

Chapter 15.52

FLOODPLAIN MANAGEMENT REGULATIONS

Sections:

ARTICLE 1. TITLE, FINDINGS OF FACT, PURPOSE AND METHODS

- 15.52.110 Title.
- 15.52.120 Findings of Fact.
- 15.52.130 Purpose.
- 15.52.140 Methods of Reducing Flood Losses.

ARTICLE 2. GENERAL PROVISIONS

- 15.52.210 Definitions.
- 15.52.220 Lands to Which this Chapter Applies.
- 15.52.230 Basis For Establishing the Areas of Special Flood Hazard.
- 15.52.240 Violations.
- 15.52.250 Abrogation and Greater Restrictions.
- 15.52.260 Interpretation.
- 15.52.270 Warning and Disclaimer of Liability.
- 15.52.280 Severability.

ARTICLE 3. ADMINISTRATION

- 15.52.310 Establishment of Development Permit.
- 15.52.320 Designation of the Floodplain Administrator.
- 15.52.330 Duties and Responsibilities of the Floodplain Administrator.

ARTICLE 4. PROVISIONS FOR FLOOD HAZARD REDUCTION

- 15.52.410 Standards of Construction.
- 15.52.420 Standards for Utilities.
- 15.52.430 Standards for Subdivisions.
- 15.52.440 Standards for Manufactured Homes.
- 15.52.450 Standards for Recreational Vehicles.
- 15.52.460 Floodways.

ARTICLE 5. VARIANCE AND APPEAL PROCEDURE

- 15.52.510 Nature of Variances.
- 15.52.520 Conditions for Variances.
- 15.52.530 Appeal Board.
- 15.52.540 Appeal Procedure.
- 15.52.550 Nonconforming Uses.
- 15.52.560 Property Rights.

ARTICLE 1. TITLE, FINDINGS OF FACT, PURPOSE AND METHODS

Section 15.52.110 Title.

This Chapter shall be known as the "Tehama County Floodplain Management Regulations."

Section 15.52.120 Findings of Fact.

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

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 contribute to the flood loss.

Section 15.52.130 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:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Section 15.52.140 Methods of Reducing Flood Losses.

In order to accomplish its purposes, this chapter includes methods and provisions:

- A. To restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- B. To require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. To control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. To control filling, grading, dredging, and other development which may increase flood damage; and
- E. To prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

ARTICLE 2. GENERAL PROVISIONS

Section 15.52.210 Definitions.

For the purpose of this chapter, certain terms, phrases, words and their derivatives shall be construed as specified in this section. Where terms are not defined, they shall have their ordinarily accepted meanings within the context with which they are used. *Webster's Third New International Dictionary of the English Language, Unabridged*, copyright 1986, shall be considered as providing ordinarily accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

ACCESSORY USE means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

APPEAL means a request for a review of the Floodplain Administrator's interpretation of any provision of this chapter.

AREA OF SHALLOW FLOODING means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - See "Special flood hazard area."

BASE FLOOD means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this chapter.

BASEMENT means any area of the building having its floor below ground level on all sides.

BUILDING - see "Structure".

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ENCROACHMENT means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD, FLOODING, OR FLOOD WATER means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

FLOOD INSURANCE RATE MAP (FIRM) means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOODPLAIN OR FLOOD-PRONE AREA means any land area susceptible to being inundated by water from any source - see "Flooding".

FLOODPLAIN ADMINISTRATOR is the individual appointed to administer and enforce the floodplain management regulations.

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

FLOODPLAIN MANAGEMENT REGULATIONS means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose chapter (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

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.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway".

FLOODWAY FRINGE is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

FUNCTIONALLY DEPENDANT 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 does not include long-term storage or related manufacturing facilities.

GOVERNING BODY is the local governing unit, i.e. county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

HARDSHIP as related to Article 5, Variance and Appeal Procedure, of this chapter means the exceptional hardship that would result from a failure to grant the requested variance. The Board of Supervisors requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship.

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE means any structure that is:

1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

LEEVE 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.

LEEVE SYSTEM means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

LOWEST FLOOR means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).

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

- a. the wet floodproofing standard in Section 15.52.410(c)3.
- b. the anchoring standards in Section 15.52.410(a).
- c. the construction materials and methods standards in Section 15.52.410(b).
- d. the standards for utilities in Section 15.52.420.

