COUNTY OF ORANGE
ZONING CODE
EXCERPT

Sec. 7-9-113. FP "Floodplain" District Regulations.

All references to this section shall include sections 7-9-113.1 through 7-9-113.12 inclusive. The California Legislature has in Government Code sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the County of Orange does hereby adopt the following floodplain management regulations.

Sec. 7-9-113.1. Purpose and intent.

The purposes of the Floodplain District include:

(a) Prevention of loss of life and property and to minimize economic loss caused by flood flows.

(b) Establishment of criteria for land management and land use in flood-prone areas that are consistent with the criteria promulgated by the Federal Emergency Management Agency (FEMA) for the purpose of providing flood insurance eligibility for property owners.

(c) Regulation and control of use of land below the elevation of the base flood flow within the floodplain.

(d) Compliance with the Cobey-Alquist Floodplain Management Act requirements for floodplain management regulations.

Sec. 7-9-113.2. Definitions.

The following definitions apply for floodplain management purposes in addition to any applicable definitions found in section 7-9-21, and those definitions incorporated from the County's adoption of the California Building Code and International Building Code.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year, i.e. "100-year flood."

Basement: Any area of the building having its floor subgrade – i.e, below ground level – on all sides.

Breakaway Wall: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Coastal Floodplain Development Study: A County of Orange report which contains technical criteria and standards necessary to provide protection of property from the ocean along the unincorporated coastal plain.

Coastal High Hazard Area: The area subject to ocean related hazards, including but not limited to storms, hurricane wave wash, and tsunamis.

Development: 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

Existing Manufactured Home Park or Subdivision: 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 29, 1980.

Expansion to An Existing Manufactured Home Park or Subdivision: 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: A general and temporary condition of partial or complete inundation of land areas from the overflow of inland and tidal waters, and the rapid accumulation of run-off of surface waters from any source and mudslides (i.e., mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground.

Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map: The official maps on which the Federal Insurance Administration has delineated the areas of special flood hazard, the risk premium zones and the floodways applicable to the community.

Flood Insurance Study: 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: The land area adjacent to a watercourse and other land areas susceptible to being inundated by water.

Floodplain Administrator: The Director of OC Public Works (OCPW), or his or her designee, who has the authority to administer, implement, and enforce Floodplain District regulations and grant or deny applicable development permits.

Floodproofing: Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and that part of the floodplain reasonably required to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure: Any structure that is:

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

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement or cellar). 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.

Manufactured Home: 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 park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New Construction: For floodplain management purposes, means structures for which the "start of construction" commenced on or after October 29, 2980, and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision: 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 29, 1980.

Reference Vertical Datum: The National Geodetic Vertical Datum (NGVD) or 1929 or the North American Vertical Datum (NAVD) of 1988, as applicable, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced by the Federal Emergency Management Agency.

Special Flood Hazard Area (SFHA): An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

Start of Construction: Includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement,

the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

Substantial Improvement: 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."

Violation: 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.

Sec. 7-9-113.3. Application.

(a) Floodplain Districts: These Floodplain District ("FP District") regulations apply per section 7-9-48, special flood hazards, those areas of the County which, under present conditions, are subject to periodic flooding and accompanying hazards.

(1) The FP-1 is intended to be applied to areas shown as "floodway" on the December 3, 2009 or most current federal FIRMs and FBFMs and areas in which the County has determined that a floodway exists.

(2) The FP-2 is intended to be applied to areas shown as "A," "A1" through "A30," "AO," "AE," "AH," "A99" and "M" on the December 3, 2009 or most current federal and areas in which the County has determined to be a special flood hazard area.

(3) The FP-3 is intended to be applied to areas shown as "V" and "V1" through "V30", and "VE" on the December 3, 2009 or most current federal FIRMs and areas in which the County has determined to be a coastal high hazard area.

(4) This district may be combined with any other district. In any district where the district symbol is followed by parenthetically enclosed "(FP-1)," "(FP-2)," or "(FP-3)," the additional requirements, limitations, and standards of this district shall apply. The district symbol shall constitute the base district and the FP suffix shall constitute the combining district. In the event of less restrictive conflicting provisions between the base district and the combining district, the requirements of the FP-1, FP-2 or FP-3 shall take precedence. The areas of special flood hazard identified by FEMA in the Flood Insurance Study (FIS) for Orange County, California and incorporated areas dated December 3, 2009, with accompanying FIRMs and FBFMs, dated December 3, 2009, and all subsequent amendments and/or revisions, are hereby adopted and incorporated 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 which is recommended to the Board of Supervisors by the Floodplain Administrator. The FIS, FIRMs and FBFMs are on file at the Orange County Flood Control District, at its current address.

