

ORDINANCE NO. 4521

**AN ORDINANCE OF THE COUNTY OF VENTURA REPEALING AND REENACTING THE  
VENTURA COUNTY FLOODPLAIN MANAGEMENT ORDINANCE**

The Board of Supervisors of the County of Ventura ordains as follows:

Article 1. Repeal of Existing Ventura County Floodplain Management Ordinance

Ordinance Nos. 3841, 3890, 3902, 3954 and 4465 are hereby repealed.

Article 2. Enactment of Ventura County Floodplain Management Ordinance

The Ventura County Floodplain Management Ordinance is hereby amended and reenacted as follows:

**SECTION 1**

**PRELIMINARY MATTERS**

**1.1. AUTHORIZATION**

This ordinance is enacted pursuant to the police power of the County of Ventura, granted by the People of the State of California through section 7 of article XI of the California Constitution, and in conformity with the general laws of the State.

**1.2. FINDINGS**

- A. The flood hazard areas of Ventura County are subject to flooding which may result 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. Such 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

**1.3. PURPOSE**

This ordinance is intended to meet the requirements of the National Flood Insurance Program. It is the purpose of this ordinance to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood prone, mudslide or flood related erosion areas. These regulations are designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- 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. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

#### 1.4. METHODS OF REDUCING FLOOD LOSSES

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

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- B. Require that uses 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.

#### 1.5. NAME

This ordinance shall be known and may be cited as the Ventura County Floodplain Management Ordinance.

### SECTION 2.0

#### DEFINITIONS

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

**"A Zone"** - see **"special flood hazard area."**

**"Accessory structure"** means a structure that is either:

1. Solely for the parking of no more than 2 cars; or
2. A shed for limited storage, less than 150 square feet and \$1,500 in value.

**"Accessory use"** means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

**"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.

**“Alluvial fan flooding”** means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high velocity flows, active processes of erosion, sediment transport and deposition, and unpredictable flow paths.

**“Apex”** means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

**“Area of shallow flooding”** means a designated AO or AH Zone on the Flood Insurance Rate Map where the base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**“Area of special flood hazard”** or **“special flood hazard area”** means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on the Flood Boundary and Floodway Map or Flood Insurance Rate Map as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

**“Base flood”** means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the “100-year flood”). Base flood is the term used throughout this ordinance.

**“Base flood elevation”** or **BFE** means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

**“Basement”** means any area of the building having its floor subgrade – i.e., below ground level – on all sides.

**“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 are not part of the structural support of the building and which are 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 10 and no more than 20 pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
2. 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.

**“Building”** - see **“Structure.”**

**“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 as Zone V1-V30, VE, or V.

**“County”** means the County of Ventura, a political subdivision of the State of California.

**“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.

**“Director”** means the Director of the Ventura County Public Works Agency or his or her designated representative.

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

**“Existing manufactured home park or subdivision”** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before October 31, 1985.

**“Expansion to an existing manufactured home park or subdivision”** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**“Flood,” “flooding” or “flood water”** means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
2. The condition resulting from flood-related erosion.

**“Flood Boundary and Floodway Map” or “FBFM”** means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

**“Flood Insurance Rate Map or “FIRM”** means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**“Flood Insurance Study” or “FIS”** means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

**“Floodplain or flood-prone area”** means any land area susceptible to being inundated by water from any source - see **“flooding.”**

**“Floodplain Administrator”** is the County official designated by title to administer and enforce the floodplain management regulations, namely, the Director.

**“Floodplain management”** means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible,

natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations and open space plans.

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

**"Floodproofing"** means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

**"Floodway" or "regulatory floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot prior to encroachment into the floodplain.

**"Floodway fringe"** is that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted.

**"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, and does not include long-term storage or related manufacturing facilities.

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

**"Historic structure"** means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of 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 the 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.

**"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.

**"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.

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

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

- a. The flood openings standards in **Section 5.1.C.3**;
- b. The anchoring standards in **Section 5.1.A**;
- c. The construction materials and methods standards in **Section 5.1.B**; and
- d. The standards for utilities in **Section 5.2**.

