

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 15 A OF THE
SANTA BARBARA COUNTY CODE RELATING TO
FLOODPLAIN MANAGEMENT REGULATIONS

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

Chapter 15A entitled "Floodplain Management" of the Santa Barbara County Code is hereby amended as hereinafter appears.

The amendment of said Chapter 15A shall not have any effect on any criminal or civil litigation or claims, including claims for fees, arising under said Chapter and shall not operate as an abatement of any criminal or civil action or proceeding arising under said Chapter 15A and pending before or filed after the effective date of this Ordinance.

SECTION 2:

Section 15A-5. of the Santa Barbara County Code is hereby amended to read as follows:

Sec. 15A-5. Definitions.

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

- (1) "Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.
- (2) "Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.
- (3) "Apex" means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.
- (4) "Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this chapter or a request for a variance.
- (5) "Area of shallow flooding" means a designated AO or AH Zone on the FIRM (Flood Insurance Rate Map), characterized by one or more of the following: (a) base flood depths ranging from one to three feet where a clearly defined channel does not exist, (b) an unpredictable and indeterminate path of flooding, (c) an evident velocity flow, (d) ponding or sheet flow.
- (6) "Area of special flood hazard." See "Special flood hazard area."
- (7) "Backfill" means the placement of fill material within a specified depression, hole or excavation pit below the surrounding adjacent ground level as a means of improving flood water conveyance or to restore the land to the natural contours existing prior to excavation.

- (8) "Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year (also called the "100-year flood").
- (9) "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.
- (10) "Board of directors" means the board of directors of the Santa Barbara County flood control and water conservation district.
- (11) "Breakaway walls" are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:
- (A) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
- (B) The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.
- (12) "Building," see "Structure."
- (13) "Building department" means the building and development division of the Santa Barbara County public works department.
- (14) "Coastal high hazard area" means an area of special flood hazard 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. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone V1-V30, VE or V.
- (15) "Critical feature" means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.
- (16) "Curvilinear line" means the border on either a flood hazard boundary map or flood insurance rate map that delineates the special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazard areas and consists of a curved or contour line that follows the topography.
- (17) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (18) "Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.
- (19) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before March 13, 1979.
- (20) "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).

- (21) "Fill" is the placement of fill material at a specified location to bring the ground surface up to a desired elevation.
- (22) "Fill material" can be natural sand, dirt, soil or rock. For the purposes of floodplain management, fill material may include concrete, cement, soil cement, brick or similar material as approved on a case-by-case basis.
- (23) "Flood," "flooding," or "flood water" means:
- (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
- (1) The overflow of inland or tidal waters,
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source, and/or
 - (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; and
- (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.
- (24) "Flood elevation determination" means a determination by the floodplain administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.
- (25) "Flood elevation study" means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.
- (26) "Flood insurance rate map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- (27) "Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
- (28) "Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").
- (29) "Floodplain administrator" is the flood control director or his designated agent. The floodplain administrator shall enforce the provisions of this chapter.
- (30) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and the administration and enforcement of this chapter.
- (31) "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
- (32) "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

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

(34) “Floodway encroachment lines” means the lines marking the limits of floodways on federal, state and local floodplain maps.

(35) “Floodway fringe” is the areas of a floodplain on either side of the designated floodway where encroachment may be permitted.

(36) “Fraud and victimization” related to section 15A-23 of this chapter means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the floodplain administrator will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one-hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

(37) “Freeboard” means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

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

(39) “Hardship” as related to section 15A-23 of this chapter means the hardship that would result from a failure to grant the requested variance. The floodplain administrator shall require that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as exceptional hardships. All of these problems can be resolved through other means, without granting a variance. This is so even if the alternative means are more expensive or complicated than building with a variance, or if they require the property owner to put the parcel to a different use than originally intended, or to build elsewhere.

(40) “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(41) “Historic structure” means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district registered as a historic district;

(c) 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

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or

(2) Directly by the Secretary of the Interior in states with approved programs.

- (42) "Landfill" means a permitted location for the disposal, placement or dumping of garbage, trash, debris, junk or waste material.
- (43) "Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.
- (44) "Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.
- (45) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.
- (46) "Mangrove stand" means an assemblage of mangrove trees which are mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: black mangrove (*Avicennia Nitida*); red mangrove (*Rhizophora Mangle*), white mangrove (*Languncularia Racemosa*), and buttonwood (*Conocarpus Erecta*).
- (47) "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."
- (48) "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.
- (49) "Map" means the Flood Insurance Rate Map for a community issued by the Flood Insurance Administration, Federal Emergency Management Agency.
- (50) "Market value" means, for the purposes of determining substantial improvement, the value of the structure in question. It does not pertain to the land, landscaping or any other structures on the property, but only to the structure for which the improvement is proposed. Market value shall be determined by a professional appraiser as the cost to replace the structure in new condition, adjusted by the amount of depreciation that has accrued since the structure was constructed. The cost of replacement shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and the functional obsolescence, but shall not include economic or other forms of external obsolescence.
- (51) "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.
- (52) "Minimum necessary" related to section 15A-23 of this chapter means the minimum necessary to afford relief to the applicant for a variance with a minimum deviation from the requirements of this chapter. In the case of variances to an elevation requirement, this means the floodplain administrator need not grant permission for the applicant to build at grade, for example, or even to whatever elevation the applicant proposes, but only that level that the floodplain administrator believes will both provide relief and preserve the integrity of this chapter.
- (53) "Mudslide" (i.e., mudflow) describes a condition where there is a river, flow or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover, and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain.

