

**DIVISION 15: NATURAL RESOURCES
REGULATIONS**

CHAPTER 9-1500

**NATURAL RESOURCES REGULATIONS:
INTENT AND ORGANIZATION**

Sections:

9-1500.1	Title and Intent.
9-1500.2	Organization.

9-1500.1 TITLE AND INTENT.

Division 15 constitutes the Natural Resources Regulations. The intent of this Division is to prescribe regulations for the protection, conservation, and/or managed use of specified natural resources.
(Ord. 3675)

9-1500.2 ORGANIZATION.

Division 15 consists of the following chapters:

- (a) 9-1500 Natural Resources Regulations: Intent and Organization
 - (b) 9-1505 Trees
 - (c) 9-1510 Riparian Habitat
 - (d) 9-1515 Wetlands (Reserved)
 - (e) 9-1520 Waterways (Reserved)
 - (f) 9-1525 Mineral Resources Protection
- (Ord. 3675)

CHAPTER 9-1505

TREES

Sections:

9-1505.1	Intent.
9-1505.2	Applicability.
9-1505.3	Removal Requirements.
9-1505.4	Replacement.
9-1505.5	Development Constraints.
9-1505.6	Landscaping.
9-1505.7	Expert Opinion.
9-1505.8	General Exemptions.
9-1505.9	Existing Lot Exemptions.

9-1505.1 INTENT.

The intent of this Chapter is to preserve the County's tree resources.
(Ord. 3675)

9-1505.2 APPLICABILITY.

The provisions of this chapter shall apply to all development projects requiring discretionary approval which have Native Oak Trees, Heritage Oak Trees, or Historical Trees on the property.
(Ord. 3675)

9-1505.3 REMOVAL REQUIREMENTS.

The removal of a Native Oak Tree, Heritage Oak Tree, or Historical Tree shall require an approved Improvement Plan application, as specified in Chapter 9-884 of this Title, and shall be subject to the provisions of this Chapter, unless exempted by Sections 9-1505.8 or 9-1505.9.

(a) **Heritage Oak Tree, Historical Tree.** The removal of a Heritage Oak or Historical Tree shall not be permitted unless the Review Authority finds that one or more of the following situations exists:

- (1) That the removal is in the public interest;
- (2) That the tree interferes with an existing structure, utility service, or road, and no reasonable alternative exists to correct the interference other than removal of the tree;
- (3) That removal is necessitated because the tree is endangering another plant in the area with infection or infestation;
- (4) The removal is necessitated because the tree interferes with the maintenance of flood control facilities.

Replacement of any tree removed under this subsection shall be as specified in Section 9-1505.4.

(b) **Native Oak Tree.** Removal of a Native Oak Tree shall be permitted subject to an approved Improve-

ment Plan application processed by Staff Review procedure. Replacement of any tree removed under this subsection shall be as specified in Section 9-1505.4. (Ord. 3675; 3697; Ord. 3843 § 19 (part), 1995)

9-1505.4 REPLACEMENT.

Trees removed under the provisions of this Chapter shall be replaced subject to the following requirements:

(a) **Replacement Stock.** Replacement stock shall be of healthy commercial nursery stock or acorns, of the species removed or other approved species, and shall be established and maintained for at least three (3) years.

(b) **Location.** Replacement trees shall be planted as near as possible to the location of the removed tree or in an alternative location acceptable to the Review Authority.

(c) **Timing.** Replacement stock shall be planted between October 1 and December 31, and no later than twelve (12) months after the date of tree removal.

(d) **Number and Maintenance of Replacement Trees.** The number and maintenance of replacement stock shall be as follows:

(1) Each Heritage Oak Tree or Historical Tree that has been removed under the provisions of Section 9-1505.3(a) shall be replaced with five (5) trees or acorns, or combination thereof.

(2) Each Native Oak Tree that has been removed under the provisions of Section 9-1505.3(b) shall be replaced with three (3) trees or acorns, or combination thereof.

(3) The applicant shall be required to demonstrate to the satisfaction of the Review Authority that replacement stock will be planted and maintained in such a manner as to ensure that the survival of said stock at the end of a three (3) year period commencing from the date of planting.

(e) **Replanting Security.** The Review Authority may require, as a Condition of Approval, the applicant to provide a performance bond or other financial security to replant any replacement tree found not to be alive at the end of the required three (3) year maintenance period. The form of the bond or other financial security shall be found acceptable by the County Counsel and the amount shall be sufficient to cover the County's cost to replant said trees. The Director shall, upon written request of the applicant at the end of the maintenance period, determine the health of the replacement trees and release the security, in the event that all replacement trees are alive. In the event that the replacement trees are not alive, the Director shall use all or part of the security to replant said trees. The applicant may be required to provide additional

security to ensure maintenance of said trees for an ensuing three (3) year maintenance period.

(Ord. 3675; Ord. 3843 § 19 (part), 1995)

9-1505.5 DEVELOPMENT CONSTRAINTS.

To protect and preserve Heritage Oak Trees, Historical Trees, and Native Oak Trees from development and construction activity, the following standards shall be applicable unless otherwise specified:

(a) **Grade Changes.** Grade changes near or within the dripline of said trees shall comply with the following restrictions:

(1) No grade changes shall occur within six (6) feet of the trunk of the tree.