**"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,"** for the purposes of a structure, means the value determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed.

1. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry.
2. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the Floodplain Administrator, but shall not include economic or other forms of external obsolescence.

Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

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

**"New construction,"** for floodplain management purposes, means structures for which the "start of construction" commenced on or after October 31, 1985, 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 October 31, 1985.

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

**"One-hundred-year flood"** or **"100-year flood"** - see **"base flood."**

**"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.

**"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.

**"Regulatory floodway"** – see **"floodway."**

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

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

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

**"Sheet flow area"** - see **"area of shallow flooding."**

**"Special flood hazard area"** – see **"area of special flood hazard."**

**"Start of construction,"** for the purposes of substantial improvements and other new development, means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement occurs within 180 days from the date the issuance of the permit. The actual start of construction

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

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

**“Substantial damage”** means:

1. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred; or
2. Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. This is also known as “repetitive loss.”

**“Substantial improvement”** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

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

**“V Zone”** - see **“coastal high hazard area.”**

**“Variance”** means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

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

**“Water surface elevation”** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.



**“Watercourse”** means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

## **SECTION 3.0**

### **GENERAL PROVISIONS**

#### **3.1 LANDS TO WHICH THIS ORDINANCE APPLIES**

This ordinance applies to all areas of special flood hazards within the unincorporated area of Ventura County.

#### **3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the “Flood Insurance Study for Ventura County, California (Unincorporated Areas)” dated October 31, 1985, with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the County Board of Supervisors by the Floodplain Administrator. The Director shall maintain the current FIS, FIRMs and FBFMs on file at the offices of the Public Works Agency at 800 South Victoria Avenue, Ventura, California, 93009.

#### **3.3 ENFORCEMENT**

- A. It is unlawful to construct, locate, extend, convert, alter, undertake or maintain any development without compliance with this ordinance, including any conditions of variances or permits issued pursuant to this ordinance. Such unlawful conduct shall constitute a violation of this ordinance and a misdemeanor. Each day a violation continues is a separate violation.
- B. Any development undertaken or maintained in violation of this ordinance, including any conditions of variances or permits issued pursuant to this ordinance, is hereby declared to be a public nuisance. The Director is authorized to abate such nuisances. The Director shall keep an account of the costs of abatement of the nuisance incurred by the County and shall mail a report of the costs of abatement to the owner of the property upon which the nuisance is or was located with a demand that the costs of abatement be paid. The owner of the property upon which the nuisance is or was located shall pay the costs of abatement within 60 days from the mailing of the report and demand.
- C. Nothing herein shall prevent the County from taking any lawful action to prevent or remedy a violation.

#### **3.4 ABROGATION AND GREATER RESTRICTIONS**

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

### **3.5 WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the County, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

### **3.6 FEES**

A schedule of fees shall be adopted by resolution of the County Board of Supervisors. Such fees shall reimburse the County for costs incurred in processing permits, appeals, variances and other work in the enforcement and administration of this ordinance.

## **SECTION 4.0**

### **ADMINISTRATION AND PERMITTING**

#### **4.1 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR**

The Director is hereby designated the Floodplain Administrator. As such, the Director shall administer, implement, and enforce this ordinance and the County's commitments and responsibilities under Code of Federal Regulations, title 44, part 59, subpart B to obtain and maintain the County's eligibility for the National Flood Insurance Program. The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, those enumerated in **Section 4.2**.

#### **4.2 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

##### **A. Issuance of Floodplain Development Permits**

The Floodplain Administrator shall review applications for floodplain development permits required by **Section 4.3**. The Floodplain Administrator shall issue a floodplain development permit if the Floodplain Administrator determines the application and development described in the application conform to the standards and requirements of this ordinance, including the following:

1. Permit requirements of this ordinance have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
2. All other required state and federal permits have been obtained;
3. The site is reasonably safe from flooding;
4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the unincorporated area of Ventura County;
5. All Letters of Map Revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on

Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition; and

6. All applicable fees have been paid.

**B. Development of Substantial Improvement and Substantial Damage Procedures**

1. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," the Floodplain Administrator shall develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include determining "market value." Market value shall be determined through the use of appraisals and brokers' opinion letters as prepared by California licensed land appraisers and real estate brokers, respectively.
2. The Floodplain Administrator shall assure procedures are coordinated with other County departments/divisions and implemented by County staff.

