

ORDINANCE NO. 5350**ORDINANCE ADDING CHAPTER 16.13 TO THE SANTA CRUZ COUNTY CODE  
REGARDING FLOODPLAIN REGULATIONS AND AMENDING SECTION 13.03 OF THE  
SANTA CRUZ COUNTY CODE ADDING CHAPTER 16.13 TO THE SANTA CRUZ COUNTY  
LOCAL COASTAL PROGRAM**

The Board of Supervisors of the County of Santa Cruz hereby ordains as follows:

**SECTION I**

Title 16 of the Santa Cruz County Code is hereby amended by adding Chapter 16.13 thereto, said new Chapter to read:

**Chapter 16.13****FLOODPLAIN MANAGEMENT REGULATIONS**

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**PART I. GENERAL AND APPLICABILITY**

- 16.13.010        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 County of Santa Cruz does hereby adopt the following floodplain management regulations.

**16.13.020 Findings of fact.**

(A) Flood hazard areas in the County of Santa Cruz 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.

(B) 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.

**16.13.030 Statement of purpose.**

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the County of Santa Cruz to all publicly and privately owned land within flood prone, mudslide [i.e. mudflow] or flood-related erosion areas. These regulations are designed to:

- (A) Protect human life and health and property from the dangers of flooding;
- (B) Minimize the need for publicly funded and hazardous rescue efforts to save those who are isolated by flood waters;
- (C) Minimize expenditure of public money for costly flood damage repair and flood control projects;
- (D) Minimize disruption of commerce and governmental services;
- (E) 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) 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) Maintain the County of Santa Cruz's participation in the National Flood Insurance Program, thereby giving citizens and businesses the opportunity to purchase flood insurance;
- (H) Retain the natural channel, shoreline, and floodplain creation process and other natural floodplain functions that protect, create, and maintain habitat for threatened and endangered species;
- (I) Prevent or minimize loss of hydraulic, geomorphic, and ecological functions of floodplains and stream channels;
- (J) Encourage that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (K) Exceed the minimum standards for participation in the National Flood Insurance Program, thereby giving citizens and businesses the opportunity to purchase flood insurance at reduced rates.

**16.13.040 Scope.**

The provisions of this chapter shall apply to all development that is wholly within, partially within, or in contact with any flood hazard area, or other areas as identified by the Floodplain Administrator, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, replacement, repair, relocation or

demolition of any building or structure; placement, installation, or replacement of manufactured homes; installation or replacement of tanks; placement of temporary structures and temporary storage; installation of swimming pools; and placement of miscellaneous and utility structures.

**16.13.050 Methods of reducing flood losses.**

In order to accomplish its purposes, this chapter includes regulations to:

- (A) Restrict or prohibit uses and developments 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) Require that uses and developments vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (C) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- (D) Control filling, grading, dredging, and other development which may increase flood damage; and
- (E) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

**16.13.060 Basis for establishing flood hazard areas.**

- (A) The Flood Insurance Study for Santa Cruz County dated April 15, 1986 and all subsequent amendments and revisions, the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this chapter and serve as the basis for establishing flood hazard areas.
- (B) The Flood Insurance Study and attendant mapping is the minimum area of applicability of the flood regulations contained in this chapter, and may be supplemented by studies for other areas.
- (C) Pursuant to Part V of this chapter, the Floodplain Administrator may require submission of additional data to establish flood hazard areas. This shall apply to areas adjacent to a mapped or unmapped watercourse.
- (D) In addition, where field surveyed topography indicates that ground elevations are below the closest applicable base flood elevation, even in areas not delineated as a flood hazard area on a FIRM, the area shall be considered a flood hazard area and subject to the requirements of this chapter and, as applicable, the requirements of the building codes.
- (E) When a draft or preliminary Flood Insurance Study indicates an increase in the base flood elevation or an expansion of the flood hazard area, this information shall be considered as available data, however projects are not required to design to the draft or preliminary standards and may be issued building permits based on the existing adopted FIRM. However, no building permit shall be issued that is not in compliance with the applicable adopted FIRM, and projects that have received discretionary permit approvals may need to be revised in order to be issued a building permit, if the FIRM maps have changed between the date of the discretionary permit and the time that the building permit is approved and ready for issuance.
- (F) Maps and studies that establish flood hazard areas are on file at the Santa Cruz County Planning Department, 701 Ocean Street, Room 400, Santa Cruz, CA 95060.

**16.13.070 Amendment procedure.**

Any revision to this chapter which applies to the Coastal Zone shall be reviewed by the Executive Director of the California Coastal Commission to determine whether it constitutes an amendment to the Local Coastal Program. When a chapter revision constitutes an amendment to the Local Coastal Program, such revision shall be processed pursuant to the hearing and notification provisions of SCCC 13.03 and shall be subject to approval by the California Coastal Commission.

**16.13.080 Abrogation and greater restrictions.**

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. If this chapter and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**16.13.090 Warning.**

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 special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage.

**16.13.100 Liability.**

This chapter shall not create liability on the part of the County of Santa Cruz, any officer or employee thereof, the State of California, or the Federal Insurance & Mitigation Administration, Federal Emergency Management Agency for any flood damages that may result from reliance on this chapter or any administrative decision lawfully made hereunder. The Floodplain Administrator or any employee charged with the enforcement of this chapter, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this chapter or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this chapter shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Floodplain Administrator and any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this chapter.

**16.13.110 Severability.**

If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any part thereof, other than the part so declared.

**16.13.120 Coordination with building codes.**

Pursuant to the requirement established in State statute that the County of Santa Cruz administer and enforce the State building codes, the Board of Supervisors of Santa Cruz County does hereby acknowledge that the State building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, this chapter is intended to be administered and enforced in conjunction with the State building codes, which are adopted as SCCC 12.10, Building Regulations, with local amendments as adopted by the County Board of Supervisors.

Where, in any specific case, requirements of this chapter conflict with the requirements of the building codes, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.



**16.13.130 Areas to which this ordinance applies.**

This ordinance shall apply to all mapped and unmapped flood hazard areas within the jurisdiction of the County of Santa Cruz, as established in SCCC 16.13.060.

**16.13.140 Other laws.**

The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal law.

**16.13.150 Interpretation.**

In the interpretation and application of this chapter, all provisions shall be:

- (A) Considered as minimum requirements;
- (B) Construed in favor of protecting floodplain functions over development allowances; and
- (C) Deemed neither to limit nor repeal any other powers granted under State statutes.

**PART II. DEFINITIONS**

**16.13.160 Definitions.**

For the purpose of this chapter, the definitions in SCCC 16.13.160-A through 16.13.160-Z apply.

**16.13.160-A “A” Definitions.**

“Accessory structure” means a structure that is located on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.

“Addition” means an improvement to an existing structure that increases the area, measured in square feet. The use of breezeways, corridors, or other non-integral connections between structures shall not cause separate buildings or structures to be considered additions to an existing structure.

“Area of shallow flooding” means a designated AO or AH Zone on the County of Santa Cruz Flood Insurance Rate Map (FIRM). In these zones, the base flood elevations and 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 sheet flow or ponding.

“Area of special flood hazard” means special flood hazard area. See definition of special flood hazard area.

“Alteration of a watercourse” means an alteration of a watercourse including, but not limited to, any dam, impoundment, levee, channel realignment, conversion to pipe conveyance, bank hardening, refuse dumping, backfilling, excavating, grading, alteration of vegetation, diversion, dewatering or change in cross-sectional area or capacity, which may alter, impede, retard, accelerate, or change the direction and/or velocity of the riverine flow of water and its natural materials transport during conditions of the base flood.

**16.13.160-B “B” Definitions.**

“Base flood” means a flood which has a one percent chance of being equaled or exceeded in any given year. The base flood is commonly referred to as the "100-year flood" or the “1-percent-annual-chance flood”.

“Base flood elevation (BFE)” means the water surface elevation of the base flood in relation to the datum specified on the FIRM, or as established in a hydraulic investigation.



“Base flood height” means the water surface height of the base flood in relation to existing grade elevations.

“Basement” means any area of a building having its floor subgrade (below ground level) on all sides.

“Breakaway wall” means a wall that is not part of the structural support of the building and is designed and constructed to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

“Building Official” means the officer or other designated authority charged with the administration and enforcement of the building codes, or a duly authorized representative.

“Building permit” means an official document issued by the Building Division of the Planning Department which authorizes performance of specific activities that are determined to be compliant with the building codes.

#### **16.13.160-C “C” Definitions.**

“Coastal high hazard area” means a special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as “V Zones” or “flood hazard areas subject to high velocity wave action” and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, V, or A (when located in a coastal area).

“County Geologist” means a County employee who is a professional geologist registered with the California Board for Professional Engineers, Land Surveyors and Geologists or a professional geologist under contract by the County, who has been authorized by the Planning Director to assist in the administration of this chapter.