(2) No grade changes shall occur that entail removing or adding more than six (6) inches of soil in the protected zone of the tree.

(3) Extensive cuts or fills that are necessary beyond the protected zone shall have adequate drainage to mitigate adverse effects caused by changes in grade elevation.

(4) Any grade changes within the protected zone of the tree shall be accomplished so as to prevent soil compaction and injury to or removal of the tree's roots.

(b) **Fencing.** Before grading operations may commence, a minimum five (5) foot high chain link fence or other comparable protective fencing shall be installed at the outermost edge of the protected zone of each tree or group of trees. Fencing, however, to protect trees on slopes that will not be graded is not required.

(1) Fences shall remain in place throughout the entire construction period.

(2) No material, machinery, or objects of any kind may be stored within the fenced area.

(c) **Trenching.** No trenching whatsoever shall be allowed within the protected zone of subject trees. If underground utility lines must be installed within the protected zone, the conduit shall be installed by boring or drilling through the soil.

(d) **Retaining Walls.** In cases where retaining walls are required within the protected zone of the tree, the property owner shall complete said improvement before the completion of grading operations and before commencement of any construction.

(e) **Paving.** Paving within the dripline of affected trees shall be stringently minimized. If paving is necessary, porous materials such as gravel, loose boulders, and cobbles, brick with sand joints, wood chips, or bark mulch shall be used.

(f) **Exceptions.** The Development Constraints in this section shall not apply to normal agricultural practices. (Ord. 3675)

9-1505.6 LANDSCAPING.

Unless otherwise specified, landscaping beneath Heritage Oak Trees, Historical Trees, and Native Oak Trees shall be subject to the following requirements:

(a) **Nonplant Materials.** Nonplant materials such as loose boulders and cobbles, wood chips, or similar materials, may be used under trees.

(b) **Permitted Plants.** Only plant species that are tolerant of the natural semi-arid environment of said trees, or the natural environment of Historical Trees, whichever is applicable, shall be permitted under trees.

(c) **Nonplanting Areas.** No plants or lawn shall be planted within a ten (10) foot radius of the trunk of any subject tree. Only nonplant materials shall be used within said area.

(d) **Irrigation Systems.** Permanent irrigation systems within the protective zone of subject trees shall be limited to bubbler, drip, or subterranean systems only. No irrigation system shall be allowed within a ten (10) foot radius of the trunk of a subject tree.

(e) **Exceptions.** The Landscaping Requirements in this section shall not apply to normal agricultural practices. (Ord. 3675)

9-1505.7 EXPERT OPINION.

The Review Authority may require the opinion of an individual with special expertise in the care and maintenance of Native Oak Trees, Historical Trees, or Heritage Oak Trees in any of its deliberations concerning said trees. The Review Authority shall require the applicant to pay for the cost of obtaining the services of such an individual. (Ord. 3675)

9-1505.8 GENERAL EXEMPTIONS.

The provisions of this Chapter shall not apply to:

(a) Cases of emergency requiring the immediate removal of said trees for the safety of structures or human life, as determined by the Director of the Community Development Department, the Director of Public Works, the Director of Parks and Recreation, or the Chief of the applicable fire district.

(b) Removals by a public utility that are necessary to protect electric power or communication lines or other property owned by said public utility.

(c) Removals required for the repair and maintenance of existing roads, flood control facilities, and/or other

public facilities. Where flood channels consist of all or portions of natural waterways, the portion to be exempted shall be limited to the watercourses and such portions of the adjacent land area between the levees required to discharge the 100-year flood.

(d) Removals required by other codes, ordinances, or laws of San Joaquin County, the State of California, or the United States.

(e) Trees that are dead or diseased. (Ord. 3675)

9-1505.9 EXISTING LOT EXEMPTIONS.

The prohibition against the removal of Native Oak Trees specified in Section 9-1505.3(b) shall not apply to:

(a) Existing lots containing less than ten thousand (10,000) square feet and an existing residential use; and

(b) Existing lots containing less than one (1) acre and an existing commercial or industrial use. (Ord. 3675)

CHAPTER 9-1510

RIPARIAN HABITAT

Sections:

- 9-1510.1 Intent.**
- 9-1510.2 Applicability.**
- 9-1510.3 Determinations Needed for Proposed Loss.**
- 9-1510.4 Riparian Habitat Mitigation Plan.**
- 9-1510.5 Natural Bank Buffer.**

9-1510.1 INTENT.

The intent of this Chapter is to preserve the County's riparian habitat.
(Ord. 3675)

9-1510.2 APPLICABILITY.

The requirement of this Chapter shall apply to all development projects requiring discretionary approval.
(Ord. 3675)

9-1510.3 DETERMINATIONS NEEDED FOR PROPOSED LOSS.

An action that in the opinion of the Review Authority has the potential to destroy, eliminate, or degrade riparian habitats shall not be permitted, unless the Review Authority determines that all of the following are true:

- (a) **Public Interest.** The potential loss is in the public interest.
- (b) **Riparian Habitat Mitigation.** Potential destruction, elimination, or degradation of the riparian habitat would be mitigated through a Riparian Habitat Mitigation Plan that shall be part of the conditions of approval.
(Ord. 3675)

9-1510.4 RIPARIAN HABITAT MITIGATION PLAN.

