

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING CHAPTER 16.16 OF THE MONTEREY COUNTY CODE
RELATING TO FLOODPLAIN MANAGEMENT.**

County Counsel Summary

As a requirement for continued participation in the National Flood Insurance Program, the County must update its floodplain management regulations to comply with Title 44 of the Code of Federal Regulations. The amendments include changes to definitions to conform to federal floodplain management regulations and the Monterey County Code; designation of a Floodplain Administrator; and clarification of regulations for development proposals including subdivisions and new development greater than 50 lots or 5 acres, manufactured homes, recreational vehicles, garages and low cost accessory structures.

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

SECTION 1. Chapter 16.16 of the Monterey County Code is hereby amended as follows:

Chapter 16.16

REGULATIONS FOR FLOODPLAINS IN MONTEREY COUNTY

SECTIONS:

16.16.010	Purpose and objectives
16.16.020	Definitions
16.16.030	General provisions
16.16.040	Administration
16.16.050	Provisions for flood hazard reduction
16.16.060	Variance procedures
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16.16.010 Purpose and objectives

- A.** Constitutional and Statutory Authority: Pursuant to Article XI of the California Constitution and pursuant to statute, including Government Code Sections 65302, 65560, and 65800, the County of Monterey may adopt and enforce ordinances and regulations to protect and promote the health, safety, and general welfare of its citizens. Therefore, the County of Monterey enacts the floodplain management regulations set forth in this chapter.
- B.** Findings of Fact

1. The flood hazard areas of Monterey County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
 2. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in Special Flood Hazard Areas which increase flood heights and velocities also contribute to flood losses.
- C.** Statement of Purpose: It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
1. Protect human life and health;
 2. Minimize expenditure of public money for costly flood control projects;
 3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 4. Minimize prolonged business interruptions;
 5. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in Special Flood Hazard Areas;
 6. Help maintain a stable tax base by providing for the sound use and development of Special Flood Hazard Areas so as to minimize future blighted areas caused by flooding;
 7. Ensure that potential buyers are notified that property is in a Special Flood Hazard Area; and
 8. Ensure that those who occupy Special Flood Hazard Areas assume responsibility for their actions.
- D.** Methods of Reducing Flood Losses: In order to accomplish its purposes, this chapter includes regulations to:
1. 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 in flood heights or velocities;
 2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Control filling, grading, dredging, and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

16.16.020 Definitions

Unless specifically defined below, words and 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.

- A. **“Accessory Use”** means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.
- B. **“Accessory structure, low-cost and small”** means a structure that is solely for the parking of no more than 2 cars; or limited storage (small, low cost sheds).
- C. **“Appeal”** means a request made by an aggrieved person or public agency for a review by the Board of Supervisors of a decision by the appropriate authority. The “appropriate authority” is that person, official, or body designated by County regulations to act on the particular land use permit application.
- D. **“Base flood”** means the flood having a one percent chance of being equaled or exceeded in any given year or a chance of occurring once in one hundred years (also called the 100-year flood).
- E. **“Base Flood Elevation (BFE)”** means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, and VE that indicates the water surface elevation resulting from a flood that has a 1-percent chance of being equaled or exceeded in any given year.
- F. **“Basement”** means any area of the building having its floor subgrade (below ground level) on all sides.
- G. **“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 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 design safe 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:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood (100-year flood); and
 2. The elevated portion of the building shall not incur any structural damage due to the effects of winds and water loads acting simultaneously during a 100-year event.
- H. “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. These areas are designated on the Flood Insurance Rate Maps (FIRM) as Zone V or Zone VE.
- I. “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 located within the Special Flood Hazard Area.
- J. “Encroachment”** means the advance of 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.
- K. “Existing Manufactured Home Park or Subdivision”** means a manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) are completed before the effective date of the floodplain management regulations adopted by Monterey County on January 30, 1984.
- L. “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, either final site grading or pouring of concrete pads, or the construction of streets).
- M. “Flood”, “flooding” or “floodwater”** means a general and temporary condition of partial or complete inundation of normally dry land areas from:
1. The overflow of inland or tidal waters and/or
 2. The unusual and rapid accumulation of runoff of surface waters from any source.
- N. “Flood Insurance Rate Map (FIRM)”** means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the Special Flood Hazard Area and selected whole foot base flood elevations or average depths. Floodways and selected cross sections used in the hydraulic analyses are shown where applicable.

