  
236 greater chance of being equalled or exceeded in any given year and/or an area having special  
237 flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or  
238 FIRM as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE, V.

239 "Start of construction" includes substantial improvement and other proposed new  
240 development and means the date the building permit was issued, provided the actual start of  
241 construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was  
242 within one hundred eighty days from the date of the permit. The actual start means either the first  
243 placement of permanent construction of a structure on a site, such as the pouring of slab or  
244 footings, the installation of piles, the construction of columns, or any work beyond the stage of  
245 excavation; or the placement of a manufactured home on a foundation. Permanent construction  
246 does not include land preparation, such as clearing, grading and filling; nor does it include the  
247 installation of streets and/or walkways; nor does it include excavation for a basement, footings,  
248 piers or foundations or the erection of temporary forms; nor does it include the installation on the  
249 property of accessory buildings, such as garages or sheds not occupied as dwelling units or not  
250 part of the main structure. For a substantial improvement, the actual start of construction means  
251 the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not  
252 that alteration affects the external dimensions of the building.

253 "Structure" means a walled and roofed building, including a gas or liquid storage tank, that is  
254 principally aboveground, as well as a manufactured home.

255 "Substantial damage" means damage of any origin sustained by a structure whereby the cost  
256 of restoring the structure to its before-damaged condition would equal or exceed fifty percent of  
257 the market value of the structure before the damage occurred.

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

263 A. Any project for improvement of a structure to correct existing violations or state or local  
264 health, sanitary or safety code specifications which have been identified by the local code  
265 enforcement official and which are the minimum necessary to assure safe living  
266 conditions; or

267 B. Any alteration of a "historic structure," provided that the alteration will not preclude the  
268 structure's continued designation as a "historic structure."

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

273 A. Any project for improvement of a structure to comply with existing state or local health,  
274 sanitary or safety code specifications which are solely necessary to assure safe living  
275 conditions; or

276 B. Any alteration of a structure listed on the National Register of Historic Places or a State  
277 Inventory of Historic Places.

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

280 "Violation" means the failure of a structure or other development to be fully compliant with  
281 this ordinance. A structure or other development without the elevation certificate, other

282 certifications, or other evidence of compliance required in this ordinance is presumed to be in  
283 violation until such time as that documentation is provided.

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286 **20.47.030 General provisions.**

- 287 A. Lands to Which This Chapter Applies. This chapter shall apply to all areas of special flood  
288 hazards within the jurisdiction of the County of Del Norte.
- 289 B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard  
290 identified by the Federal Insurance Administration (FIA) of the Federal Emergency  
291 Management Agency (FEMA) in the Flood Insurance Study (FIS) dated September 26, 2008,  
292 with accompanying Flood Insurance Rate Maps (FIRMs) with a Map Index dated September  
293 26, 2008, and all subsequent amendments and/or revisions, are adopted by reference and  
294 declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of  
295 applicability of this chapter and may be supplemented by studies for other areas which allow  
296 implementation of this chapter and which are recommended to the board of supervisors by  
297 the floodplain administrator. The study and FIRM are on file at 981 H Street, Suite 110,  
298 Crescent City, California 95531.
- 299 C. Compliance. No structure or land shall hereafter be constructed, located, extended, converted  
300 or altered without full compliance with the terms of this chapter and other applicable  
301 regulations. Violations of the provisions of this chapter by failure to comply with any of its  
302 requirements (including violations of conditions and safeguards established in connection  
303 with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the Board of  
304 Supervisors from taking such lawful action as is necessary to prevent or remedy any  
305 violation.
- 306 D. Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate or  
307 impair any existing easements, covenants or deed restrictions. However, where this chapter  
308 and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever  
309 imposes the more stringent restrictions shall prevail.
- 310 E. Interpretation. In the interpretation and application of this chapter, all provisions shall be:  
311 1. Considered as minimum requirements;  
312 2. Liberally construed in favor of the governing body; and  
313 3. Deemed neither to limit nor repeal any other powers granted under state statutes.
- 314 F. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter  
315 is considered reasonable for regulatory purposes and is based on scientific and engineering  
316 considerations. Larger floods can and will occur on rare occasions. Flood heights may be  
317 increased by man-made or natural causes. This chapter does not imply that land outside the  
318 areas of special flood hazards, or uses permitted within such areas, will be free from flooding  
319 or flood damages. This chapter shall not create liability on the part of the Board of  
320 Supervisors, any officer or employee thereof, or the Federal Insurance Administration for any  
321 flood damages that result from reliance on this ordinance, for any administrative decision  
322 lawfully made thereunder.
- 323 G. Severability. This chapter and various parts thereof are declared to be severable. Should any  
324 section of this chapter be declared by the courts to be unconstitutional or invalid, such  
325 decision shall not affect the validity of the chapter as a whole, or any portion thereof other  
326 than the section so declared to be unconstitutional or invalid.

