

Additions are underlined.
Deletions are ~~struck through~~.
Revision markers are noted in left or right margins as vertical lines.

ORDINANCE NO. _____

**AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS,
STATE OF CALIFORNIA, AMENDING SECTIONS 16.04.690
(CONSTRUCTION MATERIALS AND METHODS), 16.04.710
(MANUFACTURED HOMES) AND 16.04.720 (RESIDENTIAL
CONSTRUCTION) TO CHAPTER 16.04 (FLOODPLAIN
MANAGEMENT) OF TITLE 16 (ENVIRONMENT) OF THE NAPA
COUNTY CODE**

WHEREAS, in January 1980, the Board of Supervisors (Board) adopted the original Floodplain Management Ordinance (Chapter 16.04 of the Napa County Code)(the Ordinance), which began Napa County's participation in the National Flood Insurance Program (NFIP); and

WHEREAS, since then the Ordinance has been amended ten (10) times. The most recent change to the Ordinance occurred on June 07, 2016, to adopt the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA) and other revisions as requested by FEMA to maintain compliance with requirements of the NFIP; and

WHEREAS, Napa County was accepted into the NFIP Community Rating System (CRS) in May of 2018, and has completed subsequent re-certification for each of the following years. The CRS is a voluntary program that provides flood insurance premium discounts to communities that implement programs and measures that exceed the minimum floodplain management requirements of the NFIP. The CRS program determines discounts

based on credit points provided for floodplain management activities in participating communities. To achieve certain CRS class ratings, communities must meet certain program prerequisites in addition to obtaining the credit points. Napa County currently has a CRS class rating of 7, providing residents purchasing or renewing their flood insurance policies for properties in a Special Flood Hazard Area (SFHA) within unincorporated Napa County with a 15% discount on their flood insurance premium; and

WHEREAS, periodic review and updates to the County's Ordinance is required to re-verify all credits and prerequisites to maintain the current CRS classification; and

WHEREAS, in January 2021, FEMA began implementing an Addendum to the CRS Coordinator's Manual for all new and participating communities such as Napa County; and

WHEREAS, Napa County's ordinance must demonstrate conformity to FEMA's amended Class 8 prerequisites. The new Class 8 prerequisites require communities to adopt and enforce at least a one-foot freeboard requirement (including equipment or mechanical items) for all residential building constructed, substantially improved, and/or reconstructed due to substantial damage, throughout its SFHA where base flood elevations or depths have been determined. The freeboard requirement is aimed at lowering risk of flood damage in a community and helping residents realize the reduced flood insurance premiums brought about by higher building elevations; and

WHEREAS, although the current code interpretation and existing practice in Napa County is to enforce the one-foot freeboard requirement, Napa County's CRS coordinator has provided revised language consistent with Addendum to the CRS Coordinator's

Manual. In order to ensure the new Class 8 prerequisites are satisfied Napa County's Floodplain Administer recommends the amendments to the Ordinance set forth below; and

WHEREAS, prior to the consideration and adoption of this Ordinance, the noticing requirements were complied with.

The Napa County Board of Supervisors, State of California, ordains as follows:

SECTION 1. Section 16.04.690 (Construction materials and methods.) of Chapter 16.04 (Floodplain Management) of the Napa County Code is amended to read in full as follows:

16.04.690 Construction materials and methods.

A. All applicable standards of Title 44 of the U.S. Code of Federal Regulations at Section 60.3, the State and county building codes and this chapter must be met for any structure in a flood hazard area. The most restrictive regulation shall apply.

B. All new construction and substantial improvements shall be constructed with materials that are resistant to flood damage.

C. All new construction and substantial improvements shall be constructed using methods and practices that minimize the potential for and impact of flood damage.

D. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment, and other service facilities, that are designed and/or located so as to prevent water from entering or cumulating within the components during conditions of flooding elevated at or above a level equal to the base flood elevation plus one foot of freeboard; or they shall be designed and installed to prevent water from accumulating within the components to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the base flood elevation plus one foot of freeboard.