- O. **“Flood Insurance Study (FIS)”** means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the FIRM, and the water surface elevations of the base flood.
- P. **“Floodplain”** means the land within the unincorporated area of Monterey County subject to one percent chance of flooding in any given year, or once in one hundred years (100-year flood), and includes the floodway and floodway fringe. It also means “Special Flood Hazard Area”.
- Q. **“Floodplain Administrator”** is the individual appointed to administer and enforce the floodplain management regulations.
- R. **“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 floodplain management regulations.
- S. **“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. The term describes federal, state, or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.
- T. **“Floodproofing”** means any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved property, water and sanitary facilities, structures, and their contents.
- U. **“Flood-related erosion”** means a condition that exists in conjunction with a flooding event that alters the composition of the shoreline or bank of a river or watercourse; one that increases the possibility of loss due to the erosion of the land area adjacent to the shoreline or watercourse.
- V. **“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 (1) foot. Where appropriate, the floodway limits for some streams were set using flood velocities.
- W. **“Floodway encroachment lines”** means the lines marking the limits of floodways on federal, state and local floodplain maps.
- X. **“Floodway Fringe”** is that area of the floodplain on either side of the “Regulatory Floodway” where encroachment may be permitted.
- Y. **“Fraud and victimization”** as used in Section 16.16.060, Variance Procedures, of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the County of Monterey will consider the fact that every newly constructed building adds to government

responsibilities and remains 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.

- Z.** “**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.
- AA.** “**Governing body**” is the local governing unit, i.e., county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety, and general welfare of its citizenry.
- BB.** “**Hardship**” as used in Section 16.16.060, Variance Procedures, of this chapter, means the exceptional hardship that would result from a failure to grant the requested variance. The County of Monterey requires that the variance be exceptional, unusual, and peculiar to the property involved. Economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.
- CC.** “**Hazard Mitigation Plan**” means a plan that incorporates a process whereby the potential of future loss due to flooding can be minimized by planning and implementing alternatives to floodplain development.
- DD.** “**Highest Grade**” means the highest natural elevation of the ground surface prior to grading or construction, next to the proposed walls of a structure.
- EE.** “**Historic Structure**” means any structure that is:
1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of 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 with approved programs.

FF. “**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.

GG. “**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.

HH. “**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 ordinance. (Note: This definition allows attached garages to be built at grade. Below grade garages are not allowed as they are considered to be basements.)

II. “**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 connected to the required utilities. For floodplain management purposes the term “manufactured home” also includes mobile homes; and trailers, travel trailers and other similar vehicles placed on a site for greater than 180 days.

JJ. “**Manufactured home park or subdivision**” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent. For the purpose of this section “manufactured home park” also includes a mobile home park.

KK. “**Market Value**” shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed.

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 cost 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.

- LL. **“NAVD 1988”** means North American Vertical Datum of 1988 which is a base measurement point from which all elevations are determined.
- MM. **“New construction”** means structures for which the “start of construction” commenced on or after the effective date of this chapter, January 30, 1984, and includes any subsequent improvements to such structures.
- NN. **“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 site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the County of Monterey.
- OO. **“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 or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, snare, or collect debris carried by the flow of water, or is likely to be carried downstream.
- PP. **“One hundred year flood” or “100-year flood”** means a flood which has a one percent annual probability of being equaled or exceeded. It is identical to the “base flood”, which will be the term used throughout this chapter.
- QQ. **“Person”** means an individual or their agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.
- RR. **“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.
- SS. **“Principal structure”** means a structure used for the principal use of the property as distinguished from an accessory use.
- TT. **“Program deficiency”** means a defect in a community’s floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.
- UU. **“Public safety and nuisance”** as used in Section 16.16.060, Variance Procedures, of this chapter means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community, neighborhood, or any

considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin.