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329 **20.47.040 Administration.**

330 A. Establishment of Development Permit. A development permit shall be obtained before any  
331 construction or other development, including manufactured homes, begins within any area of  
332 special flood hazards, established in Section 20.47.030B. Application for a development  
333 permit shall be made on forms furnished by Del Norte County and may include, but not be  
334 limited to plans in triplicate drawn to scale showing:

- 335 1. The nature, location, dimensions and elevation of the area in question, existing or  
336 proposed structures, storage of materials and equipment and their location;
- 337 2. Grading information showing existing and proposed contours, any proposed fill, and  
338 drainage facilities;
- 339 3. Proposed locations of water supply, sanitary sewer, and other utilities;
- 340 4. Location of the regulatory floodway when applicable;
- 341 5. Base flood elevation information as specified in 20.47.030.B or 20.47.040.C.2;
- 342 6. Proposed elevation in relation to mean sea level, of the lowest floor (including  
343 basement) of all structures;
- 344 7. Proposed elevation in relation to mean sea level to which any structure will be  
345 floodproofed, as required in 20.47.050.A.3;
- 346 8. All appropriate certifications listed in subsection (C)(4) of this section; and
- 347 9. Description of the extent to which any watercourse will be altered or relocated as a  
348 result of proposed development.
- 349 10. Certification from a registered civil engineer or architect that the nonresidential  
350 floodproofed building meets the floodproofing criteria in 20.47.050.A.3.b.
- 351 11. For a crawl-space foundation, location and total net area of foundation openings as  
352 required in 20.47.050.3.c of this ordinance and detailed in FEMA Technical Bulletins  
353 1-93 and 7-93.

354 B. Designation of the Floodplain Administrator. The Director of the Community Development  
355 Department is appointed to administer and implement this chapter by granting or denying  
356 development permits in accordance with its provisions.

357 C. Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities  
358 of the floodplain administrator shall include, but not be limited to:

359 1. Permit Review.

- 360 a. Review all development permits to determine that the permit requirements of this chapter  
361 have been satisfied;
- 362 b. All other required state and federal permits have been obtained;
- 363 c. The site is reasonably safe from flooding;
- 364 d. The proposed development does not adversely affect the carrying capacity of areas where  
365 base flood elevations have been determined but floodways have not been determined.  
366 For purposes of this chapter, "adversely affects" means that the cumulative effect of the  
367 proposed development when combined with all other existing and anticipated  
368 development will not increase the water surface elevation of the base flood more than  
369 one foot at any point within Del Norte County.
- 370 e. All Letters of Map Revision (LOMR's) for flood control projects are approved prior to  
371 the issuance of building permits. Building Permits must not be issued based on  
372 Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow  
373 construction of the proposed flood control project and land preparation as specified in  
374 the "start of construction" definition.

375 2. Use of Other Base Flood Data. When base flood elevation data has not been provided in

376 accordance with Section 20.47.030B, the floodplain administrator shall obtain, review and  
377 reasonably utilize any base flood elevation and floodway data available from a federal,  
378 state or other source including but not limited to the 1964 flood elevation levels and the  
379 county drainage plan, in order to administer Section 20.47.050.