“Critical structure or facility” means a facility necessary to protect health, safety, and welfare during a flood. Critical facilities include, but are not limited to, hospitals and medical facilities; fire and police stations; disaster relief and emergency operating centers; large dams and public utilities; public transportation and communications facilities; buildings with involuntary occupancy such as schools, jails, and convalescent nursing homes; high occupancy structures such as theaters, churches, office buildings, factories, and stores; and installations which produce, use or store hazardous materials or hazardous waste.

“Cumulative improvement” means a substantial improvement that involves two or more instances of repair, reconstruction, alteration, addition, or improvement to a structure, over the course of five consecutive years. For example, any improvement permit that is applied for within five years of the permit final of another instance of repair, reconstruction, alteration, addition, or improvement of the same structure, where, if the value of such activities, when added together, equals or exceeds fifty (50) percent of the market value of the structure prior to issuance of the first permit, the activity as a whole shall be considered to be a “substantial improvement.”

#### **16.13.160-D “D” Definitions.**

“Detailed cost estimate” means a form provided by the Planning Department and completed by a licensed contractor titled “Cost Breakdown” which includes a breakdown of the costs to perform the improvement, the costs to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs to a building or structure. If acceptable to the Floodplain Administrator, a detailed cost estimate may also be an estimate prepared by a licensed contractor.

“Development” means any man-made change to improved or unimproved real estate within the special flood hazard area, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, removal of more than 5% of the vegetation on the property, or any other land disturbing activities.

**16.13.160-E “E” Definitions.**

“Encroachment” means activities or construction within the floodway including fill, new construction, substantial improvements, and other development. These activities are prohibited within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses that the proposed encroachment would not result in any increase in flood levels. The County of Santa Cruz is responsible to review and maintain record of the documentation demonstrating that any permitted floodway encroachment meets National Flood Insurance Program (NFIP) requirements. A "no-rise certification" for floodways is required to document the analyses.

“Exception” means a grant of relief from the requirements of this chapter, or the flood resistant provisions of the building codes, which permits construction in a manner that would otherwise be prohibited by this chapter.

“Existing construction or structure” means structures for which the “start of construction” commenced before April 15, 1986, which is the date of the County of Santa Cruz’s first map showing flood hazard areas.

“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) was completed before April 15, 1986.

“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).

**16.13.160-F “F” Definitions.**

“Federal Emergency Management Agency (FEMA)” means the Federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

“Fill” means the deposition of earth or any other substance or material by artificial means for any purpose, or the condition resulting from a fill taking place.

“Flood or flooding” means a general and temporary condition of partial or complete inundation of normally dry land from:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

“Flood control structure” means any structure or material, including but not limited to a berm, levee, dam or retaining wall, placed in areas where flooding occurs, and constructed for the purpose of protecting a structure, road, driveway, utility or transmission line.

“Flood damage-resistant materials” means any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

“Flood fringe” means the area that is subject to the base flood outside of the floodway boundary.

“Flood hazard area” means special flood hazard area. See definition of special flood hazard area.

“Flood Insurance Rate Map (FIRM)” means the official map of the County on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the jurisdiction. For insurance purposes, the original FIRM date for Santa Cruz County is April 15, 1986.

“Flood Insurance Study (FIS)” means the official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the water surface elevations of the base flood, and supporting technical data.

“Floodplain” means any land area susceptible to being inundated by water from any source. The base flood is used to define the floodplain by Federal agencies and the County of Santa Cruz.

“Floodplain Administrator” means the Planning Director or designee, who manages the administration and implementation of the National Flood Insurance Program regulations and the provisions of this chapter.

“Floodplain development permit” means a permit or document issued by the jurisdiction which authorizes performance of specific development activities located in a flood hazard area that are determined to be compliant with this chapter.

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

“Floodway” means regulatory floodway. See definition of regulatory floodway.

“Floodway encroachment analysis” means the hydrologic and hydraulic analyses of the impact a proposed development is expected to have on the floodway boundaries and base flood elevations. The analyses shall be prepared by a registered professional civil engineer using standard engineering methods and models.

“Freeboard” means a factor of safety usually expressed in feet above a base flood elevation or height for purposes of floodplain management. “Freeboard” is required to compensate for the many unknown factors that could contribute to flood heights or elevations greater than the height or elevation calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, climate change, sea level rise, and the hydrological effect of urbanization of the watershed. Unless otherwise noted, freeboard shall be three feet in coastal high hazards areas and two feet in all other flood hazard areas.

**16.13.160-G “G” Definitions.**  
Reserved

**16.13.160-H “H” Definitions.**

“Hardship” means, for the purpose of administering this chapter, the exceptional hardship that would result from failure to grant the requested exception. The specific exception must be an exceptional, unusual, and peculiar issue specific to the property involved. Economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, personal preferences, or the disapproval of neighbors also cannot qualify as exceptional hardship, as these problems can be resolved through means other than granting an exception, even if those means are more expensive, require the property owner to build elsewhere, or put the parcel to a different use than originally intended or proposed.

“Highest adjacent grade (HAG)” means the highest natural elevation of the ground surface prior to construction next to the existing or proposed walls or foundation 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 U.S. Department of the 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 without approved programs.

“Hydrologic investigation” means a report prepared by a registered professional civil engineer with expertise in hydrology and hydraulics which analyzes surface hydrology and hydraulics.

**16.13.160-I “I” Definitions.**  
Reserved

**16.13.160-J “J” Definitions.**  
Reserved

**16.13.160-K “K” Definitions.**  
Reserved

**16.13.160-L “L” Definitions.**

“Lowest adjacent grade (LAG)” means the lowest natural elevation of the ground surface prior to construction next to the existing or proposed walls or foundation of a structure.

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement (see “Basement” definition in this chapter), but excluding an enclosure below the lowest floor that is used solely for parking of vehicles, building access, or storage and provided the enclosure is built in accordance with the applicable design requirements of the building codes for flood openings, anchoring, construction materials and methods, and utilities in flood zones.

**16.13.160-M “M” Definitions.**

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

“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” means the price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this chapter, the term refers to the market value of structures (not including the land or any value associated with the location; other site improvements or accessory structures; or indirect costs such as financing, construction loan interest or consultant costs).

**16.13.160-N “N” Definitions.**

“New construction” means structures for which the “start of construction” commenced on or after April 15, 1986 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 April 15, 1986.

“Nonresidential” means any building or structure or portion thereof that is not classified Residential Group R or Institutional Group I in accordance with the building code.

**16.13.160-O “O” Definitions.**

Reserved

**16.13.160-P “P” Definitions.**

“Planning Director” means the Planning Director of the County of Santa Cruz or their authorized designee.

“Preliminary cost estimate” means an estimate required from a licensed contractor based upon preliminary plans, such as those submitted with a discretionary application, which details the costs to perform the improvement, the costs to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs to the building or structure.

“Primary frontal dune” means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope and is determined or accepted by the County Geologist.

“Recreational vehicle” means a vehicle which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and

- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

#### **16.13.160-Q “Q” Definitions.**

Reserved

#### **16.13.160-R “R” Definitions.**

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

“Repetitive loss” means flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before the damages occurred.

“Road / roadway” means an open way for vehicular traffic. For the purpose of this chapter, a driveway is considered a road or roadway.

#### **16.13.160-S “S” Definitions.**

“Sand dunes” means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

“Special flood hazard area (SFHA)” means the land in a flood plain subject to a 1 percent or greater annual chance of flooding in any given year. Special flood hazard areas are in general shown on a FIRM as Zones A, AO, A1-A30, AE, A99, AH, V1-V30, VE and V, but can also be determined by the Floodplain Administrator to occur where not shown on the FIRM. Also known as the flood hazard area, FHA, area of special flood hazard, or area of the 1% annual chance flood.

“Start of construction” means the date the building permit was issued, whether for new construction or substantial improvement of a building or structure, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

“Structure” means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

“Substantial damage” means damage of any origin sustained by a building or 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 improvement of a building or structure, or the cumulative total of such activities as defined in this section, the cost of which equals or exceeds 50 percent of the market value of the building or 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:

- (1) Any project for improvement of an existing building or structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been

identified in writing by the local code enforcement official prior to a permit application and which are the minimum necessary to ensure safe living conditions; or

(2) Any alteration of a "historic structure," provided the alteration will not preclude the structure's continued designation as a "historic structure".

**16.13.160-T “T” Definitions.**

Reserved

**16.13.160-U “U” Definitions.**

Reserved

**16.13.160-V “V” Definitions.**

“V Zone” means coastal high hazard area. See definition of coastal high hazard area.

“V Zone certificate” means a certification prepared by a registered professional engineer and/or architect, in a form prepared by the Planning Department, that certifies that the design and planned methods of construction meet the requirements of the NFIP and this chapter for construction in a V Zone.