- VV. "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.
- WW. "Regulatory floodway"** means the channel of the 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 (1) foot. Where appropriate, the floodway limits for some streams were set using flood velocities.
- XX. "Remedy a violation"** means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.
- YY. "River"** means a large stream which serves as the natural drainage channel for a drainage basin of considerable area.
- ZZ. "Riverine"** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- AAA. "Sand Dunes"** are naturally occurring accumulations of sand in ridges or mounds landward of the beach.
- BBB. "Special flood hazard area (SFHA)"** means an area subject to a 1-percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, AE, AR, A99, AH, VE, or V.
- CCC. "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, placement, or other improvement was within 180 days of the permit date. 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

“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.

DDD. “Structure” means a building that has two or more outside rigid walls and a fully secured roof, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

EEE. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

FFF. “Substantial improvement(s)” 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. A “substantial improvement” is considered to occur if, within any consecutive 10-year period, the cumulative value of all improvements, modifications, and additions equals or exceeds 50% of the market value of the structure. For purposes of applying the referenced 10-year period, the Monterey County Water Resources Agency shall begin tracking the cumulative value of all improvements on the effective date of Ordinance No. ____ amending this chapter.

This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. This 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”.

GGG. “Top of the bank” means the line formed by the intersection of the general plane of the sloping side of the watercourse; with the general plane of the upper generally level ground along the watercourse; or, if the existing sloping side of the watercourse is steeper than the angle of repose (critical slope) of the soil or geologic structure involved, “top of the bank” shall mean the intersection of a plane beginning at the toe of the bank and sloping at the angle of repose with the generally level ground along the watercourse. The angle of repose is assumed to be 1.5 (horizontal): 1 (vertical) unless otherwise specified by a geologist or soils engineer with knowledge of the soil or geologic structure involved.

HHH. “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.

III. “Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure

or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter may be found to be in violation, if such documentation is not provided.

- JJJ.** “**Watercourse**” means a channel in which a flow of water occurs either continuously or intermittently, and if the latter, with some degree of regularity.
- KKK.** “**Water surface elevation**” means the height, in relation to NAVD 88 or other datum where specified, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
- LLL.** “**Zone A**” means the flood insurance rate zone that corresponds to the 1-percent annual chance floodplains that are determined in the FIS by approximate methods. Because detailed hydraulic analyses are not performed for such areas, no base flood elevations or depths are shown within this zone.
- MMM.** “**Zone AE**” means the flood insurance rate zone that corresponds to the 1-percent annual chance floodplains that are determined in the FIS by detailed methods. In most instances, whole-foot base flood elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone.
- NNN.** “**Zone AH**” means the flood insurance rate zone that corresponds to the 1-percent annual chance shallow flooding (usually areas of ponding) where average depths are between 1 and 3 feet. Whole-foot base flood elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone.
- OOO.** “**Zone AO**” means the flood insurance rate zone that corresponds to the 1-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between 1 and 3 feet. Average whole-foot depths derived from the detailed hydraulic analyses are shown within this zone.
- PPP.** “**Zone AR**” means the Special Flood Hazard Area formerly protected from the 1-percent annual chance flood event by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1-percent annual chance or greater flood event.
- QQQ.** “**Zone A99**” means the flood insurance rate zone that corresponds to the 1-percent annual chance floodplain that will be protected by a Federal flood protection system where construction has reached specified statutory milestones. No base flood elevations or depths are shown within this zone.
- RRR.** “**Zone V**” means the flood insurance rate zone that corresponds to the 1-percent annual chance coastal floodplains that have additional hazards associated with storm waves. Because approximate hydraulic analyses are performed for such areas, no base flood elevations or depths are shown within this zone.
- SSS.** “**Zone VE**” means the flood insurance rate zone that corresponds to the 1-percent annual chance coastal floodplains that have additional hazards associated with

storm waves. Whole-foot base flood elevations derived from the detailed hydraulic analyses are shown at selected intervals within this zone.