The Riparian Habitat Mitigation Plan shall include a plan to protect existing riparian habitat or a plan to replace, preserve, or develop new habitat, or a combination thereof. The Plan shall be prepared by a qualified biologist and shall be subject to the following provisions:

- (a) **On-Site Riparian Habitat.** The Plan shall show the location and extent of existing riparian habitat on the site of the proposed project and shall indicate the riparian habitat that may be destroyed, eliminated, or degraded as a result of the project as well as the riparian habitat that is to be retained and protected, with methods for ensuring protection.

(b) **Mitigation Sites.** The Plan shall indicate sites that are to be developed or preserved to serve as mitigation for loss of riparian habitat as a result of the proposed project. To the extent practicable, mitigation sites shall be in San Joaquin County and shall assist in the maintenance of riparian corridors.

(c) **Contribution to Existing Off-Site Habitat Site.** In lieu of establishing and maintaining riparian habitat on-site of the proposed development, the applicant may contribute to the acquisition and maintenance of an existing off-site riparian habitat area or contribute to the establishment and maintenance of a new riparian habitat area. The amount of the contribution shall be based on the cost of establishing and maintaining replacement habitat for a five (5) year period on site.

(d) **Replacement Vegetation.** Vegetation planted to mitigate the loss of riparian habitat shall generally be native vegetation. The size of the area of replacement vegetation shall be at least two (2) times the size of the area that is to be destroyed, eliminated, or degraded.

(e) **Maintenance.** Provisions shall be made for maintaining replacement vegetation for five (5) years.

(f) **Conservation Easement.** Assurance of habitat preservation shall be by conservation easement or other acceptable methods.
(Ord. 3675)

9-1510.5 NATURAL BANK BUFFER.

Parallel to any natural bank of a waterway, a natural open space for riparian habitat and waterway protection shall be maintained to provide nesting and foraging habitat and the protection of waterway quality. The minimum width of said open space shall be one-hundred (100) feet, measured from the mean high water level of the natural bank or fifty (50) feet back from the existing riparian habitat, whichever is greater. Water-dependent uses may be permitted in this buffer.
(Ord. 3675)

CHAPTER 9-1515

WETLANDS

(Reserved)

(Ord. 3675)

CHAPTER 9-1520

WATERWAYS

(Reserved)

(Ord. 3675)

CHAPTER 9-1525

MINERAL RESOURCES PROTECTION

Sections:

- 9-1525.1 Intent.**
- 9-1525.2 Development Requirements.**

9-1525.1 INTENT.

The intent of this Chapter is to provide regulations to protect mineral resources that are shown as Open Space/Resource Conservation on the General Plan 2010 Map from urban development or encroachment and to manage the production of such mineral resources in an environmentally sound manner.

(Ord. 3675)

9-1525.2 DEVELOPMENT REQUIREMENTS.

For extractive projects and nonextractive projects/activities which are proposed in areas of significant sand and gravel deposits that are designated Resource Conservation on the General Plan Map, the following requirements shall apply:

(a) **Extractive Projects.** For an extractive project, the applicant shall file an application for a Quarry Excavation Permit.

(b) **Nonextractive Projects.** For a nonextractive project/activity, such as a residential unit, which is proposed in an area of significant sand and gravel deposits, as determined by the State Mining and Geology Board or by the County, but which is not associated with the extraction of said resource, the applicant shall file a Site Approval application, as specified in Chapter 9-818, unless a discretionary permit of an equivalent or higher order is required for said project by this title.

(c) **Prohibitions.** The following projects shall not be permitted.

(1) Nonextractive projects that require significant capital investment in facilities and structures; and

(2) Extractive projects that would have irreversible, deleterious environmental effects that cannot be mitigated.

(Ord. 3675)

DIVISION 16. SAFETY REGULATIONS**CHAPTER 9-1600****SAFETY REGULATIONS: INTENT AND ORGANIZATION****Sections:**

- 9-1600.1 Title and Intent.**
9-1600.2 Organization.

9-1600.1 TITLE AND INTENT.

Division 16 constitutes the Safety Regulations. The intent of this Division is to prescribe safety regulations for projects undertaken pursuant to this Title.
 (Ord. 3675)

9-1600.2 ORGANIZATION.

Division 16 consists of the following chapters:
 (a) 9-1600 Safety Regulations: Intent and Organization;
 (b) 9-1605 Flood Hazards; and
 (c) 9-1610 Airport Compatibility.
 (Ord. 3675)

CHAPTER 9-1605**FLOOD HAZARDS****Sections:**

- 9-1605.1 General Provisions.**
9-1605.2 Areas of Special Flood Hazard.
9-1605.3 Floodplain Administrator.
9-1605.4 Application Requirements for Permits.
9-1605.5 Special Permits Within Areas of Special Flood Hazard.
9-1605.5.1 Special Flood Protection Findings Required by State Law.
9-1605.6 Approval of Permits.
9-1605.7 Flood Variance.
9-1605.8 Evacuation Plan.
9-1605.9 Appeals.
9-1605.10 Standards of Construction: Anchoring.
9-1605.11 Standards of Construction: Materials and Methods.
9-1605.12 Standards of Construction: Elevation and Floodproofing.
9-1605.13 Flood Hazard Reduction: Utilities.
9-1605.14 Flood Hazard Reduction: Subdivisions.
9-1605.15 Flood Hazard Reduction: Mobile Homes and Recreational Vehicles.
9-1605.16 Flood Hazard Reduction: Uses and Structures Within Floodways.
9-1605.17 Prohibited Uses and Structures.
9-1605.18 Levees.