“V Zone certificate, final” means a certification prepared by a registered professional engineer, architect and/or surveyor in a form prepared by the Planning Department, which is submitted prior to final inspection of a structure that certifies that the construction met the requirements of the NFIP and this chapter for construction in a V Zone.

“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 required permits, or other evidence of compliance required in this chapter is presumed to be in violation until such time as the required documentation has been provided.

**16.13.160-W “W” Definitions.**

“Watercourse” means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature in, on, through, or over which water flows at least periodically.

“Watercourse crossing” means a road, driveway, bridge, culvert, low-water crossing or similar mean for vehicles, pedestrians or utilities to travel from one side of a watercourse to the other side.

**16.13.160-X “X” Definitions.**

Reserved

**16.13.160-Y “Y” Definitions.**

Reserved

**16.13.160-Z “Z” Definitions.**

Reserved

**16.13.170 Terms defined in other codes.**

Where terms are not defined in this chapter and are defined in the building codes, such terms shall have the meanings ascribed to them as in the building codes.

**16.13.180 Terms not defined.**



Where terms are not defined in this chapter or the building codes, such terms shall have ordinarily accepted meanings such as the context implies.

### **Part III. ADMINISTRATION**

#### **16.13.190 Designations.**

The Planning Director, or designee, is the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees, such as plans examiners and inspectors.

#### **16.13.200 Duties and powers of the Floodplain Administrator.**

The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this chapter. The Floodplain Administrator shall have the authority to render interpretations of this chapter and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of this chapter. Such interpretations, policies and procedures shall not have the effect of waiving requirements specifically provided for in this chapter without the granting of an exception pursuant to Part IX of this chapter.

#### **16.13.210 Applications and permits.**

The Floodplain Administrator, or their designee in coordination with other pertinent offices of the jurisdiction, shall:

- (A) Review applications to determine whether proposed new development will be located in flood hazard areas;
- (B) Review applications for modification of any existing development in flood hazard areas for compliance with the application requirements of this chapter;
- (C) Interpret flood hazard area boundaries, provide available flood elevation and flood hazard information;
- (D) Determine whether additional flood hazard data shall be obtained or developed;
- (E) Review applications to determine whether proposed development will be reasonably safe from flooding;
- (F) Issue floodplain development permits when the provisions of this chapter have been met, or disapprove the same in the event of noncompliance;
- (G) Coordinate with the Building Official to ensure that applications for building permits for buildings and structures comply with the requirements of this chapter;
- (H) When a damaging event has occurred, regardless of the cause of damage, coordinate with the Building Official to inspect areas where buildings and structures in flood hazard areas have been damaged and notify owners of damaged buildings and structures in these flood hazard areas that (a) permits may be required prior to repair, rehabilitate, demolish, relocate, or reconstruct; and (b) buildings and structures that are determined to have sustained substantial damage are subject to the requirements of the building codes and this chapter.

#### **16.13.220 Determinations for existing structures.**

For applications for permits to modify existing structures in the special flood hazard area, including additions, repairs, renovations, and alterations, the Floodplain Administrator, in coordination with the Building Official, shall:

- (A) Estimate the market value, or require the applicant to obtain a professional appraisal of the market value, of the structure before the proposed work is performed and / or before any unpermitted improvements. When repair of damage is proposed, the market value estimate or appraisal shall be of the structure's value before the damage occurred;
- (B) Require, during review of discretionary applications, a preliminary cost estimate. If the preliminary cost estimate exceeds 40% of the market value or if the Floodplain Administrator determines that a more detailed estimate is needed, require a detailed cost estimate and detailed plans with the discretionary application;
- (C) Require, prior to issuance of a building permit, a detailed cost estimate from the licensed contractor who is contracted by the owner of the property to perform the work, or a qualified licensed contractor who has submitted a proposal to perform the work. If the work will be performed by someone other than a licensed contractor, the detailed cost estimate will still be required to be completed by a licensed contractor. Alternatively the Floodplain Administrator may estimate the costs;
- (D) Require the contractor to certify that the detailed cost estimate includes all costs associated with the work as shown on the referenced plans, or described in the permit description if plans are not required by the Building Department;
- (E) Require the property owner to certify that the contractor's estimate includes all project costs associated with the work shown on the referenced plans, or described in the permit description if plans are not required;
- (F) Compare the cost to perform the proposed improvements, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, as applicable, to the market value of the building or structure as established in SCCC 16.13.220(A);
- (G) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage;
- (H) Determine and document whether the proposed work constitutes a cumulative improvement and/or repair of damage;
- (I) Notify the applicant of the results of the determination and whether compliance with the requirements for new construction is required; and
- (J) Maintain a record of the value of all permitted improvements and repairs to existing structures to facilitate the determination of cumulative improvement.

**16.13.230 Modifications of the strict application of the provisions of the building codes.**

The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood-resistant construction requirements of the building codes to determine whether such requests can be considered for an exception pursuant to Part IX of this chapter.

**16.13.240 Notices and orders.**

The Building Official shall issue all necessary notices or orders pursuant to the County's adoption of the Uniform Code for the Abatement of Dangerous Buildings to ensure compliance with this chapter.

**16.13.250 Inspections.**

The Floodplain Administrator or designee shall make the required inspections specified in Part VII and VIII of this chapter. The Building Official shall make the required inspections of buildings and structures specified in Part VII and VIII of this chapter.

**16.13.260 Other duties of the Floodplain Administrator.**

The Floodplain Administrator shall have other duties, including but not limited to:

- (A) Establish, in coordination with the Building Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to SCCC 16.13.220, including cumulative substantial improvement;
- (B) Require that applicants proposing an alteration of a watercourse in a mapped FEMA flood hazard area notify adjacent communities, the California Department of Water Resources, and the Federal Emergency Management Agency (FEMA);
- (C) Require applicants who submit a hydrologic investigation or a floodway encroachment analysis to support permit applications to submit to FEMA, the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available; and
- (D) Notify the Federal Emergency Management Agency when the corporate boundaries of the County of Santa Cruz have been modified.

**16.13.270 Department records.**

Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this chapter and the flood provisions of the building codes, including Flood Insurance Rate Maps; Letters of Map Amendment and Letters of Map Revision; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the building codes and this chapter, including but not limited to Elevation Certificates, Floodproofing Certificates, and V Zone Certificates; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurance that the flood carrying capacity of altered watercourses will be maintained; documentation related to exceptions, including justification for their issuance; and records of enforcement actions taken pursuant to this chapter and the flood resistant provisions of the building codes.

**Part IV. PERMITS**

**16.13.280 Permits required.**

Anyone who intends to undertake any development activities within the scope of this chapter which is wholly within or partially within any reasonably suspected flood hazard area shall first make application to the Planning Department and obtain any required permit(s). No such permit shall be issued until compliance with the requirements of this chapter and all other applicable codes and regulations has been satisfied.

**16.13.290 Floodplain development permit.**

Floodplain permits shall be issued for all development activities including those which are not subject to the requirements of the building codes and those which do not constitute a substantial improvement.

**16.13.300 Buildings and structures exempt from a building permit are subject to the requirements of this chapter.**

Floodplain permits are required for buildings and structures that are explicitly exempt from requirements to obtain a building permit under the building codes, including but not limited to:

- (A) One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses of any size;
- (B) Fences of any height;
- (C) Retaining walls of any height;
- (D) Water tanks of any size; and
- (E) Fill placement of any scale.

**16.13.310 Application for a permit.**

Anyone who proposes development within a flood hazard area shall file an application with the Planning Department. The information provided shall:

- (A) Identify and describe the development to be covered by the permit;
- (B) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitely locate the site;
- (C) Indicate the use and occupancy for which the proposed development is intended;
- (D) Be accompanied by a site plan and/or construction documents as specified in Part V of this chapter, if required;
- (E) State the valuation of the proposed work, based upon a preliminary or detailed cost estimate, as required by the Floodplain Administrator and this chapter. The cost estimate shall include a list of all plan sheets used to develop the estimate, including title, latest revision date and plan preparer, as well as the signature and license number of the contractor who prepared the cost estimate; and
- (F) Be signed by the applicant or the applicant's authorized agent.

**16.13.320 Validity of permit.**

The issuance of a permit pursuant to this chapter shall not be construed to be a permit for, or approval of, any violation of this chapter, the building codes, or any other local law. The issuance of a permit based on submitted documents and information shall not prevent the Floodplain Administrator from requiring the correction of errors. The Planning Director or the Building Official is authorized to prevent occupancy or use of a building or structure which is in violation of the permit, the building codes or of any other laws of this jurisdiction.