16.16.030 General provisions

- A.** Lands to which this chapter applies: This chapter shall apply to all Special Flood Hazard Areas (100-year floodplain) within the jurisdiction of Monterey County, as identified on Flood Insurance Rate Maps, and areas within 200 feet of a river or within 50 feet of a watercourse.
- B.** Basis for Establishing the Special Flood Hazard Areas: The Special Flood Hazard Areas identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "The Flood Insurance Study for the County of Monterey" dated January 30, 1984 (revised September 27, 1991), and in the accompanying Flood Insurance Rate Map (FIRM), together with all subsequent amendments and revisions, are hereby adopted by reference and declared to be a part of this Chapter. The Flood Insurance Study and maps are on file at the Monterey County Water Resources Agency and Resource Management Agency Planning Department offices in Salinas, California. The Special Flood Hazard Areas identified by the above study and maps constitute the minimum area subject to this ordinance. These areas may be expanded and new areas may be added pursuant to studies initiated by the Monterey County Water Resources Agency, approved by the Board of Supervisors, and approved by FEMA in accordance with established FEMA procedures, or otherwise as provided by FEMA.
- C.** Compliance: No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Failure to comply with the provisions of this chapter or any of its requirements (including conditions and safeguards established in connection with conditions) shall constitute a violation. Nothing herein shall prevent the County of Monterey from taking such lawful action as is necessary to prevent or remedy any violation. In the event of a violation, the County may, in its discretion, take such enforcement action as is authorized by the Monterey County Code in addition to all other remedies and actions available under law.
- D.** Abrogation and Greater Restrictions: This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, deed restrictions, or County land use plans. However, where this chapter and another chapter, easement, covenant, deed restriction or County land use plan conflict or overlap, whichever imposes the more stringent flood protection restrictions shall prevail.
- E.** Interpretation: In the interpretation and application of this chapter, all provisions shall be:

 - 1. Considered as minimum requirements;
 - 2. Liberally construed in favor of the County of Monterey; and
 - 3. Deemed neither to limit nor repeal any other powers granted under State statutes.

- F. **Warning and Disclaimer of Liability:** The degree of flood protection required by this chapter is considered reasonable and necessary for regulatory purposes and is based on scientific and engineering considerations. Large floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the County of Monterey, the Monterey County Water Resources Agency, or any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that may result because of reliance on this chapter or any administrative decision lawfully made thereunder.

- G. **Severability:** This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

16.16.040 Administration

- A. **Designation of the Floodplain Administrator:** The General Manager of the Monterey County Water Resources Agency is hereby appointed to administer, implement, and enforce this chapter by reviewing proposed development permit applications and making recommendations to the County decision-maker in accordance with the provisions of this chapter.

- B. **Permits:** In administering this chapter, the County shall incorporate the regulations contained in this chapter into the existing land use permit approval process. A separate independent permit will not be required. The permit issuing official shall be that person, official, or body designated by County regulations to act on the particular land use permit application or, in the case of an appeal, the Board of Supervisors. Upon application for a permit for building, use, grading, sanitary sewage system, water system, or other permit, the permit issuing official or other employee responsible for review of such applications, shall review the submitted application to determine whether the site of the proposed development is within a Special Flood Hazard Area. If the proposed development is within a Special Flood Hazard Area, the application shall be referred to the Monterey County Water Resources Agency for review.

- C. **Master Special Permit**
 - 1. Notwithstanding any other provision of this chapter, riverbank protection, riparian vegetation trimming or removal, or channel modification activities which are consistent with a master special permit granted to the Monterey Peninsula Water Management District, may be undertaken, provided that each such activity is either (a) undertaken pursuant to a River Work Permit as provided by the Rules and Regulations of the Monterey Peninsula Water Management District, or (b) has been declared exempt from the River Work

Permit process in accord with Rule 126 B of the Monterey Peninsula Water Management District Rules and Regulations. The authority to approve such river work pursuant to a master special permit as set forth in this section, by operation of this chapter, is delegated to the Monterey Peninsula Water Management District upon approval of the master special permit by the Monterey County Planning Commission pursuant to Section 16.16.040 of this chapter.

2. The master special permit granted to the Monterey Peninsula Water Management District for the purpose of channel restoration may be based upon a temporary alternate stream gradient from that specified in this chapter to achieve channel restoration where the reason for the alternate gradient is supported by substantial evidence, and where the gradient recognizes both flood control and erosion control concerns.