2. For residential structures, all sub-grade, enclosed areas are prohibited as they are considered to be basements. This prohibition includes below-grade garages and storage areas.

MANUFACTURED HOME means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to utilities, and includes

the plumbing, heating, air conditioning, and electrical systems contained therein. "Manufactured home" includes a mobilehome subject to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, et seq.).

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

MEAN SEA LEVEL means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MOBILEHOME means a structure that meets the requirements of a manufactured home. Mobilehome does not include a commercial coach, factory-built housing, or a recreational vehicle.

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.

NEW MANUFACTURED HOME PARK OR SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

OBSTRUCTION includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

ONE HUNDRED YEAR FLOOD or "100-year flood" - see "Base flood."

PUBLIC SAFETY AND NUISANCE as related to Article 5, Variance and Appeal Procedure, of this chapter means that the granting of a variance must not result in anything which is injurious to safety or health or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

RECREATIONAL VEHICLE means either of the following:

(a) A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency or temporary occupancy, which meets all of the following criteria:

1. It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.
2. It contains 400 square feet or less of gross area measured at maximum horizontal projections.
3. It is built on a single chassis.
4. It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

(b) A park trailer designed for human habitation for recreational or seasonal use only, which meets all of the following criteria:

1. It contains 400 square feet or less of gross floor area measured at the maximum horizontal projections. However, it may not exceed 12 feet in width or 40 feet in length in the traveling mode.

2. It is built on a single chassis.
3. It may only be transported upon public highways with a permit.

REGULATORY FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

REMEDY A VIOLATION means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the chapter or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

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

SPECIAL FLOOD HAZARD AREA (SFHA) means an area of land that would be inundated by a 100-year flood, and shown on an FHBM or FIRM as Zone A, A1-A30, AE, AO, AH.

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 issuance. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of 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.

STRUCTURE means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

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.

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

1. any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. any alteration of an "historic structure", provided that the alteration will not preclude the structure's continued designation as an "historic structure".

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.

VIOLATION means the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

WATERCOURSE means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically

designated areas in which substantial flood damage may occur.

Section 15.52.220 Lands to Which This Chapter Applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the County of Tehama.

Section 15.52.230 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 May 5, 2003 is hereby adopted by reference and declared to be part of this chapter. In addition, the accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), with map indexes dated May 5, 2003, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the Board of Supervisors by the Floodplain Administrator. The study, FIRMs and FBFMs are on file at the Tehama County Department of Building and Safety, 444 Oak Street, Room H, Red Bluff, California

Section 15.52.240 Violations.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor. Each day such violation continues shall be considered a separate offense. Any violation of the provisions of this chapter is declared to be a nuisance and may be abated. Nothing herein contained shall prevent the County of Tehama from taking such lawful actions as are necessary to prevent or remedy any violations.

Section 15.52.250 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 conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 15.52.260 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.

Section 15.52.270 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. 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.

Section 15.52.280 Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section of

this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

ARTICLE 3. ADMINISTRATION

Section 15.52.310 Establishment of Development Permit.

A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section 15.52.230. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and 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. Site plan, including but not limited to:
 - a. for all proposed structures, spot ground elevations at 20-foot or smaller intervals along the foundation footprint, or one foot contour elevations throughout the building site; and
 - b. proposed locations of water supply, sanitary sewer, and utilities; and
 - c. if available, the base flood elevation from the Flood Insurance Study and/or Flood Insurance Rate Map; and
 - d. if applicable, the location of the regulatory floodway; and
2. Foundation design detail, including but not limited to:
 - a. proposed elevation in relation to mean sea level, of the lowest floor including basement) of all structures; and
 - b. for a crawl-space foundation, location and total net area of openings as required in Section 15.52.410(c)3 of this chapter and FEMA Technical Bulletins 1-93 and 7-93; and
 - c. for foundations placed on fill, the location and height of fill, and compaction requirements (compacted to 95 percent using Standard Proctor Test method); and
3. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 15.52.410(c)2 of this chapter and FEMA Technical Bulletin 3-93; and
4. all appropriate certifications listed in Section 15.52.330.(d) of this chapter; and
5. description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Section 15.52.320 Designation of the Floodplain Administrator.

The Building Official is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions.

Section 15.52.330 Duties and Responsibilities of the Floodplain Administrator.