- (54) “Mudslide (i.e., mudflow) prone area” means an area with land surfaces and slopes of unconsolidated material where the history, geology and climate vindicate a potential for mudflow.
- (55) “New construction,” for floodplain management purposes, means structures for which the “start of construction” commenced on or after March 13, 1979. “New construction” includes any improvements to such structures on or after March 13, 1979.
- (56) “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 March 13, 1979.
- (57) “Obstruction” includes but is not limited to any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water or its likelihood of being carried downstream.
- (58) “One hundred year flood” or “100-year flood” means a flood which has a one percent annual probability of being equalled or exceeded. It is identical to the “base flood,” which will be the term used throughout this chapter.
- (59) “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 mild slope.
- (60) “Principal structure” means a structure used for the principal use of the property as distinguished from an accessory use.
- (61) “Public safety and nuisances” as related to section 15A-23 of this chapter means the granting of a variance must not result in additional threats to public safety or create nuisances. This chapter is intended to help protect the health, safety, well-being, and property of the local citizens. This is a long-range community effort made up of a combination of approaches such as adequate drainage systems, warning and evacuation plans, and keeping new property above the flood levels. These long-term goals can only be met if exceptions to the requirements of this chapter are kept to a bare minimum.
- (62) “Recreational vehicle” means a vehicle which is:
- (a) Built on a single chassis;
 - (b) Four hundred square feet or less when measured at the largest horizontal projection;
 - (c) Designed to be self-propelled or permanently towable by a light duty truck; and
 - (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (63) “Regulatory floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- (64) “Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- (65) “Sand dunes” means naturally occurring accumulations of sand in ridges or mounds landward of the beach.
- (66) “Sheet flow area” see “area of shallow flooding.”
- (67) “Special flood hazard area (SFHA)” means an area having special flood hazard as shown on an FHBM or FIRM as Zone A, AO, AI-A30, AE, A99, AH, V1-V30, VE or V.

- (68) “Start of construction” includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affect the external dimensions of the building.
- (69) “Structure” means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground. “Structure” also includes manufactured homes.
- (70) “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.
- (71) “Substantial improvement” means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, or any accumulation thereof occurring after October 7, 2008, or within the last ten years, whichever is shorter, the cost of which equals or exceeds fifty percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either (a) any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) any alteration of a “historic structure,” provided that the alteration will not preclude the structure's continued designation as a “historic structure.”
- (72) “V zone,” see “coastal high hazard area.”
- (73) “Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.
- (74) “Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
- (75) “Watercourse” means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse also includes specifically designated areas in which substantial flood damage may occur.
- (76) “Violation” means the failure of a structure or other development to be fully in compliance with the requirements and provisions of this chapter or any variances issued pursuant to sections 15A-23 through 15A-25 of this chapter. A structure or other development without an elevation certificate, other certification, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided to the floodplain administrator. (Ord. No. 3898, § 1)

SECTION 3:

Section 15A-19. of the Santa Barbara County Code is hereby amended to read as follows:

Sec. 15A-19. Standards for Manufactured Homes.

a) All manufactured homes that are placed or substantially improved within a special flood hazard area on the community's Flood Insurance Rate Map (1) outside of a manufactured home park or subdivision, (2) in a new manufactured home park or subdivision, (3) in an expansion to an existing manufactured home park or subdivision, or (4) in an existing manufactured home park or subdivision shall:

(1) Within Zones AE, AH and AO, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated two (2) feet above the base flood elevation, unless such minimum elevation is lowered by the floodplain administrator at his discretion (but not below the base flood elevation), and be securely fastened to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(2) Within Zone A, be elevated on a permanent foundation and securely fastened to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(b) All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones V and VE that meet the Coastal High Hazard Standards in section 15A-22 on the community's Flood Insurance Rate Map and are not subject to the provisions of section 15A-19(a) of this section shall be elevated on adequately anchored pilings or columns and securely fastened to such pilings or columns to resist flotation, collapse and lateral movement and so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated two (2) feet above the base flood elevation.

SECTION 4:

Amendments to this Chapter shall take effect and be in force thirty (30) days from the date of its passage and before the expiration of fifteen (15) days after its passage, it, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara Daily Sound, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED, this _____ day of _____, 2008 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

SUPERVISOR SALUD CARBAJAL, CHAIR
BOARD OF SUPERVISORS

ATTEST:

MICHAEL F. BROWN
CLERK OF THE BOARD

By: _____
Deputy

APPROVED AS TO FORM

DENNIS MARSHALL
COUNTY COUNSEL

By:  _____
Deputy