380 3. Whenever a watercourse is to be altered or relocated:

381 a. Notify adjacent communities and the California Department of Water Resources prior to  
382 such alteration or relocation of a watercourse, and submit evidence of such notification  
383 to the Federal Insurance Administration;

384 b. Require that the flood-carrying capacity of the altered or relocated portion of the  
385 watercourse is maintained.

386 4. Base Flood Elevation changes due to physical alterations:

387 a. Within 6 months of information becoming available or project completion,  
388 whichever comes first, the floodplain administrator shall submit or assure that the  
389 permit applicant submits technical or scientific data to FEMA for a Letter of Map  
390 Revision (LOMR).

391 b. All Letters of Map Revision (LOMR's) for flood control projects are approved  
392 prior to the issuance of building permits. Building Permits must not be issued  
393 based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's  
394 allow construction of the proposed flood control project and land preparation as  
395 specified in the "start of construction" definition.

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

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

403 6. Obtain and maintain for public inspection and make available as needed:

404 a. The certification required by Section 20.47.050(A)(3)(a) (lowest floor  
405 elevations);

406 b. The certification required by Section 20.47.050(A)(3)(b) (elevation or  
407 floodproofing of nonresidential structures);

408 c. The certification required by Section 20.47.050(A)(3)(c) (wet floodproofing  
409 standard);

410 d. The certified elevation required by Section 20.47.050(C)(2), subdivisions and  
411 other proposed development standards;

412 e. The certification required by Section 20.47.050(E)(1), floodway encroachments;

413 f. The information required by Section 20.47.050(F)(6), coastal construction  
414 standards.

415 7. Map Determination. Make interpretations where needed, as to the exact location of the  
416 boundaries of the areas of special flood hazards (for example, where there appears to  
417 be a conflict between a mapped boundary and actual field conditions). The person  
418 contesting the location of the boundary shall be given a reasonable opportunity to  
419 appeal the interpretation as provided in Section 20.47.070.

420 8. Take action to remedy violations of this chapter as specified in Section 20.47.030C.

- 421 9. Maintain a record of all variance actions, including justification for their issuance, and  
422 report such variances issued in its biennial report submitted to the Federal Emergency  
423 Management Agency.  
424 10. Complete and submit the Biennial Report to the Federal Emergency Management  
425 Agency.  
426 11. Assure the community's General Plan is consistent with floodplain management  
427 objectives herein.  
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429 **20.47.050 Provisions for flood hazard reduction.**

430 The county shall obtain, review, and reasonably utilize the best base flood data available from  
431 any source: federal, state or other, such as high water mark(s), floods of record, or private  
432 engineering reports, in order to administer this chapter. In areas of special flood hazard, the  
433 following standards apply:

- 434 A. Standards of Construction. In all areas of special flood hazards the following standards are  
435 required:
- 436 1. Anchoring.
    - 437 a. All new construction and substantial improvements of structures, including  
438 manufactured homes, shall be adequately anchored to prevent flotation, collapse or  
439 lateral movement of the structure resulting from hydrodynamic and hydrostatic loads,  
440 including the effects of buoyancy.
    - 441 b. All manufactured homes shall meet the anchoring standards of subsection D of this  
442 section.
  - 443 2. Construction Materials and Methods.
    - 444 a. All new construction and substantial improvements of structures, including  
445 manufactured homes, shall be constructed with flood resistant materials and utility  
446 equipment resistant to flood damage for areas below base flood elevation.
    - 447 b. All new construction and substantial improvements, including manufactured homes,  
448 shall be constructed using methods and practices that minimize flood damage.
    - 449 c. All new construction and substantial improvements, including manufactured homes,  
450 shall be constructed with electrical, heating, ventilation, plumbing and air  
451 conditioning equipment and other service facilities that are designed and/or located so  
452 as to prevent water from entering or accumulating within the components during  
453 conditions of flooding.
    - 454 d. All new construction and substantial improvements of structures, including  
455 manufactured homes, shall be constructed, within Zones AH or AO, so that there are  
456 adequate drainage paths around structures on slopes to guide flood waters around and  
457 away from proposed structures.
  - 458 3. Elevation and Floodproofing.
    - 459 a. New construction and substantial improvements of any structure shall have the  
460 lowest floor, including basement:
      - 461 i. In AE, AH, A1-30 Zones, elevated to or above the base flood elevation.
      - 462 ii. In an AO zone, elevated above the highest adjacent grade to a height equal to  
463 or exceeding the depth number specified in feet on the FIRM, or elevated at  
464 least 2 feet above the highest adjacent grade if no depth number is specified.
      - 465 iii. In an A zone, without BFE's specified on the FIRM (unnumbered A zone),  
466 elevated to or above the base flood elevation; as determined under Section  
467 20.47.040.C.2.