**C. Review, Use and Development of Other Base Flood Data**

When base flood elevation data has not been provided in accordance with **Section 3.2**, the Floodplain Administrator shall obtain, review, and reasonably utilize any best available base flood elevation and floodway data from a federal or state agency, or other source, in order to administer **Section 5**. Any such information shall be submitted by the applicant to the County for consideration.

NOTE: A base flood elevation shall be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995.

**D. Notification of Other Agencies.**

1. Alteration or relocation of a watercourse. The Floodplain Administrator shall:
  - a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
  - b. Submit evidence of such notification to the Federal Emergency Management Agency; and
  - c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.
2. Base flood elevation changes due to physical alterations. The Floodplain Administrator shall:
  - a. Within six months of information becoming available or project completion, whichever occurs first, submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).
  - b. Confirm that all LOMR's for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow

construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

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

3. Changes in corporate boundaries:  
The Floodplain Administrator shall notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the County clearly delineating the new corporate limits.
4. The Floodplain Administrator or his or her designated representatives shall participate regularly in Community Assistance Visitations conducted by the Federal Emergency Management Agency, to address floodplain development projects.

#### **E. Documentation of Floodplain Development**

The Floodplain Administrator shall obtain and maintain for public inspection and make available as needed the following:

1. Certification required by **Section 5.1.C.1 and Section 5.4** (lowest floor elevations);
2. Certification required by **Section 5.1.C.2** (elevation or floodproofing of nonresidential structures);
3. Certification required by **Sections 5.1.C.3** (wet floodproofing standard);
4. Certification of elevation required by **Section 5.3.A.3** (subdivisions and other proposed development standards);
5. Certification required by **Section 5.6.B** (floodway encroachments);
6. Information required by **Section 5.7.F** (coastal construction standards); and
7. Records of all variance actions, including justification for their issuance, which The Floodplain Administrator shall report in the biennial report submitted to the Federal Emergency Management Agency.

#### **F. Map Determination**

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary may appeal that determination as provided in **Section 4.4**.

#### **G. Remedial Action**

The Floodplain Administrator shall take action to remedy violations of this ordinance as specified in **Section 3.3**.

#### **H. Biennial Report**

The Floodplain Administrator shall complete and submit biennial report to FEMA.

**I. Planning**

The Floodplain Administrator shall assure the County's General Plan is consistent with floodplain management objectives herein.

**J. Non-conversion of Enclosed Areas Below the Lowest Floor**

To ensure that the areas below the BFE shall be used solely for parking vehicles, limited storage or access to the building and not be finished for use as human habitation without first becoming fully compliant with this ordinance, the Floodplain Administrator shall:

1. Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are 5 feet or higher;
2. On behalf of the County, enter into a "Non-Conversion Agreement for Construction Within Flood Hazard Areas" or equivalent with the owner of the property upon which the structure is located. The agreement shall be recorded with the County Recorder as a deed restriction. The agreement shall be in a form acceptable to the Floodplain Administrator and County Counsel; and
3. Have the authority to inspect any area of a structure below the base flood elevation to ensure compliance upon prior notice of at least 72 hours.

**4.3 FLOOD PLAIN DEVELOPMENT PERMIT REQUIRED**

A floodplain development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in **Section 3.2**. Application for a floodplain development permit shall be made on forms furnished by the Floodplain Administrator. The applicant shall provide the following minimum information:

**A. Plans in duplicate, drawn to scale, showing:**

1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
2. Proposed locations of water supply, sanitary sewer and other utilities;
3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
4. Location of the regulatory floodway when applicable;
5. Base flood elevation information as specified in **Section 3.2** or **Section 4.2.C**;
6. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in **Section 5.1.C.2** of this ordinance and detailed in FEMA Technical Bulletin TB 3-93.