(b) No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor as governed by section 7-9-154. Nothing herein shall prevent the County of Orange from taking such lawful action as is necessary to prevent or remedy any violation.

(c) 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 of Orange or the Orange County Flood Control District, or its officers or employees thereof, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(d) These Floodplain District regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However,

where these regulations and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(e) In the interpretation and application of this ordinance, all provisions shall be considered as minimum requirements, liberally construed in favor of the County of Orange, and deemed neither to limit nor repeal any other powers granted under state statutes.

(f) Until a regulatory floodway is adopted, no new construction, substantial improvement, or other development (including fill) shall be permitted within 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 (1) foot.

Sec. 7-9-113.4. Responsibilities of Floodplain Administrator.

The Director of OC Public Works (OCPW), or his or her designee, is hereby appointed as Floodplain Administrator and has the authority to administer, implement, and enforce Floodplain District regulations, and grant or deny development permits.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

(a) Permit Review

Review all applications to determine:

(1) Permit requirements of this ordinance have been satisfied.

(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 (1) foot.

(b) Review and use of any other base flood data. When base flood elevation data has not been provided in application for a site development permit, the

Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency or other source.

(c) Notification of other agencies. Prior to the alteration or relocation of a watercourse, the Floodplain Administrator shall notify adjacent communities and the California Department of Water Resources, and submit evidence of such to FEMA. Assurance shall be given that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

(d) Documentation of Floodplain Development. Documentation and records regarding floodplain development shall be maintained and made available to the public in accordance with federal and state law.

Sec. 7-9-113.5. Uses permitted.

The following uses and specifically identified structures complying with section 7-9-146.10 are permitted in the FP-1, FP-2, and FP-3 except as prohibited by section 7-9-113.8.

(a) Agriculture.

(b) Public flood control facilities and devices.

(c) Public utility facilities.

(d) Public parks and recreation areas.

(e) Accessory uses and structures entirely of a storage nature which are less than 120 square feet in floor area or 500 square feet for a wood frame garage; and wood fences.

(f) Walls, chain link fences and other accessory uses and structures which satisfy the applicable development standards of this ordinance.

(g) All recreational vehicles placed in Zones A1-30, AH, AE, V1-30 and VE on the community's FIRM 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 this ordinance and the elevation and anchoring requirements for manufactured homes.

Sec. 7-9-113.6 Uses permitted subject to a site development permit.

The following uses are permitted subject to the approval of a site development permit per section 7-9-150 except as prohibited by section 7-9-113.8.

(a) FP-2.

Other structures and uses, including manufactured homes, permitted by the base district which meet the following additional standards:

(1) Designed and adequately anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic levels, including the effects of buoyancy.

(2) Constructed with materials resistant to flood damage.

(3) Constructed by methods and practices that minimize flood damage.

(4) For buildings including manufactured homes, the elevation of the lowest floor, including the basement or cellar, must be at least one (1) foot above the base flood elevation. (Informational Note: Flood insurance may still be required of the property owner by the lender if the building pad or foundation is at or below the base flood elevation.)

(5) Designed so as not to significantly redirect flood flows against other unprotected structures and properties.

(6) For 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:

a. Within Zones A1-30, AH, and AE on the County's FIRM, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least one (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 V1-30, V, and VE on the County's FIRM, meet the requirements for coastal high hazard areas.

(7) For manufactured homes that are 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 County's FIRM that are not subject to the provisions of "(6)" above, 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 or 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 thirty-six (36) inches in height above grade.

(8) For manufactured homes, 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 community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

(b) FP-3.

All structures and uses permitted under subsection (a) above which meet the following additional standards:

(1) Satisfy the design criteria of the Coastal Flood Plain Development Study.

(2) All new residential and non-residential construction and substantial improvements to existing structures and buildings that are 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 to or above the base flood level. 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 applicable state or local building standards. (Informational Note: Flood insurance may still be required of the property owner by the lender if the building pad or foundation is at or below the base flood elevation.)

(3) Located landward of the reach of the mean high tide.

(4) All new construction and substantial improvements having the space below the lowest floor free of obstructions or constructed with breakaway walls. Such enclosed space shall not be used for human habitation and will be usable solely for the parking of vehicles, building access, or storage.

(5) Fill shall not be used for the structural support of buildings.