- (a) Permit Review. Review all development permits to determine that:
 1. permit requirements of this chapter have been satisfied,
 2. all other required state and federal permits have been obtained,
 3. the site is reasonably safe from flooding, and
 4. the proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. 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.
- (b) Review and Use of Any Other Base Flood Data. When base flood elevation data has not

been provided in accordance with Section 15.52.230, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or State agency, or other source, in order to administer Article 4.

If no base flood elevation data is available from a federal or State agency or other source, then a base flood elevation shall be obtained using any of the methods from the FEMA publication 'Managing Floodplain Development In Approximate Zone A areas - A Guide For Obtaining And Developing Base (100-year) Flood Elevations,' dated July 1995.

(c) Notification of Other Agencies. In alteration or relocation of a watercourse:

1. notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
2. submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency within six months after the data becomes available; and
3. assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

(d) Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:

1. certification required by Section 15.52.410(c)1 (lowest floor elevations),
2. certification required by Section 15.52.410(c)2 (elevation or floodproofing of nonresidential structures),
3. certification required by Sections 15.52.410(c)3 (wet floodproofing standard),
4. certification of elevation required by Section 15.52.430(b) (subdivision standards),
5. certification required by Section 15.52.460 (floodway encroachments).

(e) Map Determinations. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard, 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 Article 5, Variance and Appeal Procedure.

(f) Remedial Action. Take action to remedy violations of this chapter as specified in Section 15.52.240.

ARTICLE 4. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section 15.52.410 Standards of Construction.

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

(a) Anchoring.

1. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. All manufactured homes shall meet the anchoring standards of Section 15.52.440.

(b) Construction materials and methods. All new construction and substantial improvement shall be constructed:

1. with materials and utility equipment resistant to flood damage.
2. using methods and practices that minimize flood damage;
3. with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if
4. within zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

(c) Elevation and floodproofing. (See section 15.52.210 Definitions for "basement," "lowest floor," "new construction," "substantial damage" and "substantial improvement".)

I. Residential construction, new or substantial improvement, shall have the lowest floor, including basement,

- A. in an A zone, elevated to or above the base flood elevation; said base flood elevation shall be determined by one of the methods in Section 15.52.330(b) of this

chapter.

B. in all other Zones, elevated to or above the base flood elevation.

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.

2. Nonresidential construction, new or substantial improvement, shall either be elevated to conform with Section 15.52.410(c)1 or together with attendant utility and sanitary facilities:

A. be floodproofed below the elevation recommended under Section 15.52.410(c)1 so that the structure is watertight with walls substantially impermeable to the passage of water;

B. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

C. be certified by a registered professional engineer or architect that the standards of this section are satisfied. Such certification shall be provided to the Floodplain Administrator.

3. 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 floodwater. Designs for meeting this requirement may follow the guidelines in FEMA Technical Bulletins 1-93 and 7-93, however in any event, must meet or exceed the following minimum criteria:

A. be certified by a registered professional engineer or architect; or

B. have 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. 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 floodwater.

4. Manufactured homes shall also meet the standards in Section 15.52.440.

Section 15.52.420 Standards for Utilities.

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

1. infiltration of flood waters into the systems, and

2. discharge from the systems into flood waters.

(b) On site waste disposal systems. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

Section 15.52.430 Standards for Subdivisions.

(a) All preliminary subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is lesser shall identify the flood hazard area and the elevation of the base flood.

(b) All subdivision plans will provide the elevation of proposed structure(s) and pad(s). 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.

(c) All subdivision proposals shall be consistent with the need to minimize flood damage.

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

(e) All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

Section 15.52.440 Standards for Manufactured Homes.

(a) All manufactured homes that are placed or substantially improved, within Zones A, A1-30, AE, AO

and AH on the community's Flood Insurance Rate Map, on sites located

1. outside of a manufactured home park or subdivision,
2. in a new manufactured home park or subdivision,
3. in an expansion to an existing manufactured home park or subdivision, or
4. in an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood,

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation collapse and lateral movement.

(b) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A, A1-30, AE, AO and AH on the community's Flood Insurance Rate Map that are not subject to the provisions of paragraph 15.52.440(a) will be securely fastened to an adequately anchored foundation system to resist flotation collapse and lateral movement, and elevated so that either the:

1. lowest floor of the manufactured home is at or above the base flood elevation, or
2. manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

Section 15.52.450 Standards for Recreational Vehicles.