D. Duties and Responsibilities of the Floodplain Administrator

The Floodplain Administrator shall review all development permit applications for new construction, substantial improvements, construction of prefabricated buildings, placement of mobile homes, and other development which is located in a Special Flood Hazard Area. The Floodplain Administrator shall then recommend to the permit issuing official that the pertinent floodplain regulations contained in this chapter be applied as conditions of the permit. Specifically, the Floodplain Administrator, or his or her designee, shall:

1. Review all development permit applications to determine that the permit requirements of this chapter have been satisfied;
2. Review all development permit applications to determine if all other required State and Federal permits have been obtained;
3. Review all development permit applications to determine that the site is reasonably safe from flooding;
4. Review all development permit applications to determine if the proposed development adversely affects the flood capacity of the Special Flood Hazard Area. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point, until such time as a regulatory floodway is designated;
5. Review all proposals for the development of five parcels or more to assure that the flood discharge exiting the development after construction is equal to or less than the flood discharge at the location prior to development; and,
6. Review all development permit applications to determine if the proposal is a "substantial improvement". The Monterey County Water Resources

Agency shall maintain permit records and review them before any permit is issued.

- E.** Information Required: To facilitate the review of development permit applications, the County or Monterey County Water Resources Agency may require the applicant to provide additional information. As a minimum, the following information is required:
1. Plans showing the nature, location, dimensions, and elevation of the area in question; existing and proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing;
 2. Proposed elevation referenced to NAVD 1988, of the lowest floor (including basement) of all structures; in Zone AO, the elevation of existing grade and proposed elevation of the lowest floor of all structures;
 3. Proposed elevation, referenced to NAVD 1988, to which any structure will be floodproofed;
 4. Certification by a registered civil engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 16.16.050.C.3; and,
 5. Description of the extent to which any river or watercourse, will be altered or relocated as a result of proposed development.
- F.** Use of Other Base Flood Data: When base flood elevation data has not been provided in accordance with Section 16.16.030.B, Basis for Establishing the Special Flood Hazard Areas, the Monterey County Water Resources Agency shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state, or other source, in order to administer Section 16.16.050.
- G.** Information to be Obtained and Maintained: The Monterey County Water Resources Agency shall obtain and maintain for public inspection and make available as needed the following:
1. Certification required by Section 16.16.050.C.1 & C.2 (lowest floor elevations);
 2. Certification required by Section 16.16.050.C.3 (elevation or floodproofing of nonresidential structures);
 3. Certification required by Section 16.16.050.C.4 (wet floodproofing standard);
 4. Certification of elevation required by Section 16.16.050.E.1 & E.3 (subdivisions and other proposed development standards);

5. Certification required by Section 16.16.050.H.1 (floodway encroachments);
6. Certification required by Section 16.16.050.K (coastal construction standards); and
7. A record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

H. Notification of Other Agencies

1. Alteration of Rivers or Watercourses
 - a. The Monterey County Water Resources Agency shall notify adjacent communities and the California Department of Water Resources prior to any alteration or relocation of a river or watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
 - b. The County of Monterey shall require, and the applicant shall demonstrate, that the flood carrying capacity of the altered or relocated portion of the river or watercourse is maintained.
2. Base Flood Elevation changes due to physical alterations
 - a. Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).
 - b. All LOMR's for flood control projects shall be approved prior to the issuance of building permits. Building permits must not be issued based on a Conditional Letter of Map Revision (CLOMR). 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.

- I. Interpretation of FIRM Boundaries: The Monterey County Water Resources Agency shall make interpretations, where needed, as to the exact location of the boundaries of the Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given an opportunity to appeal the interpretation as provided in Section 16.16.060.

- J.** Maintenance of Flood Protection Measures: The maintenance of any and all flood protection measures, such as levees, dikes, dams or reservoirs, will be required of the property owner or public agency where such measures provide protection. If these measures are privately owned, an operation or maintenance plan will be required of the owner to be on file with the Water Resources Agency.
- K.** Hazard Mitigation Plan: The Monterey County Water Resources Agency shall review all proposals for new development in the Special Flood Hazard Area for consistency with Monterey County's General Plan. Before approval, The Monterey County Water Resources Agency shall:
1. determine if the proposed development is in or affects a known floodplain;
 2. inform the public of the proposed activity;
 3. determine if there is a practicable alternative or site for the proposed activity;
 4. identify the impact of the activity on the floodplain; and,
 5. provide a plan to mitigate the impact of the activity consistent with provisions in Section 16.16.040.C.
- L.** Remedial Action: The County, in consultation with the Floodplain Administrator, may take action to remedy violations of this chapter as specified in Section 16.16.030.C.