468 Nonresidential structures may meet the standards in subsection (A)(3)(c) of this  
469 section. Upon the completion of the structure, the elevation of the lowest floor,  
470 including basement, shall be certified by a registered civil engineer or licensed land  
471 surveyor, and verified by the community building inspector to be properly elevated.  
472 Such certification and verification shall be provided to the floodplain administrator.

473 b. Nonresidential construction shall either be elevated in conformance with subsection  
474 (A)(3)(a) of this section or together with attendant utility and sanitary facilities:

- 475 i. Be floodproofed so that below the base flood level the structure is watertight  
476 with walls substantially impermeable to the passage of water,
- 477 ii. Have structural components capable of resisting hydrostatic and hydrodynamic  
478 loads and effects of buoyancy, and
- 479 iii. Be certified by a registered professional engineer or architect that the standards  
480 of this subsection are satisfied. Such certifications shall be provided to the  
481 floodplain administrator.

482 c. All new construction and substantial improvements of structures with fully enclosed  
483 areas below the lowest floor (excluding basements) that are usable solely for parking  
484 of vehicles, building access or storage, and which are subject to flooding, shall be  
485 designed to automatically equalize hydrostatic flood forces on exterior walls by  
486 allowing for the entry and exit of floodwater. Designs for meeting this requirement  
487 must meet the following minimum criteria for non-engineered openings:

- 488 i. Have a minimum of two openings on different sides having a total net area of not  
489 less than one square inch for every square foot of enclosed area subject to  
490 flooding.
- 491 ii. The bottom of all openings shall be no higher than one foot above grade.
- 492 iii. Openings may be equipped with screens, louvers, valves or other coverings or  
493 devices, provided that they permit the automatic entry and exit of  
494 floodwaters, and
- 495 iv. Buildings with more than one enclosed area must have openings on exterior  
496 walls for each area to allow flood water to directly enter, or  
497
- 498 v. Be certified by a registered ~~professional~~ civil engineer or architect.

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

500 4. Garages and low cost accessory structures.

- 501 a. Attached Garages
  - 502 i. A garage attached to a residential structure, constructed with the garage  
503 floor slab below the BFE, must be designed to allow for the automatic  
504 entry of flood waters. See Section 20.47.050.A.3.c. Areas of the garage  
505 below the BFE must be constructed with flood resistant materials. See  
506 Section 20.47.050.A.2.
  - 507 ii. A garage attached to a nonresidential structure must meet the above  
508 requirements or be dry floodproofed. For guidance on below grade  
509 parking areas, see FEMA Technical Bulletin TB-6.
- 510 b. Detached garages and accessory structures.
  - 511 i. "Accessory structures" used solely for parking (2 car detached garages or  
512 smaller) or limited storage (small, low-cost sheds), as defined in Section  
513 20.47.020, may be constructed such that its floor is below the base flood

- 514 elevation (BFE), provided the structure is designed and constructed in  
515 accordance with the following requirements”
- 516 1) Use of the accessory structure must be limited to parking or limited  
517 storage;
  - 518 2) The portions of the accessory structure located below the BFE must be  
519 built using flood-resistant materials;
  - 520 3) The accessory structure must be adequately anchored to prevent flotation,  
521 collapse and lateral movement;
  - 522 4) Any mechanical and utility equipment in the accessory structure must e  
523 elevated or floodproofed to or above the BFE;
  - 524 5) The accessory structure must comply with floodplain encroachment  
525 provisions in Section 20.47.050.E; and
  - 526 6) The accessory structure must be designed to allow for the automatic entry  
527 of flood waters in accordance with Section 20.47.050.A.3.c.
- 528 ii. Detached garages and accessory structures not meeting the above  
529 standards must be constructed in accordance with all applicable standards  
530 in Section 20.47.050.A.
- 531