9-1605.1 GENERAL PROVISIONS.

(a) **Statutory Authorization.** The legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon San Joaquin County authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Supervisors of San Joaquin County does hereby adopt the following floodplain management regulations.

(b) Findings of Fact.

1. The flood hazard areas of San Joaquin 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 areas of special flood hazards that increase flood heights and velocities also contribute to the flood loss.

(c) **Statement of Purpose.** It is the purpose of this ordinance 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 deed 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 areas of special flood hazard;
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
7. Ensure that potential buyers are notified that property is in area of special flood hazard; and
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Ord. No. 4488, § 3, 10-11-2016)

Editor's note—Ord. No. 4488, § 3, adopted Oct. 11, 2016, repealed the former § 9-1605.1, and enacted a new § 9-1605.1 as set out herein. The former 9-1605.1 pertained to intent and derived from Ord. 3675.

9-1605.2 AREAS OF SPECIAL FLOOD HAZARD.

This Chapter shall apply to all areas of special flood hazard within the jurisdiction of San Joaquin County. The areas of special flood hazard identified by the Federal Emergency Management Agency or the Federal Insurance Administrator are those areas indicated

in a scientific and engineering report entitled "Flood Insurance Study (FIS) for County of San Joaquin, November 1979," as amended, and shown on the accompanying Flood Insurance Rate Maps (FIRMs) as Zones A, AO, AE, A99, or AH, or on the Flood Boundary and Floodway Maps (FBFMs) as floodways, and all subsequent amendments and/or revisions are hereby adopted by reference and declared to be a part of this Chapter. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to San Joaquin County by the Floodplain Administrator. The FIS, FIRMs and FBFMs are on file at the office of the San Joaquin County Department of Public Works.

(Ord. 3675; Ord. 4149, § 3, 2002; Ord. 4153, § 3, 2002; Ord. 4211, § 3, 2004; Ord. No. 4488, § 3, 10-11-2016)

9-1605.3 FLOODPLAIN ADMINISTRATOR.

The San Joaquin County Flood Control Engineer shall be designated as Floodplain Administrator and appointed to administer and implement this Chapter. The duties and responsibilities of the Floodplain Administrator shall include, but not necessarily be limited to, the following:

(a) **Permit Review.** The Floodplain Administrator shall review all development permits to determine that:

- a. The permit requirements of this Chapter have been met;
- b. All other required local, state, and federal permits have been obtained;
- c. The site is reasonably safe from flooding.

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. For purposes of this ordinance, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one (1) foot at any point.

(b) **Use of Other Base Flood Data.** When one hundred (100) year flood elevation data has not been provided or is inadequate in the Floodplain Administrator's opinion, the Floodplain Administrator

shall obtain, review, and reasonably utilize any one hundred (100) year flood elevation and floodway data available from federal, state, or other sources that he or she considers the best available information.

(c) **Notification.** Whenever a major watercourse is to be altered or relocated, the flood carrying capacity of the major watercourse shall be maintained. The Floodplain Administrator shall notify adjacent communities and the California Department of Water Resources prior to the significant alteration or relocation of a major watercourse. The Floodplain Administrator shall submit evidence of said notification to the Federal Insurance Administration.

(d) **Certifications.** The Floodplain Administrator shall obtain and maintain for public inspection and make available the certifications required in Section 9-1605.12.

(e) **Boundary Interpretations.** The Floodplain Administrator shall make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazard.

(f) **Determination Concerning Other Areas of Special Flood Hazard.** The Floodplain Administrator shall determine, based on the best available information, those areas at risk of flooding and not identified by the Federal Emergency Management Agency or the Federal Insurance Administration, and shall consider these as areas of special flood hazard.

(g) **Violations.** The Floodplain Administrator shall take action to remedy violations of this Chapter as provided in Chapter 9-1905 of this Title.

(h) **Processing of Permits.** The Floodplain Administrator shall perform the duties required for the processing of flood-related permits, including flood variances and appeals of the requirements of this Chapter.

(i) **Reporting of Flood Variances.** The Floodplain Administrator shall report any flood variances to the Federal Insurance Administration upon request.

(j) **Warning and Disclaimer of Liability.** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or

flood damages. This ordinance shall not create liability on the part of San Joaquin County, any officer or employee thereof, the State of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(k) **Requirement to Submit New Technical Data.** A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify the National Flood Insurance Program Administrator of the changes by submitting technical or scientific data in accordance with this part. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

(Ord. 3675; Ord. No. 4488, § 3, 10-11-2016)

9-1605.4 APPLICATION REQUIREMENTS FOR PERMITS.

An application for any permit to develop within an area of special flood hazard shall include information considered to be necessary by the Floodplain Administrator to determine the potential flood hazard on the project site.