16.16.050 Provisions for flood hazard reduction

In all Special Flood Hazard Areas, the following standards of construction are required:

- A.** Anchoring
1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 2. All manufactured homes shall meet the anchoring standards of Section 16.16.050.H.
- B.** Construction Materials and Methods
1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage;

3. All elements that function as a part of the structure, such as furnace, hot water heater, air conditioner, etc., shall be elevated a minimum of one foot above the base flood elevation or depth number specified on the FIRM; and,
4. Within Zones AH and AO, adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from the proposed structures.

C. Elevation and Floodproofing

1. New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation. Non-residential structures may meet the standards in Section 16.16.050.C.3. Upon completion of the structure the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or surveyor or verified by the County Building Inspector that elevation requirements have been met. Notification of compliance shall be recorded as set forth in Section 16.16.040.G.1.
2. New construction and substantial improvement of any structure in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least one foot higher than the depth number specified in feet on the FIRM, or at least two feet if no depth number is specified. Nonresidential structures may meet standards in Section 16.16.050.C.3. Upon completion of the structure compliance to the elevation requirement shall be certified by a registered civil engineer or surveyor or verified by the County Building Inspector. Notification of compliance shall be recorded as set forth in Section 16.16.040.G.1.
3. Nonresidential construction shall either be elevated in conformance with Sections 16.16.050.C.1 or C.2, or together with attendant utility and sanitary facilities:
 - a. be floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to a minimum of one foot above the base flood elevation;
 - 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 this subsection are satisfied. Such certifications shall be provided to the official as set forth in Section 16.16.040.G.2.

D. 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:

1. For non-engineered openings:
 - a. 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;
 - b. The bottom of all openings shall be no higher than one foot above grade;
 - c. 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
 - d. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or
2. Be certified by a registered civil engineer or architect.

E. Manufactured homes shall meet the above standards and also the standards in Section 16.16.050H.

F. Standards for Utilities

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

G. Standards for Subdivisions and other proposed development

1. All new subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than 50 lots or 5 acres, whichever is the lesser, shall;
 - a. Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).
 - b. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.
 - c. If the site is filled above the base flood elevation, the following as-built information for each structure shall be 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:

- Lowest floor elevation
 - Pad elevation
 - Lowest adjacent grade
2. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electric, and water system located and constructed to minimize flood damage.
 3. All subdivision proposals and other proposed development shall provide adequate drainage to reduce exposure to flood damage as set forth in Section 16.16.040.D.

H. Standards for Manufactured Homes

1. All manufactured homes to be 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:
 - a. Within Zones A, 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 a minimum of 1-foot above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - b. Within Zones V and VE on the community’s Flood Insurance Rate Map, meet the requirements of Section 16.16.050.L.
2. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A, AH, AE, V, and VE on the community’s Flood Insurance Rate Map that are not subject to the provisions of section 16.16.050.H.1 will be securely fastened to an adequately anchored foundation system to resist flotation, collapse and lateral movement, and be elevated so that either the:
 - a. Lowest floor of the manufactured home is at a minimum of 1-foot above the base flood elevation; or
 - b. 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 Monterey County Water Resources Agency to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

I. Standards for Recreational Vehicles

1. All recreational vehicles placed in Zones A, AH, AE, V and VE will either:
 - a. Be on the site for fewer than 180 consecutive days; or
 - b. 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 a quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - c. Meet the permit requirements of Section 16.16.040 of this chapter and the elevation and anchoring requirements for manufactured homes in Section 16.16.050.F.
2. Recreational vehicles placed on sites within Zones V and VE on the community's Flood Insurance Rate Map will meet the requirements of Section 16.16.050.I.1 and Section 16.16.050.L.

J. Floodways: Located within Special Flood Hazard Areas are areas designated as floodways. Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and has erosion potential, the following provisions apply:

1. Until a regulatory floodway is adopted, no new construction, substantial development, or other development, (including fill) shall be permitted within Zones 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.
2. Within an adopted regulatory floodway, the County shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
3. If sections 16.16.050.J.1 and J.2 are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of section 16.16.050.