532 **B. Standards for Utilities.**

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

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

- 539 1. All preliminary subdivision proposals shall identify the flood hazard area and the  
540 elevation of the base flood.
- 541 2. All final subdivision plans will provide the elevation of proposed structure(s) and  
542 pads. If the site is filled above the base flood elevation, the lowest floor elevation, the  
543 pad elevation, and the lowest adjacent grade as-built information for each structure  
544 shall be certified by a registered civil engineer or licensed land surveyor and provided  
545 as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the  
546 floodplain administrator.
- 547 3. All subdivision proposals and other proposed development shall be consistent with  
548 the need to minimize flood damage.
- 549 4. All subdivision proposals and other proposed development shall have public utilities  
550 and facilities such as sewer, gas, electrical and water systems located and constructed  
551 to minimize flood damage.
- 552 5. All subdivisions and other proposed development shall provide adequate drainage to  
553 reduce exposure to flood hazards.

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

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

- 561 4. Within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map,  
562 meet the requirements of Section 20.47.050.F.  
563 5. All manufactured homes to be placed or substantially improved on sites in an  
564 existing manufactured home park or subdivision within Zones A1-30, AH, AE,  
565 V1-30, V, and VE on the community's Flood Insurance Rate Map that are not subject  
566 to the provisions of Section 20.47.050.D will be securely fastened to an adequately  
567 anchored foundation system to resist flotation, collapse, and lateral movement, and  
568 be elevated so that either the:  
569 a. Lowest floor of the manufactured home is at or above the base flood  
570 elevation; or  
571 b. Manufactured home chassis is supported by reinforced piers or other  
572 foundation elements of at least equivalent strength that are no less than 36  
573 inches in height above grade.

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

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

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

589 F. Coastal High Hazard Areas. Within coastal high hazard areas established in Section  
590 20.47.030B, the following standards shall apply:

- 591 1. All new residential and non-residential construction, including substantial  
592 improvement/damage, shall be elevated on adequately anchored pilings or columns  
593 and securely anchored to such pilings or columns so that the bottom of the lowest  
594 horizontal structural member of the lowest floor (excluding the pilings or columns) is  
595 elevated to or above the base flood level. The pile or column foundation and  
596 structure attached thereto is anchored to resist flotation, collapse, and lateral  
597 movement due to the effects of wind and water loads acting simultaneously on all  
598 building components. Water loading values used shall be those associated with the  
599 base flood. Wind loading values shall be those required by applicable state or local  
600 building standards.  
601 2. All new construction and other development shall be located on the landward side of  
602 the reach of mean high tide.  
603 3. All new construction and substantial improvements shall have the space below the  
604 lowest floor free of obstructions or constructed with breakaway walls as defined in  
605 Section 20.47.020. Such enclosed space shall not be used for human habitation and  
606 will be usable solely for parking of vehicles, building access or storage.  
607 4. Fill shall not be used for structural support of buildings.

- 608 5. Man-made alteration of sand dunes which would increase potential flood damage is  
609 prohibited.
- 610 6. The floodplain administrator shall obtain and maintain the following records:
- 611 a. Certification by a registered engineer or architect that a proposed structure  
612 complies with subsection (F)(1) of this section;
- 613 b. The elevation (in relation to mean sea level) of the bottom of the lowest  
614 structural member of the lowest floor (excluding pilings or columns) of all new  
615 and substantially improved structures, and whether such structures contain a  
616 basement.
- 617 G. Standards for Recreational Vehicles.
- 618 1. All recreational vehicles placed on sites within Zones A, A1-30, AH, and AE on the  
619 community's Flood Insurance Rate Map will either:
- 620 a. Be on the site fewer than one hundred eighty consecutive days, and be fully  
621 licensed and ready for highway use -- a recreational vehicle is ready for highway  
622 use if it is on its wheels or jacking system, is attached to the site only by quick  
623 disconnect type utilities and security devices, and has no permanently attached  
624 additions; or
- 625 b. Meets the permit requirements of Section 20.47.040 of this chapter and the  
626 elevation and anchoring requirements for manufactured homes in subsection D of  
627 this section.
- 628 2. Recreational vehicles placed on sites within Zones V1-30, V, and VE on the  
629 community's Flood Insurance Rate Map will meet the requirements of subsections (F) and  
630 (G) (1) of this section.
- 631
- 632