E. All new and replacement water supply systems shall be designed to minimize or eliminate the potential for infiltration of floodwater into the system.

F. New and replacement sanitary sewage systems shall be designed to minimize or eliminate the potential for infiltration of floodwaters into the systems and for the discharge from the systems into floodwaters.

G. On-site waste disposal systems shall be located so as to avoid the potential for their impairment, or their causing contamination during flooding.

SECTION 2. Section 16.04.710 (Manufactured homes.) of Chapter 16.04 (Floodplain Management) of the Napa County Code is amended to read in full as follows:

16.04.710 Manufactured homes.

A. All manufactured homes that are placed or substantially improved, with Zones A, A1-30, AO, AH, and AE as designated on the FIRM, 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 on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above a level equal to the base flood elevation plus one foot of freeboard and be securely anchored to an adequately anchored foundation system to resist flotation collapse and lateral movement in accordance with Section 16.04.700.

B. All manufactured homes that are placed or substantially improved on sites located within Zones V1-30, V, and VE as designated on the FIRM will meet the requirements of subsection (A) of Section 16.04.710.

C. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A, A1-30, AO, AH, AE, V1-30, V, and VE as designated on the FIRM that are not subject to the provisions of subsection (A) of Section 16.04.710 will be elevated so that either:

1. The lowest floor of the manufactured home is at or above a level equal to the base flood elevation plus one foot of freeboard; or

2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty six inches in height above grade at or above a level equal to the base flood elevation plus one foot of freeboard, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement in accordance with Section 16.40.700.

SECTION 3. Section 16.04.720 (Residential construction.) of Chapter 16.04

(Floodplain Management) of the Napa County Code is amended to read in full as follows:

16.04.720 Residential construction.

New residential construction, and subsequent improvement of any residential structures any substantial improvement and/or repairs of substantial damage to existing residential buildings and structures, within a special flood hazard area, shall have the lowest floor, including basement, elevated to or above a level equal to the base flood elevation plus one foot of freeboard. The floodplain administrator shall be provided the elevation relative to MSL of the lowest floor, including basement, certified by a registered professional engineer or surveyor on FEMA form 81-31 prior to issuance of a certificate of occupancy.

SECTION 4. As further set forth in the staff report accompanying this Ordinance, the Board of Supervisors finds that adoption of this Ordinance is exempt from the provisions of the CEQA pursuant to the General Rule in that it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore

CEQA is not applicable. [See Guidelines For the Implementation of the CEQA 14 CCR 15061(b)(3)].

SECTION 5. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Napa County Board of Supervisors hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 6. This Ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 7. A summary of this Ordinance shall be published at least once five (5) days before adoption and at least once before the expiration of fifteen (15) days after its passage in the Napa Valley Register, a newspaper of general circulation published in Napa County, together with the names of members voting for and against the same.

The foregoing Ordinance was introduced and read at a regular meeting of the Napa County Board of Supervisors, State of California, held on the 5th day of April,

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2022, and passed at a regular meeting of the Napa County Board of Supervisors, State of California, held on the _____ day of _____, 2022, by the following vote:

AYES: SUPERVISORS _____

NOES: SUPERVISORS _____

ABSTAIN: SUPERVISORS _____

ABSENT: SUPERVISORS _____

NAPA COUNTY, a political subdivision of the State of California

RYAN GREGORY, Chair of the Board of Supervisors

APPROVED AS TO FORM Office of County Counsel By: <u>Laura J. Anderson (e-sign)</u> Deputy County Counsel By: <u>Meredith Trueblood (e-sign)</u> Code Services Date: <u>April 6, 2022</u>	APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS Date: _____ Processed By: _____ Deputy Clerk of the Board	ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors By: _____
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I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON _____.

_____, DEPUTY
NEHA HOSKINS, CLERK OF THE BOARD