K. Setbacks: A setback of 200 feet from the top of the bank of a river and 50 feet from the top of the bank of a watercourse will be established where encroachment will be prohibited unless it can be proven to the satisfaction of the Monterey County Water Resources Agency that:

1. the proposed development will not significantly reduce the capacity of existing rivers or watercourses or otherwise adversely affect any other properties by increasing stream velocities or depths, or diverting the flow; and,
2. the proposed new development will be safe from flow related erosion and will not cause flow related erosion hazards or otherwise aggravate flow related erosion hazards.

L. Coastal High Hazard Areas

Within coastal high hazard areas, Zones V and VE, as established under section 16.16.030.B, the following standards shall apply:

1. All new residential and non-residential construction, including substantial improvement/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 a minimum of 1 foot above the base flood elevation. The pile or column foundation and structure attached thereto is 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 the applicable state or local building standards.
2. All new construction and other development shall be located on the landward side of the reach of mean high tide.
3. 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 16.16.020 of this ordinance. Such enclosed spaces shall not be used for human habitation and will be usable solely for parking of vehicles, building access, or storage.
4. Fill shall not be used for structural support of buildings.
5. Man-made alteration of sand dunes which would increase potential flood damage is prohibited.
6. The Floodplain Administrator shall obtain and maintain the following records:

- a. Certification by a registered engineer or architect that a proposed structure complies with Section 16.16.050.L.1; and
- b. The elevation (in relation to the NAVD of 1988) 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.

M. Garages and Low Cost Accessory Structures

1. Attached garages

- a. A garage attached to a residential structure, constructed with the garage floor slab below the base flood elevation, must be designed to allow for the automatic entry of flood waters. See section 16.16.050.D. The garage must be constructed of flood resistant materials to a minimum of one foot above the base flood elevation.
- b. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed.

2. Detached garages and accessory structures

- a. "Accessory structures" used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds) may be constructed such that its floor is below the base flood elevation, provided the structure is designed and constructed in accordance with the following requirements.
 - 1) Use of the accessory structure shall be limited to parking or limited storage;
 - 2) The accessory structure shall be constructed of flood-resistant materials to a minimum of one foot above the base flood elevation;
 - 3) The accessory structure shall be adequately anchored to prevent flotation, collapse, and lateral movement;
 - 4) Any mechanical and utility equipment in the accessory structure shall be elevated or floodproofed to a minimum of one foot above the base flood elevation;
 - 5) The accessory structure must comply with floodplain encroachment provisions in section 16.16.050.J.; and,

- 6) The accessory structure must be designed to allow for the automatic entry of floodwaters in accordance with section 16.16.050.D.
- b. Detached garages and accessory structures not meeting the above standards shall be constructed in accordance with all applicable standards in section 16.16.050.

N. **Approved Projects Exclusion**

1. Any development project for which all required permits have been secured and are in effect on the effective date of this chapter (January 30, 1984) shall be exempt from the provisions of this chapter. Any development project for which all required permits have been secured and are in effect on the effective date of this chapter as amended by Ordinance No. 51391 shall be exempt from the amendments of this chapter. Should any of the afore-referenced permits lapse or otherwise become ineffective for any reason, all provisions of this chapter as amended shall then apply.
2. Normal farming practices including filling, grading and dredging that are a function of tilling and cultivating the soil, or providing irrigation and drainage for the land, shall be exempt from the provisions of this chapter. However, filling or grading that will exceed a depth of one foot per acre of land surface shall not be exempt from existing grading permit requirements.