**16.13.330 Notice of hazards.**

The developer and/or subdivider of a parcel or parcels in an area of flood hazards shall be required, as a condition of development or building permit approval, to record a Declaration of Flood Hazards, Acceptance of Risk, liability Release, and Indemnification with the County Recorder. The Declaration shall be in a form approved by the County of Santa Cruz and shall include acknowledgements and agreements, as applicable to the specific project, including but not limited to, description of the hazards on the parcel or parcels, the level of hydrologic analysis conducted, and an acknowledgement and assumption of risks posed by flood hazards.

**16.13.340 Permit requirements.**

All other required state and federal permits shall be obtained by the applicant as a condition of floodplain permit approval.

**16.13.350 Other conditions.**

Other permit conditions, including but not limited to, project redesign, building site elimination, development of building and septic envelopes, and foundation requirements shall be required as deemed necessary by the Floodplain Administrator.

**16.30.360 Determination of the base flood elevation.**

When base flood elevation data are not provided in the Flood Insurance Study, the Floodplain Administrator shall obtain, review, and reasonably utilize the best base flood data available from Federal, State or other sources, as a basis for elevating new and substantially improved residential structures and elevating or floodproofing new and substantially improved non-residential structures, to at least two feet above the base flood level. If data are not available, the applicant shall provide an analysis to estimate the base flood elevation, in compliance with SCCC 16.13.400(B), (C), and (D).

**16.13.370 Expiration and extension.**

A floodplain development permit shall become invalid pursuant to expiration limits of Building Permits pursuant to SCCC 12.10. If a building permit has been issued then the validity of the floodplain development permit shall be linked to the life and validity of the associated building permit and if the building permit is valid then the floodplain development permit remains valid. Extensions to floodplain development permits shall be granted pursuant to the provisions for extensions to building permits established in SCCC 12.10.

**16.13.380 Suspension or revocation.**

The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of this chapter or any applicable local law.

## **Part V. CONSTRUCTION DOCUMENTS**

**16.13.390 Information for all construction and development in flood hazard areas.**

The Floodplain Administrator is authorized to waive the submission of construction documents and other data if it is found that the nature of the work applied for is such that the review of such submissions is not necessary to ascertain compliance with this chapter.

The site plan or construction documents for any development subject to the requirements of this chapter shall be drawn to scale and shall include, as applicable to the proposed development:

- (A) A site plan prepared by a licensed surveyor;

- (B) Delineation of flood hazard areas, floodway boundaries and flood zones, and the base flood elevation, as appropriate;
- (C) If base flood elevations are not included on the FIRM or in the Flood Insurance Study (FIS), delineation of any flood hazard area, flood elevation and floodway data that may be available from Federal, State, or other sources that the Floodplain Administrator determines are applicable pursuant to SCCC 16.13.400;
- (D) Location of the proposed activity and proposed structures, and locations of existing buildings and structures;
- (E) Location, extent, amount, and proposed final grades of filling, grading, or excavation, and location and extent of any proposed alteration of sand dunes;
- (F) If the placement of fill is proposed: the amount, type, and source of fill material; a description of the intended purpose of the fill areas; evidence that the proposed fill areas are mitigated with compensatory storage; and compaction specifications; and
- (G) Existing and proposed alignment of any watercourses proposed to be altered.

**16.13.400 Information in flood hazard areas without base flood elevations.**

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided (approximate A Zones) or in un-mapped areas identified by the Floodplain Administrator as susceptible to flooding, the Floodplain Administrator shall:

- (A) Obtain, review, and reasonably use, or require the applicant to obtain and use, available data from a Federal or state agency or other source; or
- (B) Require that a registered professional engineer develop base flood data prepared in accordance with currently accepted engineering practices; and
- (C) Require a 25 percent factor of safety be added to the hydrologic analysis when USGS Regional Regression equations are used to calculate the 100-year (one percent chance) peak discharge.

If the base flood data are to be used to support a Letter of Map Change from FEMA, the Floodplain Administrator shall advise the applicant that the analyses shall be prepared in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements.

**16.13.410 Additional analyses and certifications.**

As applicable to the location and nature of the proposed development, and in addition to the requirements of this section, the applicant shall have the following analyses prepared and sealed by a registered design professional for submission with the site plan or construction documents:

- (A) For activities proposed to be located in a floodway, a floodway encroachment analysis that demonstrates that the proposed development will not cause any increase in the base flood elevation. Any encroachment which would cause any increase in the base flood elevation is prohibited.
- (B) For activities proposed to be located in a riverine flood hazard area for which floodways have not been designated, a hydrologic investigation, prepared by a registered professional engineer, that determines the base flood elevation and identifies the boundaries of the floodway. If the activities are proposed to be located within the floodway, compliance with SCCC 16.13.470 is required.



(C) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit such analysis to FEMA as specified in SCCC 16.13.420.

(D) For activities that propose to alter sand dunes in coastal high hazard areas, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

(E) For new structures and substantial improvement/damage projects in the coastal high hazard area, a V-Zone Certificate, provided by the Floodplain Administrator, signed by the project architect or registered professional engineer, stating that the plans comply with all FEMA and County regulations for V-Zone construction.

**16.13.420 Submission of additional data to FEMA.**

If additional hydrologic, hydraulic or other engineering data and studies are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on the FIRM, and to submit new technical data to FEMA for such purposes. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant. The applicant shall notify the Floodplain Administrator of such submittal.

**16.13.430 Additional information for buildings and structures in flood hazard areas.**

In addition to other requirements of this chapter, the site plan or construction documents for buildings and structures located in whole or in part in flood hazard areas shall include:

(A) In flood hazard areas other than coastal high hazard areas, the elevation of the proposed lowest floor of structures proposed to be elevated.

(B) In flood hazard areas other than coastal high hazard areas, the elevation below which nonresidential buildings and structures, if not proposed to be elevated, will be dry floodproofed.

(C) In areas of shallow flooding shown on FIRMs as AO zones, the height of the proposed lowest floor, including basement, above the highest adjacent grade as established by a licensed surveyor.

(D) In coastal high hazard areas, the elevation of the bottom of the lowest horizontal structural member of the lowest floor.

(E) In coastal high hazard areas, the location of any proposed building, which shall be landward of the reach of mean high tide.

## **Part VI. DEVELOPMENT STANDARDS**

**16.13.440 Permit conditions.**

The recommendations of technical reports (if evaluated and accepted by the Floodplain Administrator) shall be included as permit conditions of any permit or approvals subsequently issued for the development. In addition, the requirements described below shall become standard conditions for development, building and land division permits and approvals. No development, building and land division permits or approvals shall be issued, and no final maps or parcel maps shall be recorded, unless such activity is in compliance with the requirements of this part.



## **Article 1. Structures**

### **16.13.450 Design and construction of new and substantially improved structures.**

(A) New structures within the scope of the California Residential Code (CRC), and substantial improvement of existing structures within the scope of the CRC, shall be designed and constructed in accordance with the flood-resistant construction provisions of the California Residential Code.

(B) New structures within the scope of the California Building Codes, and substantial improvement of existing structures within the scope of the CBC, shall be designed and constructed in accordance with the flood-resistant construction provisions of the California Building Codes.

### **16.13.460 General standards – floodplains.**

All development within any flood hazard area other than a coastal high hazard area shall meet the following criteria. Structures for which building permits were issued prior to April 15, 1986 are exempt from this section if any addition, repair, reconstruction, rehabilitation, alteration, or improvement does not meet the definition of “substantial improvement”, including when subject to the definition of “cumulative improvement” (pursuant to SCCC 16.13.160).

(A) Structures shall be located outside of the flood hazard area when a buildable portion of the property exists outside of the flood hazard area.

(B) Structures and the foundations attached to them shall be anchored by a method adequate to prevent flotation, collapse and lateral movement of the structures due to the forces that may occur during the base flood, including hydrostatic and hydrodynamic loads and the effects of buoyancy.

(C) Structures shall be constructed with materials and utility equipment resistant to flood damage and using construction methods and practices that minimize flood damage below two feet above the base flood elevation.

(D) Structures shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are elevated at least two feet above the base flood elevation. Minimum electric service required to address life safety and electric code requirements for parking of vehicles and storage is allowed below the base flood elevation if designed to prevent water from entering or accumulating within components.

(E) In flood zones A-O and A-H, drainage paths adequate to guide water away from structures and reduce exposure to flood hazards shall be provided.

(F) For residential structures, including manufactured homes, the lowest floor, including the basement, and the top of the highest horizontal structural member (joist or beam) which provides support directly to the lowest floor, and all elements that function as a part of the structure, such as furnace, hot water heater, etc., shall be elevated at least two feet above the one-hundred year flood level. Compliance with the elevation requirement shall be certified by a registered professional engineer, architect, or surveyor and submitted to the Floodplain Administrator prior to a subfloor building inspection.