(Ord. 3675)

9-1605.5 SPECIAL PERMITS WITHIN AREAS OF SPECIAL FLOOD HAZARD.

Within any area of special flood hazard, the following permits shall, where indicated, be obtained prior to the commencement of any construction or development:

(a) **Floodplain Encroachment Permit.** A Floodplain Encroachment Permit shall be required for any project that would alter a watercourse.

(b) **Use Permit.** A Use Permit shall be required for any project that would alter the location of a floodway.

(Ord. 3675)

9-1605.5.1 SPECIAL FLOOD PROTECTION FINDINGS REQUIRED BY STATE LAW.

The unincorporated community of Mountain House is an urban community as defined in the Government Code Section 65007. Development approvals for projects in Mountain House shall require flood protection findings as specified in Government Code Sections 65865.5, 65962, and 66474.5 (Ord. No. 4501, § 1, 12-12-2017)

9-1605.6 APPROVAL OF PERMITS.

Prior to approving an application for a permit to develop within a special flood hazard area, the Floodplain Administrator shall be provided with technical data to determine that the following are true:

- (a) **Flood Fringe.** In flood fringe areas, 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 one hundred (100) year flood more than one (1) foot at any given point.
- (b) **Floodways.** In floodways, the requirements of Section 9-1605.16 have been met.
- (c) **Watercourse Alteration.** If the alteration of a watercourse or floodway is proposed, the proposed project will not reduce the flood carrying capacity of said watercourse or floodway. (Ord. 3675)

9-1605.7 FLOOD VARIANCE.

A Flood Variance may be granted in accordance with the provisions of Chapter 9-848 of this Title. (Ord. 3675)

9-1605.8 EVACUATION PLAN.

An Evacuation Plan shall be prepared for mobile home and recreational vehicle parks in accordance with the provisions of Chapter 9-845 of this Title. (Ord. 3675)

9-1605.9 APPEALS.

The Planning Commission shall hear and decide appeals from actions of the Floodplain Administrator when it is alleged there is error in any interpretation, decision, or determination made by the Floodplain Administrator in the administration of this Chapter. (Ord. 3675)

9-1605.10 STANDARDS OF CONSTRUCTION: ANCHORING.

All new construction and substantial improvements to existing structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. All mobile homes shall meet the anchoring standards of Section 9-1605.15. (Ord. 3675)

9-1605.11 STANDARDS OF CONSTRUCTION: MATERIALS AND METHODS.

Unless otherwise specified, construction within areas of special flood hazard shall comply with the following standards for materials and methods:

- (a) **Materials and Utility Equipment.** All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (b) **Methods and Practices.** All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (c) **Equipment and Service Facilities.** 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 accumulating within the components during conditions of flooding.

(d) **Drainage.** Within Flood Insurance Rate Map (FIRM) Zones AH or AO, adequate drainage paths around structures on slopes shall be required to guide flood waters around and away from proposed structures. (Ord. 3675)

9-1605.12 STANDARDS OF CONSTRUCTION: ELEVATION AND FLOODPROOFING.

Unless otherwise specified, the following standards of construction relative to elevation and flood proofing shall be complied with in areas subject to flooding:

- (a) **Lowest Floor Elevation: Areas of Special Flood Hazard.** All new construction and substantial improvements of any structure in areas of special flood

hazard shall have the lowest floor, including basement, elevated to at least one (1) foot above the one hundred (100) year flood elevation. Non-residential structures may meet the standards in Subsection (c) below. Upon the completion of the structure the elevation of the lowest floor, including the basement, shall be certified by a registered civil engineer or licensed land surveyor. Such certification shall be provided to the Floodplain Administrator.

(b) Lowest Floor Elevation: Zone A or AO.

All new construction and substantial improvement of any structure in FIRM Zone A or AO shall have the lowest floor, including the basement, elevated at least one (1) foot higher than the depth number specified in feet on the FIRM measured from the highest adjacent grade, or at least two (2) feet if no depth number is specified. Nonresidential structures may meet the standards in Subsection (c) below. Upon completion of the structure the elevation of the lowest floor, including the basement, shall be certified by a registered civil engineer or licensed land surveyor.

(c) Floodproofing: Non-Residential Construction. Non-residential construction shall either be elevated in conformance with Subsection (a) or Subsection (b) above or, in the alternative, together with attendant utility and sanitary facilities, shall:

(1) Be floodproofed so that at least one (1) foot above the one hundred (100) year flood level, the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components impermeable to the passage of water;

(3) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(4) Be certified by a registered civil engineer or registered architect as having satisfied the standards of this subsection. Such certification shall be provided to the Floodplain Administrator.

(d) Construction in Enclosed Areas Below Lowest Floor Level. In all new construction and substantial improvements to existing structures in areas of special flood hazard, enclosed areas below the lowest floor, which are used solely for parking of vehicles, building access or storage in an area other than a basement, 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 floodwaters. Designs for meeting this requirement shall be certified by a registered civil engineer or a registered architect. As an alternative, said designs may either have a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding, or be certified to comply with the County's floodproofing standard that has been approved by the Federal Insurance Administration. Said certification shall be provided to the building official. Any openings shown in said design shall have the bottom of such openings no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other louvers, or devices that permit automatic entry and exit of floodwaters.