16.16.060 Variance Procedures

A. **Established Procedure:**

1. Applications for variances from the requirements of this chapter shall be made in accordance with established procedures for the development permit to which the floodplain regulations were applied. The appropriate authority to consider the variance application shall be that person, official, or body designated by County regulations to act on the particular land use permit application.
2. Those aggrieved by the decision of the appropriate authority may appeal such decision to the Board of Supervisors as provided for by this chapter.
3. In passing upon such applications, the County shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the following factors:
 - a. the danger that materials may be swept onto other lands to the injury of others;
 - b. the danger of life and property due to flooding or erosion damage;

- c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. the importance of the services provided by the proposed facility to the community;
 - e. the necessity to the facility of a waterfront location, where applicable;
 - f. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. the compatibility of the proposed use with existing and anticipated development;
 - h. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - k. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water system, and streets and bridges.
4. Generally, variances may be issued for new construction and substantial improvements to be erected on an existing lot of record contiguous to or surrounded by lots with existing structures constructed below the base flood level provided Section 16.16.050.K and factors listed in subsections a through k of Section 16.16.060.A.3 have been fully considered.
 5. Upon consideration of the factors listed in Section 16.16.060.A.3 and the purposes of this chapter, the County may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
 6. The Monterey County Water Resources Agency shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

B. Conditions for Variances

1. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State

Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result, taking into account existing and proposed construction and development.
3. 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 of Monterey need not grant permission for the applicant to build at grade, or to an elevation the applicant proposes, but only to that elevation which the County of Monterey believes will both provide relief and preserve the integrity of the local ordinance.
4. Variances shall only be issued upon:
 - a. a showing of good and sufficient cause such as renovation, rehabilitation, reconstruction, economic or social desirability of the proposed structure(s), lots of record existing prior to the adoption of this chapter, or compatibility with applicable land use plans in the area. Variances issued for economic considerations, aesthetics or because variances have been used in the past, are not good and sufficient cause;
 - b. a determination that failure to grant the variance would result in exceptional hardship (as defined in Section 16.16.020, Definitions, of this chapter) to the applicant; or,
 - c. a determination that the granting of a variance will not result in any increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing law or ordinances, taking into account existing and proposed construction and development.
5. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 16.16.060.B.1 through B.4, are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety, and does not create a public nuisance.
6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be

commensurate with the increased risk resulting from the reduced lowest floor elevation. This notice shall be recorded in such a manner that it appears in the chain of title of the affected parcel of land.

16.16.070 Appeals

- A.** General Provisions: An appeal may be made to the Board of Supervisors by any public agency or person aggrieved by a decision of the appropriate authority relating to the implementation of this chapter. Such appeal shall be in writing and shall be filed with the Clerk of the Board of Supervisors, and the appropriate authority who rendered the decision within ten days after written notice of the decision of the appropriate authority has been mailed to the applicant.

- B.** Written notice of the decision shall be given promptly to the applicant and to those who have requested notice, in writing, at the hearing on the application. No appeal shall be accepted until the notice of the decision has been given.

- C.** At the time of the filing of the appeal the appellant shall pay the required filing fee as established from time to time by the Board of Supervisors to the Clerk of the Board of Supervisors.

- D.** Established Procedure: Appeals shall be made and acted upon in accordance with the procedure and under the provisions that have been established for the development permit to which the floodplain regulations were applied, except that the Board of Supervisors is designated as the appeal authority for appeals from the decisions of the appropriate authority relating to implementation of this chapter.

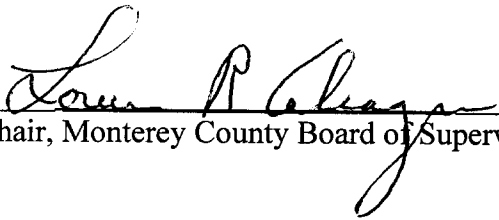
SECTION 2. EFFECTIVE DATE. This Ordinance shall become effective on the 31st day after its adoption.

PASSED AND ADOPTED this 6 day of October, 2009, by the following vote:

AYES: Supervisors Calcagno, Salinas, Parker, Potter

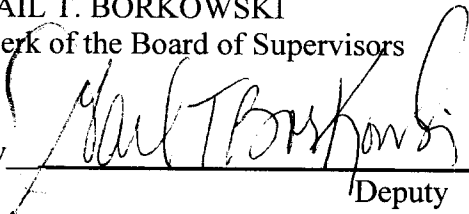
NOES: None

ABSENT: Supervisor Armenta


Chair, Monterey County Board of Supervisors

ATTEST:
GAIL T. BORKOWSKI
Clerk of the Board of Supervisors

By


Deputy

APPROVED AS TO FORM:



LEROY W. BLANKENSHIP
Assistant County Counsel