(G) Non-residential structures shall be elevated in accordance with SCCC 16.13.460(F) or floodproofed if elevation is not feasible. Floodproofed structures shall:

(1) Be floodproofed so that below an elevation two feet higher than the one-hundred year flood level, the structure is watertight with walls substantially impermeable to the passage of

water based on structural designs, specifications and plans developed or reviewed by a registered professional engineer or architect;

(2) Be capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

(3) Be certified by a registered professional engineer or architect that floodproofing standards and requirements have been complied with; the certification shall be submitted to the Floodplain Administrator and shall indicate the elevation to which floodproofing was achieved prior to a final building inspection.

(H) In flood zone AO, residential structures and elevated non-residential structures shall have the lowest floor elevated above the highest adjacent grade at least two feet higher than the depth number given on the FIRM. Non-residential structures, where elevation is not feasible, shall have the lowest floor completely floodproofed above the highest adjacent grade at least two feet higher than the depth number given on the FIRM.

(I) Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls allowing for the entry and exit of flood water. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or shall provide 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 flood waters. Non-residential structures that are floodproofed in compliance with SCCC 16.13.460(G)(1) are exempt from this requirement.

#### **16.13.470 General standards – floodways.**

Located within special flood hazard areas as established in SCCC 16.13.060, and within some areas not mapped as part of the Flood Insurance Study, are areas designated as floodways (see also SCCC 16.13.160). The floodway is an extremely hazardous area due to the quantity and velocity of flood waters, the amount of debris which may be transported, and the high potential for erosion during periods of large stream flows. In the floodway, and in flood hazard areas for which a floodway has not been designated, the following provisions apply:

(A) **Encroachment Within Floodway Prohibited:** Any encroachment, including fill, new construction, or other development activity is prohibited within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels during the base flood. Reconstruction, repair, alteration, or improvement of an existing structure, provided no additional encroachment is proposed, is exempt from the hydrologic and hydraulic engineering analysis requirement.

(B) **Sites Where Floodway Not Established.** Where the Flood Insurance Study or other technical report has identified a flood hazard area but has not designated a floodway, the applicant must demonstrate, through hydrologic and hydraulic analyses, that the project will not adversely affect the carrying capacity of the area. For the purposes of this chapter, “adversely affects” means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development in the watershed, will increase the water surface elevation of the base flood more than one foot at any point. The hydrologic analysis must identify the boundaries of the floodway, and the project must comply with the provisions of SCCC 16.13.470(A), above.

(C) **Setback from Floodway:** Where neither a Base Flood Elevation nor a floodway has been identified by the Flood Insurance Study or if a site specific hydrologic study to determine the floodway has not been required, a minimum setback of 20 feet for an ephemeral stream, 30 feet for an intermittent stream and 50 feet for a perennial stream, as measured from the top edge of the banks of the drainage course, shall be maintained, and all activity that takes up flood storage area within this setback shall be prohibited. This floodway setback may be reduced by the Planning Director only if a full hydrologic analysis identifies the boundaries of the floodway, demonstrates that a smaller setback will not increase the susceptibility of the proposed activity to flood related hazards, and there is no alternative location outside of the setback. (See also SCCC 16.30, Riparian Protection, for other regulations regarding setbacks from streams.)

(D) **Alteration of Structures in Floodway:** Reconstruction, repair, alteration or improvement of a structure in a floodway shall not cause any increase in the base flood elevation. Substantial improvements, regardless of cause, shall only be permitted in accordance with SCCC 16.13.460 (Floodplain General Standards), 16.13.490 (Manufactured Homes), and 16.13.500 (Non-habitable Accessory Structures), as applicable. Repair, reconstruction, alteration, or replacement of a damaged structure which does not exceed the ground floor square footage area of the structure before the damage occurred shall not be considered an encroachment.

(E) **Permit Requirements:** All other required local, State and Federal permits must be obtained.

**16.13.480 General standards – coastal high hazard area.**

All development, specifically including the placement of and construction of manufactured homes, shall meet the following criteria. Structures for which building permits were issued prior to April 15, 1986 are exempt from this section if any addition, repair, reconstruction, rehabilitation, alteration, or improvement does not meet the definition of “substantial improvement”, including when subject to the definition of “cumulative improvement”.

(A) **Demonstration** that the potential hazards on the site can be mitigated, over the 100-year lifetime of the structure, as determined by the geologic hazards assessment or full geologic report and any other appropriate technical reports. Mitigations can include but are not limited to building setbacks, elevation of the proposed structure and foundation design.

(B) **Location** of the proposed structure landward of the reach of mean high tide.

(C) **Location** of the structure outside of the area of storm wave inundation where a buildable portion of the property is outside of the area of storm wave inundation.

(D) **Elevation** of all structures (including manufactured homes) on pilings and columns so that the bottom of the lowest portion of the lowest structural member of the lowest floor (excluding the pilings or columns) and elements that function as part of the structure, such as furnace, hot water heater, etc., are elevated at least three feet above the base flood elevation. Compliance with the elevation requirement shall be certified by a registered professional engineer, architect, or surveyor and submitted to the Building Official and Floodplain Administrator prior to a subfloor building inspection.

(E) **Anchoring** of the pile or column foundation and structure attached thereto to prevent flotation, collapse and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

(F) Structures shall be constructed with materials and utility equipment resistant to flood damage and using construction methods and practices that minimize flood damage below three feet above the base flood elevation.

(G) Structures shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are elevated at least three feet above the base flood elevation. Minimum electric service required to address life safety and electric code requirements for parking of vehicles and storage is allowed below the base flood elevation if designed to prevent water from entering or accumulating within components.

(H) The space below the lowest floor shall either be free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work or insect screening intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. The total space below the lowest floor that is enclosed with non-supporting breakaway walls shall be less than 300 square feet. For the purposes of this section, a breakaway wall shall be of non-masonry construction and have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls which do not meet the above material and strength criteria may be permitted only if a registered professional engineer or architect certifies that the designs proposed will permit the breakaway wall to collapse under a water load less than that which would occur during the base flood and that the elevated portion of the building or supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water loads acting simultaneously on all building components. Such enclosed space shall be useable solely for vehicle parking, building access or storage, and shall not be a finished area or habitable area.

(I) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify on a "V-Zone Certificate" that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of paragraphs (D), (E), (F), (G) and (H) of this section prior to permit issuance.

(J) The use of fill for structural support of buildings is prohibited.

(K) The alteration of sand dunes which would increase potential flood damage is prohibited.

(L) Pavement and flat work (such as sidewalks and patios, etc.) shall be frangible (easily broken).

(M) Detached garages are prohibited.

(N) For purposes of this subsection and this subsection only repetitive loss properties shall be as defined in SCCC 16.10.070(H)(13) and shall be subject to SCCC 16.10.070(H)(1)(l).

#### **16.13.490 Manufactured homes.**

All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed as a General Manufactured Housing Contractor by the California Department of Consumer Affairs and shall comply with the requirements of that agency and the requirements of this section.

(A) All new manufactured homes and replacement manufactured homes shall be installed on permanent, reinforced foundations that:

(1) In flood hazards areas other than coastal high hazard areas, are designed in accordance with the California Residential Code (CRC);

(2) In floodways, are designed in accordance with ASCE 24 (American Society of Civil Engineers); and

(3) In coastal high hazard areas, are designed in accordance with the CRC.

(B) All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(C) All new, replacement, and substantially improved manufactured homes shall be installed per the requirements of the residential code, ASCE 24 and SCCC 16.13.460, 16.13.470, and 16.13.480, as applicable.

**16.13.500 Non-habitable accessory structures.**

Non-habitable accessory structures, when proposed to be located within any flood hazard area, including substantial improvement of such accessory structures shall:

(A) Be located outside of the flood hazards area when a buildable portion of the property exists outside of the flood hazard area.

(B) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

(C) Have electric service and / or mechanical equipment elevated two feet above the base flood elevation or three feet above the base flood elevation if located in the coastal high hazard area. Minimum electric service required to address life safety and electric code requirements for parking of vehicles and storage is allowed below the base flood elevation if designed to prevent water from entering or accumulating within components.

(D) Be constructed with flood damage-resistant materials below two feet above the base flood elevation or below three feet above the base flood elevation in coastal high hazard areas.

(E) Be used only for parking of vehicles or storage.

(F) If built in flood hazard areas other than coastal high hazard areas, have flood openings in compliance with the residential code to allow for the automatic entry and exit of flood waters.

(G) If built in coastal high hazard areas, be less than 100 square feet in area and constructed with breakaway walls.

**16.13.510 Underground and above ground tanks.**

(A) Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy assuming the tank is empty, during conditions of the base flood.

(B) Above-ground tanks in flood hazard areas shall be anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy assuming the tank is empty, during conditions of the base flood.