**B. Certification from a registered civil engineer or architect that the nonresidential**

floodproofed building meets the floodproofing criteria in **Section 5.1.C.2**.

- C. For a crawl-space foundation, location and total net area of foundation openings as required in **Section 5.1.C.3** of this ordinance and detailed in FEMA Technical Bulletins TB 1-93 and TB 7-93.
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- E. All appropriate certifications listed in **Section 4.2.E** of this ordinance.

#### **4.3.1 COMMENCEMENT OF WORK/PERMIT EXPIRATION**

A floodplain development permit shall expire if the permittee fails to commence the work authorized by the permit within 180 calendar days from the date of issuance of the permit. Upon payment of any applicable renewal fee and within 30 days of expiration, the Floodplain Administrator may, in the Floodplain Administrator's sole discretion, renew a permit which has expired by reason of non-commencement of work one time for a 180-day period.

#### **4.4 APPEALS**

Any person aggrieved by a decision of the Floodplain Administrator issuing or denying a floodplain development permit or determining the exact location of the boundaries of the areas of special flood hazards under **Section 4.2.F** may appeal that decision to the County Board of Supervisors. Appeals shall be filed with the Director in such form as he or she may prescribe within 30 days of such decision. Appeals shall be accompanied by payment of all applicable fees.

### **SECTION 5.0**

#### **PROVISIONS FOR FLOOD HAZARD REDUCTION**

##### **5.1 STANDARDS OF CONSTRUCTION**

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

###### **A. Anchoring**

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

###### **B. Construction Materials and Methods**

All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

1. With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;

2. Using methods and practices that minimize flood damage;
3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
4. Within FIRM Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

### **C. Elevation and Floodproofing**

#### **1. Residential construction**

All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:

- a. In FIRM AE, AH, A1-30 Zones, elevated one foot above the base flood elevation.
- b. In an AO zone, elevated above the highest adjacent grade to a height one foot above the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.
- c. In a FIRM A Zone, without BFE's specified on the FIRM [unnumbered A Zone], elevated one foot above the base flood elevation, as determined under **Section 4.2.C.**

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

#### **2. Nonresidential construction**

All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with **Section 5.1.C.1** or:

- a. Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under **Section 5.1.C.1**, so that the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- c. Be certified by a registered civil engineer or architect that the standards of **Section 5.1.C.2.a & b** are satisfied. Such certification shall be provided to the Floodplain Administrator.

#### **3. Flood openings**

All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding,

shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:

- a. For non-engineered openings:
  1. Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  2. The bottom of all openings shall be no higher than one foot above grade;
  3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and
  4. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or
- b. Be certified by a registered civil engineer or architect.

4. **Manufactured homes**

- a. See **Section 5.4**.

5. **Garages and low cost accessory structures**

- a. Attached garages.
  1. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. See **Section 5.1.C.3**. Areas of the garage below the BFE must be constructed with flood resistant materials. See **Section 5.1.B**.
  2. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below-grade parking areas, see FEMA Technical Bulletin TB 6.
- b. Detached garages and accessory structures.
  1. An accessory structure used solely for parking (two-car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in **Section 2**, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:
    - a) Use of the accessory structure must be limited to parking or limited storage;
    - b) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
    - c) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
    - d) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;



- e) The accessory structure must comply with floodplain encroachment provisions in **Section 5.6**; and
  - f) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with **Section 5.1.C.3**.
- c. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in **Section 5.1**.

## **6. Crawl space construction**

This sub-section applies to buildings with crawl spaces up to two feet below grade. Below-grade crawl space construction in accordance with the requirements listed below will not be considered basements.