(e) Mobile Homes and Recreational Vehicles. Mobile homes and recreational vehicles shall meet the standards in Section 9-1605.15.

(f) Accessory Buildings. Nonhabitable buildings accessory to agriculture or accessory to residential use may be constructed at ground level without a flood variance. Permit applications for Accessory Structures will be reviewed on a case-by-case basis by the Floodplain Administrator for compliance with applicable FEMA Technical Bulletins.

(1) The applicant shall provide evidence of recordation of a written notice that states that the accessory building is constructed with the lowest floor elevation below the regulatory flood elevation, is not for habitable use and can be used solely for parking or limited storage. Further, the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. The notice shall be recorded with the office of the San Joaquin County Recorder in such a manner to make it appear in the chain of title of the affected parcel of land. For the purposes of this Section, accessory buildings shall not include buildings used for commercial or industrial purposes.

(g) Aircraft Hangars. Aircraft hangars in FIRM Zone AO at the Stockton Metropolitan Airport may be constructed in compliance with Variance VR-01-2.

(Ord. 3675; 3788; Ord. 3872, § 13, 1996; Ord. 4149, § 4, 2002; Ord. 4153, § 4, 2002; Ord. 4211, § 4, 2004; Ord. No. 4488, § 3, 10-11-2016)

**9-1605.13 FLOOD HAZARD REDUCTION:
UTILITIES.**

Utility systems shall comply with the following flood hazard reduction standards:

(a) **Water and Sanitary Sewage Systems.** 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.

(b) **Waste Disposal Systems.** Waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord. 3675)

**9-1605.14 FLOOD HAZARD REDUCTION:
SUBDIVISIONS.**

(a) All preliminary subdivision proposals shall identify the special flood hazard area and the elevation of the base flood.

(b) All subdivision plans shall provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor and pad elevation shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

(c) All subdivision proposals shall be consistent with the need to minimize flood damage.

(d) All subdivisions proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(e) All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

(Ord. 3675; Ord. 3872, § 14, 1996; Ord. 4149, § 5, 2002; Ord. 4153, § 5, 2002; Ord. 4211, § 5, 2004; Ord. No. 4488, § 3, 10-11-2016)

**9-1605.15 FLOOD HAZARD REDUCTION:
MOBILE HOMES AND
RECREATIONAL VEHICLES.**

Mobile homes and recreational vehicles shall be subject to the following flood hazard reduction standards:

(a) **Single-Wide Mobile Homes.** Single-wide mobile homes without expandos may be placed in an existing mobile home park in a floodway under the following circumstances:

(1) The mobile home is replacing a mobile home which was in the space within the previous twelve (12) months;

(2) The mobile home park property has been posted to conspicuously display the one hundred (100) year flood elevation;

(3) A bond has been posted for possible damage caused to other property through negligence on the part of the park owner during a flood event. This requirement may be waived by the Floodplain Administrator if it can be shown that the park has other liability protection.

(b) **Installation Permits.** Installation permits shall be issued by the State Department of Housing and Community Development (HCD) only after all conditions in Subsection (a) of this Section have been satisfied.

(c) **Recreational Vehicles.** Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM either be on the site for fewer than one hundred eighty (180) consecutive days or 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.

(d) **Manufactured Home Floor Elevation.**

(1) Manufactured homes that are placed or substantially improved within areas of special flood hazard shall have the lowest floor elevated at least one (1) foot above the base flood elevation on a permanent or a temporary foundation with the entire foundation support system at or above the base flood elevation or an engineered support system designed to withstand flood forces, on the following sites:

(A) Outside of a manufactured home park or subdivision;

(B) In a new manufactured home park or subdivision;

(C) In an expansion to an existing manufactured home park or subdivision; or

(D) In an existing manufactured home park or subdivision which has incurred substantial damage as the result of a flood.

(2) Manufactured homes that are placed or substantially improved within areas of special flood hazard on sites in an existing manufactured home park or subdivision that are not subject to the above provisions shall be elevated so that either:

(A) The lowest floor is elevated at least one (1) foot above the base flood elevation; or

(B) 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 (36) inches in height above grade and securely anchored in accordance with this Section.

(e) **Anchoring.** Anchoring shall be to a permanent foundation system to resist flotation, collapse, or lateral movement.

(Ord. 3675; Ord. 4149, § 6, 2002; Ord. 4153, § 6, 2002; Ord. 4211, § 6, 2004; Ord. No. 4488, § 3, 10-11-2016)

**9-1605.16 FLOOD HAZARD REDUCTION:
USES AND STRUCTURES
WITHIN FLOODWAYS.**

Uses and structures within floodways shall be subject to the following flood hazard reduction standards:

(a) **Anchoring.** All structures within floodways shall be constructed so as to remain in place during the one hundred (100) year flood, except those subject to an Evacuation Plan as specified in Chapter 9-845.

(b) **Obstruction of the Floodway.** All structures shall be designed to allow free passage of floodwaters and minimize catching of debris.

(c) **Extraction of Sand, Gravel, and Other Materials.** There shall be no stockpiling of materials, products, or overburden which may create an obstruction to the passage of flood flows or increase the velocity or elevation of water within the floodway.