(C) Tank inlets, fill openings, outlets and vents shall be at or above the base flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the base flood.

**16.13.520 Temporary structures and storage.**

(A) Temporary structures shall be located outside of the flood hazards area when a buildable portion of the property exists outside of the flood hazard area.

(B) Temporary structures shall be allowed in the special flood hazard area during the period April 15<sup>th</sup> through October 15<sup>th</sup>.

(C) Temporary storage includes storage of goods and materials for a period of less than 180 days. Stored materials shall not include hazardous materials.

**16.13.530 Swimming pools.**

(A) Pools shall be located outside of the flood hazard area when a buildable portion of the property exists outside of the flood hazard area.

(B) Where pools are proposed in a flood hazard area and the location of the pool is:

(1) In a flood hazard area for which a floodway has not been designated and the pool is above natural grade, the requirements of SCCC 16.13.470(B) and (C) shall apply.

(2) In a coastal high hazard area, the pool shall be designed and constructed in conformance with ASCE 24.

**16.13.540 Critical and public facilities.**

Critical facilities and nonessential public structures and additions shall be located outside of the flood hazard area unless such facilities are necessary to serve existing uses, there is no other feasible location, and construction of these structures will not increase hazards to life on property within or adjacent to the floodplain or coastal inundation areas.

**16.13.550 Utility and miscellaneous Group U.**

Utility and Miscellaneous Group U, as defined in the Building Code, includes buildings and structures that are accessory in character and miscellaneous structures not classified in any specific occupancy in the Building Code, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one- or two-family residence), barns, carports, fences more than 6 feet high, grain silos (accessory to a residential occupancy), greenhouses, livestock shelters, private garages, retaining walls, sheds, stables, and towers.

(A) Utility and Miscellaneous Group U structures, when proposed to be located within any flood hazard area, including substantial improvement of such accessory structures, shall:

(1) Be located outside of the flood hazards area when a buildable portion of the property exists outside of the flood hazard area.

(2) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

(3) Have electric service and or mechanical equipment two feet above the base flood elevation, except that minimum electric service required to address life safety and electric code



requirements for parking of vehicles and storage is allowed below the base flood elevation if designed to prevent water from entering or accumulating.

- (4) Use flood damage-resistant materials below the base flood elevation.
- (5) If built in flood hazard areas other than coastal high hazard areas, have flood openings in compliance with the residential code to allow for the automatic entry and exit of flood waters.
- (6) If built in coastal high hazard areas, be less than 100 square feet in area and constructed with breakaway walls.

## **Article 2. Creation of New Parcels**

### **16.13.560 Creation of new parcels.**

Allow the creation of new parcels including those created by minor land division or subdivision on parcels which include a flood hazard area only under the following circumstances:

- (A) Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
  - (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
  - (2) All public utilities and facilities such as sewer, gas, electric and water systems are located and constructed to minimize or eliminate flood damage;
  - (3) Adequate drainage is provided to reduce exposure to flood hazards; and
  - (4) Development of structures on newly created parcels will not be dependent on coastal protection structures.
- (B) A full hydrologic report and any other appropriate technical report must demonstrate that each proposed parcel contains at least one building site, including a septic system and leach field site, which is located outside of the flood hazard area, and that public utilities and facilities such as roadways, stormwater management facilities, sewer, gas, electrical and water systems can be located and constructed to minimize flood damage and not cause a health hazard.
- (C) If any portion of proposed subdivisions, including manufactured home parks and manufactured home subdivisions, lies within a flood hazard area, the following shall be required:
  - (1) Preliminary land division proposals shall identify all flood hazard areas and the elevation of the base flood.
  - (2) Delineation of flood hazard areas, floodway boundaries and flood zones, and base flood elevations, as appropriate, shall be shown on preliminary maps and final maps and certified by a registered professional engineer;

### **16.13.570 Project density limitations.**

The following requirements shall apply to density calculations for new building sites created through minor land division, subdivision, or other development approval or permit:



(A) The portion of a property within the flood hazard area shall be excluded from density calculations.

(B) Coastal Hazards. The portions of a property subject to coastal inundation, as determined by a geologic hazards assessment, geologic report, or adopted Flood Insurance Rate Map (FIRM), shall be excluded from density calculations.

### **Article 3. Site Improvements, Utilities and Limitations**

#### **16.13.580 General requirements.**

All proposed new and replacement development shall meet the following criteria:

(A) Such proposals are consistent with the need to minimize flood damage, will be reasonably safe from flooding, and shall meet the minimum requirements of the County design criteria;

(B) All public utilities and facilities such as sewer, gas, electric, communication, and water systems are located or designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

(C) Adequate drainage is provided to reduce exposure to flood hazards.

#### **16.13.590 Sanitary sewage facilities.**

(A) Replacement. All replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with current building code standards as well as SCCC 7.38, to minimize or eliminate infiltration of flood waters into the facilities and discharge from the facilities into flood waters, or impairment of the facilities and systems. The capacity of existing septic systems in the floodplain and floodway shall not be increased.

(B) New septic systems and leach fields prohibited. New septic systems and leach fields shall not be located within the flood hazard area.

#### **16.13.600 Water supply facilities.**

All new and replacement water supply facilities shall be designed in accordance with the provisions of current building code standards, to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into flood waters.

#### **16.13.610 Grading and placement of fill.**

(A) No net increase in fill shall be allowed in flood hazard areas.

(B) Grading and the placement of fill is allowed within the flood hazard area in the minimum amount necessary, only when shown through analysis that compensatory storage is being provided by the project that proposes fill. Compensatory storage shall provide equivalent volume at equivalent elevations to that being displaced. For this purpose, "equivalent elevation" means having similar relationship to ordinary high water and the best available 10-year, 50-year and 100-year water surface profiles.

(C) Subject to the limitations of this chapter, fill shall be designed to be stable under conditions of flooding, including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures, fill shall comply with the requirements of the building codes.

(D) All excavations in flood hazard areas shall be constructed to drain freely to the watercourse and not be subject to ponding when not inundated by flood waters.

(E) Any grading or fill is prohibited within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels during the base flood.

(F) The applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this article.

**16.13.620 Limitations on sites in coastal high hazard areas.**

In coastal high hazard areas, alteration of sand dunes shall be permitted only if it has been demonstrated by engineering analysis that the alteration will not increase potential flood damage consistent with SCCC 16.13.410(D). Construction or restoration of dunes under or around elevated buildings and structures shall comply with SCCC 16.13.710.

**Article 4. Recreational Vehicles**

**16.13.630 Temporary placement.**

Recreational vehicles placed temporarily in flood hazard areas shall:

(A) Be on the site for fewer than 180 consecutive days; and

(B) Be fully licensed and ready for highway use (on wheels or jacking system and attached to the site only by quick-disconnect type utilities and security devices and with no permanent attachments such as additions, stairs, decks and porches).

**16.13.640 Permanent placement.**

Recreational vehicles that do not meet the requirements in SCCC 16.13.630 for temporary placement shall meet the requirements of SCCC 16.13.490 for manufactured homes.

**Article 5. Other Development**

**16.13.650 General requirements for other development.**

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this chapter, shall:

(A) Be located and constructed to minimize flood damage;

(B) If development is proposed in a floodway, it shall not be authorized unless a floodway encroachment analysis demonstrates that the proposed development or land disturbing activity will not result in any increase to the level of the base flood;

(C) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;

(D) Be constructed of flood damage-resistant materials; and

(E) Have electric service and or mechanical equipment two feet above the base flood elevation in A Zones and three feet in coastal high hazard areas, except that minimum electric service required to address life safety and electric code requirements is allowed below the base flood elevation.

**16.13.660 Fences in floodways.**

Fences in floodways shall not block the passage of floodwaters and shall be designed to break away if debris is caught during a flood event.

**16.13.670 Flood control structures.**

Flood control structures shall be permitted only to protect existing development (including agricultural operations) where no other alternative is feasible or where such protection is needed for public safety. Such structures shall not adversely affect sand supply, increase erosion or cause flooding on adjacent properties or restrict stream flows below minimums necessary to maintain fish and wildlife habitats or be placed further than necessary from the development requiring protection. An appropriate hydrologic investigation shall be required as determined by the Floodplain Administrator.

**16.13.680 Roads and watercourse crossings in floodways.**

Roads and watercourse crossings in floodways shall not cause any increase in the base flood, as demonstrated through a floodway encroachment analysis. For bridges serving as watercourse crossings, hydraulic calculations shall be submitted (based upon the 100 year storm) which indicate that there is no increase in the base flood elevation.