(6) Man-made alteration of sand dunes which would increase potential flood damage is prohibited.

Sec. 7-9-113.7. Uses permitted subject to a use permit.

The following uses are permitted in the FP-1, FP-2, and FP-3 subject to a use permit approved by the Zoning Administrator.

(a) Commercial extraction related to flood control purposes.

Sec. 7-9-113.8. Prohibited uses.

Notwithstanding sections 7-9-113.5 through 7-9-113.7 ~~6~~, the following structures and uses are specifically prohibited in the FP-1, FP-2, and FP-3.

(a) Structures and uses which would increase flood elevations during the occurrence of a base flood discharge.

(b) Landfills, excavations, and grading or the storage of materials and equipment that would result in any diversion or increase in erosion, flood elevations, or related hazards to people or property.

(c) Storage or disposal of floatable substances and materials or of chemicals, explosives, and toxic materials.

(d) FP-3 only.

(1) The use of fill for structural support of buildings.

(2) The placement of manufactured homes except in manufactured home parks and subdivisions.

(e) Specifically prohibited in any area under the control of the Orange County Flood Control District are structures, other than public flood control facilities and devices and public utility facilities, which have not been reviewed and approved by the Floodplain Administrator for compliance with 7-9-113.6(a)(1)-(5) and 7-9-113.6(b)(2)-(6) above and 7-9-113.9(a)(3)-(10) below.

(f) Encroachments within an adopted regulatory floodway are prohibited, including but not limited to 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.

Sec. 7-9-113.9. Site development permit procedures.

In addition to the requirements of section 7-9-150, site development permits shall be in compliance with the following procedures:

(a) A registered civil engineer shall certify in the application the following:

(1) Any available base flood data has been reasonably utilized, including data from Federal, State, and County sources.

(2) The standards in section 7-9-113.6 ~~5~~ have been satisfied.

(3) Any floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

(4) The flood carrying capacity within any altered or relocated portion of a watercourse is maintained.

(5) Electrical, heating, and plumbing equipment is designed and located to prevent water from entering or accumulating within the components during conditions of flooding.

(6) Water supply systems are designated to minimize or eliminate infiltration of floodwaters into the systems.

(7) Sanitary sewerage systems are designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into floodwaters.

(8) On-site waste disposal systems are located to avoid impairment or contamination during flooding.

(9) Fully enclosed areas below the lowest floor are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters or, within the FP-3, are enclosed with breakaway walls.

(10) On slopes, adequate drainage paths are provided to guide floodwaters around and away from proposed structures.

(b) Applications shall include submittal of detailed drainage studies and plans indicating how site grading, in conjunction with any necessary drainage conveyance systems, will provide structures that are safe from flood flows which may be expected from floods up to and including the base flood. The grading plan shall include on-site finished grade elevations and the base flood elevations, both related to the applicable reference vertical datum. Building plans shall show the elevation of the bottom of the lowest floor, including basements and cellars.

(c) The applications shall include a County of Orange "Elevation Certificate" identifying the base flood elevation and certifying that the planned elevation of the lowest floor, including basements, is at least one foot above the base flood elevation.

(d) The application shall include evidence that all necessary permits as required by Federal and State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, have been received.

(e) All site development permits shall be conditioned as follows:

(1) Prior to issuance of final certificates of use and occupancy for any building, the applicant shall submit to the Manager, Building Inspection the County of Orange "Elevation Certificate" identifying the base flood elevation and certifying that the constructed elevation of the lowest floor, including basements, is at least one foot above the base flood elevation.

(2) When base flood elevation changes occur due to physical alterations, the applicant shall submit technical or scientific data as part of their application to FEMA for a Letter of Map Revision (LOMR). This data must be submitted to FEMA within six months of information becoming available, or issuance of final certificate of use and occupancy for any building, whichever comes first.

(3) Prior to issuance of any building permit for flood control projects, all LOMRs, if required for the project, must be submitted to the satisfaction of the Floodplain Administrator. Building permits will not be issued based on Conditional Letters of Map Revision (CLOMR's) from FEMA, only upon a final LOMR.

(4) Prior to issuance of any grading or building permit, the applicant must demonstrate to the satisfaction of the Floodplain Administrator that the proposed development would 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 (1) foot.

Sec. 7-9-113.10. Nonconforming uses and structures in FP Districts.