(d) **Drainage and Flood Control Development.** Drainage and flood control development shall be subject to the following conditions:

(1) The net effect of any drainage or flood control structure, facility, channel, or other project or combination of projects placed or enlarged within a floodway shall be such that it does not increase the area, velocity, or elevation of floodwaters within the floodway.

(2) The governing agency having jurisdictional authority over new levee construction, levee modification, or levee maintenance shall condition the approval of said project so that no increase in the area, velocity, or elevation of floodwaters within the floodway results.

(3) In the absence of any other governing agency with jurisdictional control, the Floodplain Administrator shall have jurisdictional control over projects falling within this Subsection.

(4) Notwithstanding the foregoing, existing levees which protect and delineate a floodway may be modified or maintained for the purpose of reducing the danger of flood damage to the lands or other property the levees are designed to protect.

(e) **Removal of Equipment and Stored Material.** All moveable equipment and stored material shall be removed prior to a flood.

(f) **Bridges Spanning a Floodway.** Bridges spanning a floodway shall have the bottom of the lowest horizontal member three (3) feet or more above the one hundred (100) year flood elevation for major streams and two (2) feet or more above the one hundred (100) year flood elevation for minor streams as determined by the Floodplain Administrator.

(g) **Encroachments.** Any encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited unless certification is provided by a registered civil engineer demonstrating that encroachments will not result in any increase in flood levels during the occurrence of the one hundred (100) year flood discharge.

(Ord. 3675; Ord. 4149, § 7, 2002; Ord. 4153, § 7, 2002; Ord. 4211, § 7, 2004)

**9-1605.17 PROHIBITED USES AND
STRUCTURES.**

The following uses and structures shall be prohibited within areas of special flood hazard:

(a) **Uses Prohibited Within Floodways.** The following uses shall be prohibited within floodways:

(1) Storage of hazardous materials, including but not limited to pesticides, radioactive materials, explosives, and other materials which may be hazardous to life, limb, or property when inundated;

(2) Mobile homes and recreational vehicles not within parks with approved Evacuation Plans;

(3) Double-wide mobile homes or expando mobile homes;

(4) New cemeteries or expansion of existing cemeteries;

(5) New sanitary landfills or expansion of existing sanitary landfills;

(6) Water wells; and

(7) Sewage wastewater facilities.

(b) **Structures Prohibited Within Floodways.** All structures are prohibited within floodways, except that the structures listed below are allowed, if certifica-

tion is provided by a registered civil engineer demonstrating that encroachments will not result in any increase in flood levels during the occurrence of the one hundred (100) year flood discharge and all other Floodplain Management provisions are satisfied.

- (1) Pumps, siphons, and appurtenances;
- (2) Fences, walls, signs, and other appurtenances;
- (3) Public and private docks, wharves, piers, and boat launching ramps;
- (4) Marinas, including ramps, gas pumps or docks, and other structures which must be located on, above, or immediately adjacent to a watercourse, provided there is no alternative to location in a floodway;
- (5) Pilings and other support structures;
- (6) Railroads, pipelines, utility lines, and public improvements such as roads and streets; and
- (7) Bridges.

(c) **Uses and Structures Prohibited Within Flood Fringe Areas.** The following uses and structures shall not be permitted within flood-fringe areas:

- (1) New cemeteries;
 - (2) Solid waste disposal; and
 - (3) Hazardous waste facilities and other similar facilities.
- (Ord. 3675; Ord. 4149, § 8, 2002; Ord. 4153, § 8, 2002; Ord. 4211, § 8, 2004)

9-1605.18 LEVEES.

No fence without reasonable access openings at least twenty (20) feet in width shall be constructed nor shall any structure or pole be erected within ten (10) feet of the landside or waterside levee toe or within twenty-five (25) feet of the top of either bank of any natural or manmade stream without obtaining the approval of the Department of Public Works. Before granting approval, the Department shall find that the proposal will not interfere with periodic maintenance work being performed by public or private bodies. The decision of the Department of Public Works may be appealed to the Planning Commission.

(Ord. 3703)

CHAPTER 9-1610

AIRPORT COMPATIBILITY

Sections:

9-1610.1	Intent.
9-1610.2	Airport Imaginary Surfaces.
9-1610.3	Airport Elevations.
9-1610.4	Height Limits.
9-1610.5	Use Restrictions.
9-1610.6	Hazard Marking and Lighting.
9-1610.7	Variances.
9-1610.8	Avigation Easements.

9-1610.1 INTENT.

The intent of this Chapter is to prescribe regulations which will minimize endangerment to the lives and property of users of public airports in San Joaquin County as well as persons living or working in the vicinity of such airports.

(Ord. 3675)

9-1610.2 AIRPORT IMAGINARY SURFACES.

All imaginary surfaces or zones, as specified in Title 14, Subsection C of Part 77 of The Code of Federal Regulations (as amended) and/or the Stockton Metropolitan Airport FAR Part 150 Noise Compatibility Program, are established for the following airports:

- (a) Stockton Metropolitan Airport;
- (b) Tracy Municipal Airport;
- (c) New Jerusalem Airport;
- (d) Kingdon Airport;
- (e) Lodi (Lind's) Airport;
- (f) Lodi (Precissi) Airpark;
- (g) Sharpe's Army Air Field; and
- (h) Lost Isle Seaport.