**16.13.690 Decks and patios in coastal high hazard areas.**

In addition to the requirements of the building codes, in coastal high hazard areas, decks and patios shall be located, designed, and constructed in compliance with the following:

- (A) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member located three feet above the base flood elevation and any supporting members that extend below the base flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
- (B) A deck or patio that is located below the base flood elevation shall be structurally independent from buildings and structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during base flood conditions or to break apart into small pieces that will not cause structural damage to adjacent elevated buildings and structures.
- (C) A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill that is necessary for site drainage shall not be approved unless an analysis demonstrates that no harmful diversion of floodwaters or wave runup and wave reflection would increase damage to adjacent elevated buildings and structures.
- (D) A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

**16.13.700 Other development in coastal high hazard areas.**

In coastal high hazard areas, other development activities may be permitted only if located outside the footprint of, and not structurally attached to, buildings and structures, and only if an analysis demonstrates no harmful diversion of floodwaters or wave runup and wave reflection on adjacent elevated buildings and structure. These activities include but are not limited to:

- (A) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

(B) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under design flood conditions; and

(C) Mounded septic systems.

**16.13.710 Nonstructural fill in coastal high hazard areas.**

In coastal high hazard areas:

(A) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal may be permitted only if an analysis demonstrates no harmful diversion of floodwaters or wave runup and wave reflection on elevated adjacent buildings and structures.

(B) Sand dune construction and restoration of sand dunes under or around elevated buildings may be permitted without engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

**Part VII. INSPECTIONS**

**16.13.720 General.**

Development for which a permit is required shall be subject to inspection.

**16.13.730 Buildings and structures.**

The Building Official and Floodplain Administrator or designees shall inspect buildings and structures to determine compliance with the flood load and flood-resistance construction requirements of the building codes. Upon placement of the lowest floor, including the basement, and prior to further vertical construction, the documentation of the elevation requirements required by this code shall be submitted to the Building Official.

**16.13.740 Development other than buildings and structures.**

The Floodplain Administrator or designee shall inspect development other than buildings and structures that are within the scope of the building codes to determine compliance with the requirements of this chapter and the conditions of the issued permit.

**16.13.750 Right of entry.**

The filing of an application for development in a floodplain constitutes a grant of permission for the County to enter the development area for the purpose of administering this chapter from the date of the application to the termination of the permit. The Planning Director shall be supplied with a key or lock combination or permitted to install a County lock.

**Part VIII. BUILDING PERMIT FINAL INSPECTION REQUIREMENTS**

**16.13.760 Use and occupancy of buildings and structures.**

Prior to the final inspection the owner or authorized agent shall submit the following documentation that has been prepared and sealed by a registered professional surveyor, engineer or architect, as required:

(A) For elevated buildings and structures in flood hazard areas other than coastal high hazard areas, the elevation of the lowest floor, including basement, and all other required information on an Elevation Certificate, provided by FEMA, and based on final construction.

(B) For buildings and structures in coastal high hazard areas, the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor, and all other required information on an Elevation Certificate, provided by FEMA, and based on final construction.

(C) For buildings and structures in coastal high hazard areas, a completed Final V Zone Certificate, available from the Planning Department.

(D) Flood Hazards Declaration. The developer and/or the subdivider of a parcel or parcels in an area subject to flood hazards shall be required, as a condition of development approval and building permit approval, to record a Declaration of Flood Hazards with the County Recorder. The Declaration shall include a description of the hazards on the parcel and the level of technical investigation, if any, conducted, and include an acknowledgement and assumption of risk.

## **Part IX. EXCEPTIONS**

### **16.13.770 General.**

A request for an exception to the provisions of this chapter or the permit conditions may be considered by the Planning Director if the exception is necessary to mitigate a threat to public health, safety and welfare.

### **16.13.780 Limitations on authority.**

The Planning Director shall base their decisions on technical justifications submitted by applicants, the considerations for issuance in SCCC 16.13.820, and the conditions of issuance set forth in SCCC 16.13.830, and has the right to attach such conditions as they deem necessary to further the purposes and objectives of this chapter.

### **16.13.790 Restrictions in floodways.**

An exception shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in SCCC 16.13.410.

### **16.13.800 Reason for request.**

A request for an exception shall state in writing the reason why the exception is requested, the proposed substitute provisions, when the exception would apply, and the threat to public health, safety, or welfare that would be mitigated.

### **16.13.810 Nature of exception.**

The exceptions set forth in this part are based on the general principle of zoning law that exceptions pertain to a piece of property and are not personal in nature. An exception 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 interest in protecting citizens from flooding is compelling, and the cost of insuring a structure built below flood level so onerous that exceptions from the flood elevation or other health and safety requirements in the flood regulations of this chapter shall be granted in rare circumstances and only where no other alternative is available.

### **16.13.820 Criteria for issuance of exceptions.**

In reviewing applications for exceptions, the Planning Director shall consider all technical evaluations, all relevant factors, all other applicable provisions of the building codes, this chapter, and all of the following:

- (A) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (B) The danger to life and property due to flooding or erosion damage;
- (C) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (D) The importance of the services provided by the proposed development to the County of Santa Cruz;
- (E) The necessity to the structure of a waterfront location, where applicable;
- (F) The availability of alternate locations for the proposed development that are not subject to flooding or erosion;
- (G) The compatibility of the proposed development with existing and anticipated development;
- (H) The relationship of the proposed development to the comprehensive plan and floodplain management program for that area;
- (I) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (J) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site, and;
- (K) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

**16.13.830 Conditions for issuance of exceptions.**

Exceptions shall be issued only upon:

- (A) Submission by the applicant of technical information showing good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site renders the elevation standards inappropriate;
- (B) A determination by the Floodplain Administrator that failure to grant the exception would result in exceptional hardship by rendering the lot undevelopable;
- (C) A determination by the Floodplain Administrator that the granting of an exception will not result in any increase to flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws;
- (D) A determination by the Floodplain Administrator that the exception is the minimum necessary, considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of exceptions to an elevation requirement, exceptions need not be granted for permission for the applicant to build at grade,

or even to whatever elevation the applicant proposes, but only to that elevation which will both provide relief and preserve the integrity of the regulatory requirements.

Upon consideration of the factors in SCCC 16.13.820 and the purposes of this chapter, conditions may be attached to the granting of exceptions as necessary to further the purposes of this chapter.

**16.13.840 Required findings.**

In granting an exception, the Planning Director shall make the following findings:

- (A) That the project is necessary to mitigate a threat to public health, safety, or welfare;
- (B) That hardship exists;
- (C) That the request is for the smallest amount of variance from the provisions of this chapter as possible; and
- (D) That adequate measures will be taken to ensure consistency with the purposes of this chapter and the County General Plan.

**16.13.850 Notice.**

Any applicant to whom an exception is granted shall be given written notice of the terms and conditions, if any, of the exception, and said notice shall also include the following:

- (A) That the issuance of an exception to construct a structure below the base flood level, or not meet the standards prescribed in this chapter will result in substantially increased premium rates for flood insurance;
- (B) That such construction below the base level or construction that does not meet the standards prescribed in this chapter increases risks to life and property;
- (C) The County of Santa Cruz shall be exempt from liability for any personal or property damage caused by construction below the base flood level or construction that does not meet the standards prescribed by this chapter; and
- (D) That a copy of the written notice shall be recorded on the deed so that it appears in the chain of title of the affected parcel of land.

**16.13.860 Records.**

The Floodplain Administrator will maintain a record of all exception actions, including justification for their issuance, and report such exceptions issued in its biennial report submitted to the Federal Insurance Administration of the Federal Emergency Management Agency.

**Part X. VIOLATIONS**

**16.13.870 Compliance.**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with all the provisions of this chapter and other applicable regulations. Nothing herein shall prevent the taking of lawful action as necessary to prevent or remedy any violation.

**16.13.880 Actions constituting a violation.**



(A) It shall be unlawful for any person to do, cause, permit, aid, abet, suffer, or furnish equipment or labor for any development in a flood hazard area as defined in 16.13.160(18) unless

- 1) A floodplain permit has been obtained and is in effect which authorizes the development; or
- 2) The development is exempt from the requirement for a floodplain permit approval.

(B) It shall be unlawful for any person to exercise a development permit which authorizes development in a flood hazard area without complying with all of the conditions of such permit.

(C) In the event of a violation of this chapter or of the provisions of permit conditions as specified in this chapter, or if the permit has been exercised in a manner which creates a nuisance or is otherwise detrimental to the public health, safety or welfare, the permittee shall be given notice of such violation, and a reasonable time shall be specified for its correction. It shall be unlawful for any person to refuse or fail to abate a condition as spelled out in such notice.

(D) It shall be unlawful for any person to knowingly do, cause, permit, aid, abet, or furnish any equipment or labor for any work in violation of a Stop Work Notice from and after it is posted on the site until the Stop Work Notice is authorized to be removed by the Planning Director.