633 **20.47.060 Variances.**

634 The issuance of a variance pursuant to this section is for floodplain management purposes  
635 only. Insurance premium rates are determined by statute according to actuarial risk and will not  
636 be modified by the granting of a variance. Variance requests regarding zoning criteria and the  
637 hearing and notice process to be followed for this section are to be in conformance with Chapters  
638 20.54 and 21.50D (Variances) of this code. This section establishes the criteria the county shall  
639 use to examine a variance request from the provisions of this chapter and to approve or  
640 disapprove such request.

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

648 It is the duty of the Board of Supervisors of the County of Del Norte to help protect its  
649 citizens from flooding. This need is so compelling and the implications of the cost of insuring a  
650 structure built below flood level are so serious that variances from the flood elevation or from  
651 other requirements in the flood ordinance are quite rare. The long term goal of preventing and  
652 reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the  
653 variance guidelines provided in this ordinance are more detailed and contain multiple provisions  
654 that must be met before a variance can be property granted. The criteria are designed to screen

655 out those situations in which alternatives other than a variance are more appropriate.

656 A. Variances shall only be issued upon:

657 1. A showing of good and sufficient cause;

658 2. A determination that failure to grant the variance would result in exceptional hardship to  
659 the applicant;

660 3. A determination that the granting of a variance will not result in increased flood heights,  
661 additional threats to public safety, extraordinary public expense, create nuisances, cause  
662 fraud on or victimization to the public, or conflict with existing local laws or ordinances.

663 B. Variances may be issued for the reconstruction, rehabilitation or restoration of historic  
664 structures, as defined in Section 20.47.020, without regard to the procedures set forth in the  
665 remainder of this section.

666 C. Variances shall not be issued within any designated floodway if any increase in flood levels  
667 during the base flood discharge would result.

668 D. Variances shall only be issued upon a determination that the variance is the minimum  
669 necessary, considering the flood hazard, to afford relief.

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

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

676

677 **20.47.070 Variance procedure.**

678 A. Appeal Board.

679 1. The board of supervisors of the county shall hear and decide appeals and requests for  
680 variances from the requirements of this chapter. Variance requests are to be in  
681 conformance with Chapters 20.54 and 21.50D of this code.

682 2. The county shall hear and decide appeals when it is alleged there is an error in any  
683 requirements, decision or determination made by the floodplain administrator in the  
684 enforcement or administration of this chapter.

685 3. In passing upon such applications, the county shall consider all technical evaluations, all  
686 relevant factors, standards specified in other sections of this chapter, and:

687 a. The danger that materials may be swept onto other lands to the injury of others;

688 b. The danger to life and property due to flooding or erosion damage;

689 c. The susceptibility of the proposed facility and its contents to flood damage and the  
690 effect of such damage on the individual owner;

691 d. The importance of the services provided by the proposed facility to the community;

692 e. The necessity to the facility of a waterfront location, where applicable;

693 f. The availability of alternative locations for the proposed use which are not subject to  
694 flooding or erosion damage;

695 g. The compatibility of the proposed use with existing and anticipated development;

696 h. The relationship of the proposed use to the comprehensive plan and floodplain  
697 management program for that area;

698 i. The safety of access to the property in time of flood for ordinary and emergency  
699 vehicles;

700 j. The expected heights, velocity, duration, rate of rise and sediment transport of the  
701 floodwaters expected at the site; and