- a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawl space construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer;
- b. The crawl space is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. For guidance on flood openings, see FEMA Technical Bulletin TB 1-93;
- c. Crawl space construction is not permitted in FIRM V Zones. Open pile or column foundations that withstand storm surge and wave forces are required in V Zones;
- d. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation or other materials that extend below the BFE;
- e. Any building utility systems within the crawl space must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.
- f. Requirements for all below-grade crawl space construction, in addition to the above requirements, to include the following:
  - 1. The interior grade of a crawl space below the BFE must not be more than two feet below the lowest adjacent exterior grade (LAG), shown as D in figure 3 of Technical Bulletin TB 11-01;
  - 2. The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall must not exceed four feet (shown as L in figure 3 of Technical Bulletin TB 11-01) at any point;
  - 3. There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event, not to exceed 72 hours; and
  - 4. The velocity of floodwaters at the site should not exceed five feet per second for any crawl space. For velocities in excess of five feet

per second, other foundation types should be used.

## **7. Other Standards**

- a. Where average velocities of flow exceed five feet per second, any fill material used to support the structure and its foundations shall be armored to prevent loss of the fill material.
- b. When fill is not used and velocities of flow are equal to or greater than five feet per second and equal to or less than 10 feet per second, the components used to support the structure shall be designed to resist hydrostatic and hydrodynamic loads.
- c. When fill is not used and velocities of flow exceed 10 feet per second, the use of structural components to support a structure is prohibited.
- d. When depths of water exceed three feet, structural components used to support the structure shall be designed for impact loads.

## **5.2 STANDARDS FOR UTILITIES**

- A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
  1. Infiltration of flood waters into the systems; and
  2. Discharge from the systems into flood waters.
- B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them, during flooding.

## **5.3 STANDARDS FOR SUBDIVISIONS AND OTHER PROPOSED DEVELOPMENT**

- A. All new subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than 50 lots or five acres, whichever is the lesser, shall:
  1. Identify the special flood hazard areas and base flood elevations.
  2. Identify the elevations of the lowest floors of all proposed structures and pads on the final plans.
  3. If the site is filled above the base flood elevation, include the following as-built information for each structure certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:
    - a. Lowest floor elevation.
    - b. Pad elevation.
    - c. Lowest adjacent grade.
- B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

- C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- D. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

#### **5.4 STANDARDS FOR MANUFACTURED HOMES**

- A. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision, (2) in a new manufactured home park or subdivision, (3) in an expansion to an existing manufactured home park or subdivision or (4) in an existing manufactured home park or subdivision, upon which a manufactured home has incurred substantial damage as the result of a flood, shall:
  - 1. Within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  - 2. Within Zones V1-30, V and VE on the community's Flood Insurance Rate Map, meet the requirements of **Section 5.7**.
- B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, AE, V1-30, V and VE on the community's Flood Insurance Rate Map that are not subject to the provisions of **Section 5.4.A** will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:
  - 1. Lowest floor of the manufactured home is at least one foot above the base flood elevation; or
  - 2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

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

#### **5.5 STANDARDS FOR RECREATIONAL VEHICLES**

- A. All recreational vehicles placed in FIRM Zones A1-30, AH, AE, V1-30 and VE will either:
  - 1. Be on the site for fewer than 180 consecutive days; or
  - 2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently

attached additions; or

3. Meet the permit requirements of **Section 4.3** of this ordinance and the elevation and anchoring requirements for manufactured homes in **Section 5.4**.
- B. Recreational vehicles placed on sites within Zones V1-30, V and VE on the community's Flood Insurance Rate Map will meet the requirements of **Section 5.5.A** and **Section 5.7**.

## **5.6 FLOODWAYS**

Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within FIRM Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one foot at any point within the unincorporated areas of Ventura County.
- B. Encroachments, including fill, new construction, substantial improvements, and other development, are prohibited within an adopted regulatory floodway unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge. Placement of new residential structures within the adopted regulatory floodway is prohibited.
- C. If **Sections 5.6.A & B** are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of **Section 5**.

## **5.7 COASTAL HIGH HAZARD AREAS**

Within coastal high hazard areas, Zones V, V1-30 and VE, as established under **Section 3.2**, the following standards shall apply:

- A. All new residential and non-residential construction, including substantial improvement and substantial damage, shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot above the base flood level. The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.
- B. All new construction and other development shall be located on the landward side of the reach of mean high tide.