(E) If the Planning Director determines that any floodplain development occurring in the County does not comply with the approved floodplain permit or this chapter, they may stop all work until corrective measures have been completed. The site shall be posted with a "Stop Work" notice. No other permits shall be issued by the County on the site, and the County may require that all work shall be stopped pursuant to any such permits issued, until corrections have been made to the satisfaction of the Planning Director.

(F) Whenever the Planning Director determines that floodplain development has been done without the required floodplain development permit, they may refuse to issue a permit for the work already completed and require mitigating action.

## **Part XI. PROJECT DENIAL**

### **16.13.890 Project denial.**

A floodplain permit or the location of a proposed development shall be denied if the Planning Director determines that development is not in compliance with this chapter or the project would conflict with National Flood Insurance Program regulations.

## **Part XII. NOTICES OF GEOLOGIC HAZARDS IN CASES OF DANGEROUS CONDITIONS**

### **16.13.900 Issuance and recordation of notices of geologic and / or flood hazards.**

Whenever a site inspection, flood study, geologic hazards assessment or full geologic report identifies the presence of a geologic or flood hazard that causes a site, building, structure, or portions thereof to be rendered unsafe or dangerous, then pursuant to the Uniform Code for the Abatement of Structural and Geologic Hazards as amended by SCCC 12.10, the Planning Director may issue a notice of geologic hazard and order thereon, and may record a notice of geologic hazard with the County Recorder.

### **16.13.910 Abatement procedures.**

The Planning Director may initiate abatement procedures pursuant to the Uniform Code for the Abatement of Structural and Geologic Hazards as amended by SCCC 12.10.

Part XIII. APPEALS

16.13.920 Appeals.

Except as otherwise provided herein, appeals taken pursuant to the provisions of this chapter shall be made in conformance with the procedures of SCCC 18.10, including appeal of the requirement for geologic hazard assessment or technical report. All appeals taken concerning the decision to issue and record a Notice of Geologic Hazard pursuant to the provisions of SCCC 16.13.900 and 16.13.910 shall be governed by the procedures commencing with Section 501 of the Uniform Code for the Abatement of Structural and Geologic Hazards as amended by SCCC 12.10.425.

Part XIV. FEES

16.13.930 Fees.

Fees for processing, checking, reviewing, reviewing technical reports, inspection, violations, and exception requests related to floodplain management shall be set by resolution by the Board of Supervisors.

SECTION III

Paragraph (2) of Subsection (B) of Section 13.03.050 of the Santa Cruz County Code is hereby amended to read:

(2) The implementing ordinances consisting of the following County Code chapters:

Chapter 7.38 SCCC	Sewage Disposal
Chapter 7.70 SCCC	Water Wells
Chapter 7.73 SCCC	Individual Water Systems
Chapter 7.78 SCCC	Preservation of Monterey Bay and Coastal Water Quality: Regulation of Wastewater Discharge
Chapter 12.01 SCCC	Building Permit Regulations
Chapter 12.06 SCCC	Demolition or Conversion of Residential Structures
Chapter 13.01 SCCC	General Plan Administration
Chapter 13.02 SCCC	Specific Plan Administration
Chapter 13.03 SCCC	Local Coastal Program Administration
Chapter 13.10 SCCC	Zoning Regulations
Chapter 13.11 SCCC	Site, Architectural and Landscape Design Review
Chapter 13.14 SCCC	Rural Residential Density Determinations
Chapter 13.20 SCCC	Coastal Zone Regulations
Chapter 13.36 SCCC	Development Agreement
Chapter 14.02 SCCC	Condominium and Townhouse Conversion Regulations
Chapter 15.01 SCCC	Park Dedication and Public Access Requirements
Chapter 15.10 SCCC	Roadway and Roadside Improvements
Chapter 16.10 SCCC	Geologic Hazards
Chapter 16.13 SCCC	Floodplain Management Regulations

Chapter 16.20 SCCC	Grading Regulations
Chapter 16.22 SCCC	Erosion Control
Chapter 16.30 SCCC	Riparian Corridor and Wetlands Protection
Chapter 16.32 SCCC	Sensitive Habitat Protection
Chapter 16.34 SCCC	Significant Trees Protection
Chapter 16.40 SCCC	Native American Cultural Sites
Chapter 16.44 SCCC	Paleontological Resource Protection
Chapter 16.50 SCCC	Agricultural Land Preservation and Protection
Chapter 16.52 SCCC	Timber Harvesting Regulations
Chapter 16.54 SCCC	Mining Regulations
Chapter 17.02 SCCC	Urban Services Line and Rural Services Line
Chapter 17.04 SCCC	Annual Population Growth Goal for Santa Cruz County
Chapter 18.10 SCCC	Permit and Approval Procedures


### SECTION III


This Ordinance shall take effect on the 31<sup>st</sup> day following adoption outside the Coastal Zone and shall take effect on the 31<sup>st</sup> day following adoption or upon certification by the California Coastal Commission, whichever is later, inside the Coastal Zone.

PASSED AND ADOPTED this 6<sup>th</sup> day of October, 2020 by the Board of Supervisors and the County of Santa Cruz by the following vote:

AYES:	SUPERVISORS	Leopold, McPherson, Friend, Coonerty, Caput
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None

**GREG CAPUT**  
CHAIRPERSON, BOARD OF SUPERVISORS

DocuSigned by:  
  
8FA3502FBE7F43C...

DocuSigned by:  
  
5F3EB32A693849D...

ATTEST: **SUSAN GALLOWAY**  
Clerk of the Board

APPROVED AS TO FORM:

  
Office of the County Counsel

8/29/2020 (AMS# 9507)

DISTRIBUTION: County Counsel  
Planning Department

DocuSigned by:  
  
Clerk of the Board of Supervisors  
F2707B2E5811438...

## Certificate Of Completion

Envelope Id: 07133B3D5CD6443C931D148A410F85E4	Status: Completed
Subject: Ordinance 5350 adopted Oct 6 BOS (ORD-5350) eSignature	
Source Envelope:	
Document Pages: 39	Signatures: 3
Certificate Pages: 2	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Susan Galloway
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	408 St Peter Street
	Saint Paul, MN 55102
	susan.galloway@co.santa-cruz.ca.us
	IP Address: 69.5.90.9

## Record Tracking

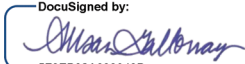
Status: Original	Holder: Susan Galloway	Location: DocuSign
10/13/2020 5:02:39 PM	susan.galloway@co.santa-cruz.ca.us	

## Signer Events

Signer Events	Signature	Timestamp
Greg Caput	DocuSigned by:  8FA3502FBE7F43C...	Sent: 10/13/2020 5:02:41 PM
Greg.Caput@co.santa-cruz.ca.us		Viewed: 10/15/2020 11:00:51 AM
eSign		Signed: 10/15/2020 11:00:58 AM
Security Level: Email, Account Authentication (None)	Signature Adoption: Drawn on Device Using IP Address: 63.194.190.100	

## Electronic Record and Signature Disclosure:

Not Offered via DocuSign

Susan Galloway	DocuSigned by:  5F3EB32A693849D...	Sent: 10/15/2020 11:00:59 AM
Susan.Galloway@co.santa-cruz.ca.us		Viewed: 10/15/2020 9:28:32 PM
Chief Deputy, Clerk of the Board of Supervisors		Signed: 10/15/2020 9:28:43 PM
County of Santa Cruz	Signature Adoption: Drawn on Device Using IP Address: 12.1.78.200	
Security Level: Email, Account Authentication (None)		

## Electronic Record and Signature Disclosure:

Not Offered via DocuSign

CBD eSignature	DocuSigned by:  F2707B2E5811438...	Sent: 10/15/2020 9:28:44 PM
CBD.eSignature@co.santa-cruz.ca.us		Viewed: 10/20/2020 4:08:51 PM
Clerk of the Board of Supervisors		Signed: 10/20/2020 4:09:25 PM
County of Santa Cruz	Signature Adoption: Drawn on Device Using IP Address: 131.191.9.68	Freeform Signing
Security Level: Email, Account Authentication (None)		

## Electronic Record and Signature Disclosure:

Not Offered via DocuSign

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp
Planning Department bernice.shawver@santacruzcounty.us Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign	COPIED	Sent: 10/20/2020 4:09:26 PM
Jason M. Heath Jason.Heath@co.santa-cruz.ca.us Accela, Inc. Security Level: Email, Account Authentication (None) <b>Electronic Record and Signature Disclosure:</b> Not Offered via DocuSign	COPIED	Sent: 10/20/2020 4:09:26 PM

Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	10/20/2020 4:09:26 PM
Certified Delivered	Security Checked	10/20/2020 4:09:26 PM
Signing Complete	Security Checked	10/20/2020 4:09:26 PM
Completed	Security Checked	10/20/2020 4:09:26 PM

Payment Events	Status	Timestamps
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