- 702 k. The costs of providing governmental services during and after flood conditions,  
703 including maintenance and repair of public utilities and facilities such as sewer, gas,  
704 electrical and water system, and streets and bridges.
- 705 4. Generally, variances may be issued for new construction and substantial improvements to  
706 be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots  
707 with existing structures constructed below the base flood level, providing subsections  
708 (A)(3)(a) through (k) of this section have been fully considered. As the lot size increases  
709 beyond one-half acre, the technical justification required for issuing the variance  
710 increases.
- 711 5. Upon consideration of the factors of subsection (A)(3) of this section and the purposes of  
712 this chapter, the county may attach such conditions to the granting of variances as it  
713 deems necessary to further the purposes of this chapter.
- 714 6. The floodplain administrator shall maintain the records of all appeal actions and report any  
715 variances to the Federal Insurance Administration upon request.

716 **B. Conditions for Variances.**

- 717 1. Variances may be issued for the reconstruction, rehabilitation or restoration of historic  
718 structures, as defined in Section 20.47.020, without regard to the procedures set forth in  
719 the remainder of this section.
- 720 2. Variances shall not be issued within any designated floodway if any increase in flood  
721 levels during the base flood discharge would result.
- 722 3. Variances shall only be issued upon a determination that the variance is the minimum  
723 necessary, considering the flood hazard, to afford relief.
- 724 4. Variances shall only be issued upon:
- 725 a. A showing of good and sufficient cause;
- 726 b. A determination that failure to grant the variance would result in exceptional  
727 hardship to the applicant; and
- 728 c. A determination that the granting of a variance will not result in increased flood  
729 heights, additional threats to public safety, extraordinary public expense, create  
730 nuisances, cause fraud on or victimization of the public or conflict with existing local  
731 laws or ordinances.
- 732 5. Variances may be issued for new construction and substantial improvements and for  
733 other development necessary for the conduct of a functionally dependent use provided  
734 that the provisions of subsections (B)(1) through (4) of this section are satisfied and that  
735 the structure or other development is protected by methods that minimize flood damages  
736 during the base flood and create no additional threats to public safety.
- 737 6. Any applicant to whom a variance is granted shall be given written notice that the  
738 structure will be permitted to be built with a lowest floor elevation below the regulatory  
739 flood elevation and that the cost of flood insurance will be commensurate with the  
740 increased risk resulting from the reduced lowest floor elevation. A copy of the notice  
741 shall be recorded by the floodplain board in the office of the county recorder and shall  
742 be recorded in a manner so that it appears in the chain of title of the affected parcel of  
743 land.

744  
745 **SECTION 2.** Classification. This ordinance is considered of a general and permanent  
746 nature and is classified as a codified ordinance.

747  
748 **SECTION 3.** If any part of this Ordinance or its application is deemed invalid by a court

749 of competent jurisdiction, the Board of Supervisors intends that such invalidity will not  
750 affect the effectiveness of the remaining provisions or applications and, to this end, the  
751 provisions of this Ordinance are severable.

752  
753 **SECTION 4.** This ordinance shall become effective 31 days following its final passage  
754 and adoption.

755  
756 PASSED AND ADOPTED this 26 day of MAY, 2009 by the Board of  
757 Supervisors of the County of Del Norte by the following polled vote:

758  
759 AYES: Supervisors McClure, McNamer, Sullivan, Finigan, Hemmingsen

760

761 NOES: None

762

763 ABSENT: None

764

765

766

767

768

769

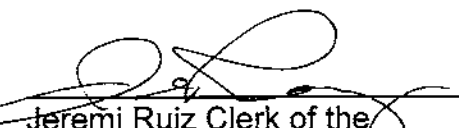
770 ATTEST:

771

772

773

774

775   
776 Jeremi Ruiz Clerk of the  
777 Board of Supervisors, County  
of Del Norte, State of California

  
GERRY HEMMINGSEN, Chairman  
Board of Supervisors

APPROVED AS TO FORM:

  
DOHN HENION, County Counsel

Date: 5-26-09

I hereby certify that according to the  
provisions of Government Code  
Section 25103, delivery of this  
document has been made.

Clerk of the Board  
By: 