Any use or structure lawfully existing on any property that is made nonconforming by the application of the FP District regulations, or by any amendment of the FP District regulations, shall be subject to the provisions of section 7-9-151, except as follows:

Repairs or improvements done in any period of twelve (12) months not exceeding fifty (50) percent of the value of the building, as determined by the Floodplain Administrator, shall be exempt from the FP District regulations provided that the square footage of the building, as it existed at the time this article or amendments thereto take effect, are not increased.

Sec. 7-9-113.11. Exceptions to FP District regulations.

The Floodplain Administrator may determine that certain properties within an FP District are not required to comply with the provisions of the FP District regulations when any of the following circumstances or conditions are present:

(a) The zoning map includes property within an FP District that does not meet the purpose and intent for that district. The Floodplain Administrator's determination shall be based upon a study of topographic and base flood elevation contours on the subject property and on such additional information as he finds necessary or appropriate. Additional information could include evidence of flood protection or floodproofing, if applicable, to protect against the base flood and improvements in compliance with the County's flood control and flood protection standards and policies for streams, channels, storm drains or landfills fully offsetting flood surface elevations established by appropriate maps and/or computations.

(b) If the property is also included within a floodplain on a FIRM or a FBFM, the appropriate approvals from FEMA have been obtained.

SECTION 2. Sec. 7-9-113.12 is hereby added as follows:

Sec. 7-9-113.12. Variances from FP District site development standards.

(a) A variance from FP District site development standards may be requested and is processed pursuant to section 7-9-150.1(e). No such variance may be approved without the following findings in addition to those specified in Section 7-9-150.3(e)(2):

1) That granting of this variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance, or cause fraud on or victimization of the public. In examining this requirement, the approving authority has considered that every

reconstructed or newly constructed building adds to government responsibilities and remains a part of the community for 50 to 100 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;

2) That hardship circumstances (identified in the approval action) are exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional (here Eligibility of a structure to be placed in the National Register of Historic Structures may be found to be such a circumstance); and

3) 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.

(b) The issuance of 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.

ORANGE COUNTY BOARD OF SUPERVISORS
MINUTE ORDER
November 24, 2009

Submitting Agency/Department: OC PUBLIC WORKS

Public hearing to consider reading and adoption of "An Ordinance of the County of Orange, California, Amending Sections 7-9-113 Through 7-9-113.10 and Adding Sections 7-9-113.11 and 7-9-113.12 of the Codified Ordinances of the County of Orange Regarding Floodplain District Regulations"; and make California Environmental Quality Act findings - All Districts

The following is action taken by the Board of Supervisors:

APPROVED AS RECOMMENDED ☒ OTHER ☐

Unanimous ☐ (1) NGUYEN: **Y** (2) MOORLACH: **Y** (3) CAMPBELL: **Y** (4) NORBY: **X** (5) BATES: **Y**

Vote Key: Y=Yes; N=No; A=Abstain; X=Excused; B.O.=Board Order

Documents accompanying this matter:

☐ Resolution(s)
☒ Ordinances(s) 09-008
☐ Contract(s)

Item No. 50

Special Notes:

Copies sent to:

CEO
County Counsel: Shalaine Aguayo
OC Public Works: Ruby Maldonado
Linda Schorer

12-3-09

I certify that the foregoing is a true and correct copy of the Minute Order adopted by the Board of Supervisors , Orange County, State of California.
DARLENE J. BLOOM, Clerk of the Board

By: _____
Deputy

This ordinance shall take effect and be in full force thirty (30) days from and after its passage and before the expiration of fifteen (15) days after the passage thereof, shall be published once in an adjudicated newspaper in the County of Orange.

THE FOREGOING was **PASSED** and **ADOPTED** by the following vote of the Orange County Board of Supervisors on November 24, 2009, to wit:

AYES: Supervisors: BILL CAMPBELL, JANET NGUYEN, JOHN M. W. MOORLACH PATRICIA BATES

NOES:

EXCUSED: CHRIS NORBY

ABSTAINED:

CHAIRMAN

STATE OF CALIFORNIA)
) ss:
COUNTY OF ORANGE)

I, DARLENE J. BLOOM, Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Ordinance was duly and regularly adopted by the Orange County Board of Supervisors.

IN WITNESS WHEREOF, I have hereto set my hand and seal.

DARLENE J. BLOOM
Clerk of the Board.
County of Orange, State of California

Ordinance No.: 09-008
Agenda Date: 11/24/2009
Item No.: 50

I certify that the foregoing is a true and correct copy of the Ordinance adopted by the Board of Supervisors . Orange County, State of California

DARLENE J. BLOOM, Clerk of the Board of Supervisors

By:_____
Deputy