- C. All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in Section 2 of this ordinance. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.
- D. Fill shall not be used for structural support of buildings.
- E. Man-made alteration of sand dunes which would increase potential flood damage is prohibited.
- F. The Floodplain Administrator shall obtain and maintain the following records:
  - 1. Certification by a registered engineer or architect that a proposed structure complies with Section 5.7.A; and
  - 2. The elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.

## **5.8 ALLUVIAL FANS**

Areas subject to alluvial fan flooding have irregular flow paths that result in erosion of existing channels and the undermining of the fill material. Those areas are identified on the Flood Insurance Rate Map as AO zones with velocities. In such areas:

- A. All structures must be securely anchored to minimize the impact of the flood and sediment damage.
- B. All new construction and substantial improvements of structures shall have the lowest floor, including basement, elevated to or above the depth number plus one foot.
- C. All fill materials must be armored to protect the material from the velocity of the flood flow.
- D. All proposals for subdivision development must provide a mitigation plan that identifies the engineering methods used to: (1) protect the structures from erosion and scour caused by the velocity of the flood flow; and (2) capture or transport flood and sediment flow through the subdivision to a safe point of disposition.

## **SECTION 6.0**

### **VARIANCE PROCEDURE**

#### **6.1 NATURE OF VARIANCES**

A variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance. Variances pertain to property and are not personal in nature. In order to vindicate

the purposes of this ordinance, variances should be granted only as a last resort and only to the extent necessary.

## **6.2 STANDARDS AND PROCEDURES FOR ISSUING VARIANCES**

The County Board of Supervisors may issuance variances from the requirements of this ordinance in accordance with this section.

- A. Variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided the criteria in **Section 6.2.E** are met.
- B. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the criteria in **Section 6.2.E** are met and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.
- C. Variances may be issued other than as provided for in **Sections 6.2.A & B** only if the criteria in **Section 6.2.E** are met, in extraordinary circumstances and based on a heightened technical justification.

### **D. Application**

- a. Applications for variances shall submitted to the Director on such forms as the Director may prescribe.
- b. The Director may require the applicant to submit any information necessary to evaluate the application under this **Section 6.0**.
- c. Applications shall be accompanied by payment of all applicable fees.

### **E. Critiera**

- a. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
- b. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance, cause fraud and victimization of the public, or conflict with existing local laws or ordinances.
- c. Variances shall only be issued upon a determination that the variance 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 ordinance. For example, in the case of variances to an elevation requirement, this means the County Board of Supervisors need not grant permission for the applicant to build at grade, or even to whatever elevation the

applicant proposes, but only to that elevation which the County Board of Supervisors believes will both provide relief and preserve the integrity of the local ordinance.

- F. In passing upon requests for variances, the County Board of Supervisors shall consider the standards and purposes of this ordinance, and the following matters:
- a. Danger that materials may be swept onto other lands to the injury of others;
  - b. Danger of life and property due to flooding or erosion damage;
  - c. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
  - d. Importance of the services provided by the proposed facility to the community;
  - e. Necessity to the facility of a waterfront location, where applicable;
  - f. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - g. Compatibility of the proposed use with existing and anticipated development;
  - h. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - i. Safety of access to the property in time of flood for ordinary and emergency vehicles;
  - j. Expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site;
  - k. 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, and streets and bridges; and
  - l. Any other relevant factors.
- G. The Board of Supervisors may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- H. The Director shall give any applicant to whom a variance is granted signed, written notice that:
1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
  2. Such construction below the base flood level increases risks to life and property.

A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

- I. The Director shall maintain a record of all variances granted, including justification for their issuance, and report such variances issued in the biennial report submitted to the Federal Emergency Management Agency.

### Article 3. Severability

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

PASSED AND ADOPTED this 27<sup>th</sup> day of March, 2018, by the following vote:

AYES: Supervisors Bennett, Parks, Long, Zaragoza, Foy.

NOES: none

ABSENT: none



CHAIR, BOARD OF SUPERVISORS

ATTEST:

MICHAEL POWERS  
Clerk of the Board of Supervisors  
County of Ventura, State of California



By: Lori Gunnis  
Deputy Clerk of the Board