All recreational vehicles placed on sites within Zones A, A1-30, AE, AO and AH on the community's Flood Insurance Rate Map will be on the site for 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.

Section 15.52.460 Floodways.

Located within areas of special flood hazard established in Section 15.52.230 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in the base flood elevation during the occurrence of the base flood discharge.
2. If subsection 1 of section 15.52.460 is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Article 4.

ARTICLE 5. VARIANCE AND APPEAL PROCEDURE

Section 15.52.510 Nature of Variances.

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

The granting of a variance shall not cause fraud on or victimization of the public. In examining this requirement, the Board of Supervisors will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the

community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates. It is the duty of the Board of Supervisors to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

Section 15.52.520 Conditions for Variances

(a) Variances may be issued for the repair, rehabilitation or restoration of "historic structures" (as defined in section 15.52.210 of this chapter) upon a determination that the proposed repair, rehabilitation or restoration will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

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

(c) Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief.

(d) 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" (as defined in section 15.52.210 of this chapter) to the applicant; and
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in section 15.52.210 - see "Public Safety and Nuisance"), cause fraud or victimization of the public, or conflict with the existing local laws or ordinances.

(e) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of subsections (a) through (f) section 15.52.530 are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

(f) 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 1 through 11 of subsection (c) of section 15.52.530 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

Section 15.52.530 Appeal Board.

(a) The Board of Supervisors of the county shall hear and decide appeals and requests for variances from the requirements of this chapter.

(b) The Board of Supervisors of the county shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.

(c) In passing upon such appeals and variances, the Board of Supervisors shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger of life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters, and allowance for debris, if applicable, expected at the site;
11. 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.

(d) Upon consideration of the factors of Section 15.52.530(c) and the purposes of this chapter, the Board of Supervisors may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(e) The floodplain administrator shall maintain the records of all appeal actions and report any variance to the Federal Insurance Administration upon request.

(f) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$ 25 for \$ 100 for insurance coverage, and
2. such construction below the base flood level increases risks to life and property, and
3. insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

A copy of the notice shall be recorded by the floodplain administrator in the office of the Tehama County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

Section 15.52.540 Appeal Procedure.

(a) Those aggrieved by a decision of any county department pursuant to this chapter may appeal such decision upon payment of a fee of one hundred dollars to the Board of Supervisors of the county.

(b) In passing upon such appeal, the Board of Supervisors shall consider all items delineated in sections 15.52.520 and 15.52.530 of this chapter.

Section 15.52.550 Nonconforming Uses.

A structure or the use of a structure or premises which was lawful before the passage or amendment of Chapter 15.52 of the Tehama County code and/or these rules but which is not in conformity with their provisions, may be continued as a non-conforming use subject to the following conditions:

1. No such use shall be expanded, changed, enlarged or altered in any way. 2. Any substantial improvement of a non-conforming structure shall be made in compliance with the provisions of this chapter.

3. If any non-conforming use or structure is destroyed by any means, including flood, to the extent of fifty percent or more of its market value immediately prior to the destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

Section 15.52.560 Property Rights.

The Board of Supervisors finds and declares that this chapter is not intended, and shall not be construed, as authorizing the County to exercise its power to adopt, amend or repeal this chapter or implement administrative regulations in a manner which will take or damage private property for public use without the payment of just compensation therefor. This section is not intended to increase or

decrease the rights of any owner of property under the Constitution of the state of California or of the United States.

SECTION 3. This ordinance shall take effect July 1, 1999, and prior to the expiration of fifteen (15) days from the adoption thereof shall be published for at least one time in the Red Bluff Daily News, a newspaper of general circulation in Tehama County.

The above and foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Tehama, State of California, at a regular session of said Board on the 25th day of May 1999 by the following vote:

AYES: Supervisors McIver, Borrer, Russell, Willard and Turner

NOES: None

ABSENT OR NOT VOTING: None

Ross Turner

CHAIRMAN, Board of Supervisors

ATTEST:

MARY ALICE GEORGE, County Clerk and
Ex-officio Clerk of the Board of
Supervisors of the County of Tehama.
State of California.

Jennifer E. Burnett

By _____

Deputy

Ordinance #1708