(Ord. 3675; Ord. 3832 § 43, 1995)

9-1610.3 AIRPORT ELEVATIONS.

The following airport reference point elevations are established for the purpose of measurement of surfaces in this Section:

- (a) Stockton Metropolitan Airport elevation is thirty and one-half (30.5) feet, U.S.G.S. Datum;
- (b) Tracy Municipal Airport elevation is one hundred ninety-one (191) feet, U.S.G.S. Datum;
- (c) New Jerusalem Airport elevation is sixty (60) feet, U.S.G.S. Datum;
- (d) Kingdon Airport elevation is fifteen (15) feet, U.S.G.S. Datum;

(e) Lodi (Lind's) Airport elevation is fifty-eight (58) feet, U.S.G.S. Datum;

(f) Lodi (Precissi) Airpark elevation is twenty-five (25) feet, U.S.G.S. Datum;

(g) Sharpe's Army Air Field elevation is eighteen (18) feet, U.S.G.S. Datum; and

(h) Lost Isle Seaport elevation is zero (0) feet, U.S.G.S. Datum.

(Ord. 3675)

9-1610.4 HEIGHT LIMITS.

No structure may be erected or added to, nor any tree planted or allowed to grow, to a height which would be greater than the imaginary surface established in Section 9-1610.2. Whenever and wherever any of the imaginary surfaces overlap, the most restrictive requirement shall govern and control.

(Ord. 3675)

9-1610.5 USE RESTRICTIONS.

(a) The following use restrictions shall apply to all public access airports, except Stockton Metropolitan Airport:

(1) Places of Public Assembly. Places of public assembly, including but not limited to churches, hospitals, schools, theaters, racetracks, carnivals, circuses, revival tents, labor camps, dormitories, and rest homes, shall not be allowed in the inner ten thousand (10,000) foot section of any instrument approach surface, or in the inner four thousand (4,000) foot section of any noninstrument approach surface.

(2) Residences. Residences shall not be permitted in the inner five thousand (5,000) foot section of any instrument approach surface or the inner four thousand (4,000) foot section of any noninstrument approach surface.

(3) Communication and Visibility. Uses that would create interference with radio communication or radar between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, or result in glare or impair the visibility of persons using the airport shall not be permitted in any noninstrument approach surface, the inner ten thousand (10,000) foot section of the instrument approach surface, the transitional surfaces adjacent to these approaches, or the horizontal or conical surface.

(4) Commercial and Industrial Uses. Notwithstanding any other provisions of this Title, a Site Approval shall be secured for any commercial or industrial use permitted in the inner ten thousand (10,000) foot section of the instrument approach surface or the inner four

thousand (4,000) foot section of the noninstrument approach surface.

(b) The following use restrictions shall apply to areas within the Stockton Metropolitan Airport Area of Influence:

(1) Inner Approach Zone. No residential uses, churches, hospitals, schools, theaters, racetracks, carnivals, circuses, revival tents, labor camps, dormitories, and rest homes shall be permitted.

(2) Outer Approach Zone. The following shall apply to an Outer Approach Zone:

(A) Nonresidential Uses. Churches, hospitals, schools, theaters, racetracks, carnivals, circuses, revival tents, labor camps, dormitories, and rest homes shall not be allowed in this area.

(B) Residential Uses. Residential development is allowed outside the sixty-five (65) Db Ldn contours if it is permitted in the existing zoning and if it is soundproofed to reduce interior noise levels to no higher than forty-five (45) Db and if an avigation easement is recorded. Within the sixty-five (65) to seventy (70) Db Ldn contours, new residential land uses are allowed only within existing subdivisions.

(3) Transitional Zone. New or redeveloped residential land uses are permitted if they are part of an existing residential subdivision or if they are allowed by existing zoning. If the residential development is within the sixty-five (65) Db noise contour, residential uses will be required to be soundproofed to reduce interior noise levels to no higher than forty-five (45) Db Ldn.

(Ord. 3675, 3756)

9-1610.6 HAZARD MARKING AND LIGHTING.

Any permit or variance granted under this Title may, if such action is deemed advisable and reasonable under the circumstances in order to effectuate the purposes of this Chapter, be so conditioned as to require its holder, at his or her own expense, to install, operate, and maintain on the subject property such markers and lights as may be necessary to indicate to fliers the presence of an airport hazard.

(Ord. 3675)

9-1610.7 VARIANCES.

Any application for a Variance from the provisions of this Chapter shall be referred to the County Department of Airports, the State Division of Aeronautics, and the Federal Aviation Administration for their recommendations. The Planning Commission shall consider the recommendation of all three departments in making a decision on any such variance. No variance from the terms

of this Chapter shall be approved if the Planning Commission determines that the approval thereof would in any way endanger the safety of aircraft using any airport governed by this Chapter.

(Ord. 3675)

9-1610.8 AVIGATION EASEMENTS.

Avigation easements shall be required for new residential development projects, parks, schools, hospitals, group care facilities, and facilities providing child care in the following areas:

(a) Within the Stockton Metropolitan Airport Area of Influence; and

(b) Within the sixty-five (65) Db Ldn contour areas of all other publicly owned airports.

(Ord. 3756)