

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

862C



**FROM:** Transportation and Land Management Agency

**SUBMITTAL DATE:**  
June 19, 2014

**SUBJECT:** Adoption of Ordinance No. 458.14, amending Riverside County Ordinance No. 458 Regulating Special Flood Hazard Areas and Implementing the National Flood Insurance Program – CEQA Findings of Exemption - All Supervisorial Districts [\$0]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Finds that the adoption of Ordinance No. 458.14 is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and
2. Adopt Ordinance No. 458.14, an Ordinance of the County of Riverside amending Ordinance No. 458 in its entirety regulating development in flood hazard areas and establishing procedures to implement the National Flood Insurance Program; and
3. Direct the Clerk of the Board to file the attached Notice of Exemption with the County Clerk within five days after adoption of the amendment to Ordinance No.458.

**BACKGROUND:**

**Summary**

(Continued on page 2)

Mike Lara  
Director of Building and Safety

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 0	\$ 0	\$ 0	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

<b>SOURCE OF FUNDS:</b>	Budget Adjustment: N/A
	For Fiscal Year: N/A

**C.E.O. RECOMMENDATION:**

APPROVE

County Executive Office Signature

Tina Grande

**MINUTES OF THE BOARD OF SUPERVISORS**

FORM APPROVED COUNTY COUNSEL  
BY: Synthia M. Gunzel 6-19-14  
DATE: \_\_\_\_\_  
SYNTHIA M. GUNZEL  
Departmental Concurrence

- A-30
- Positions Added
- 4/5 Vote
- Change Order

**Prev. Agn. Ref.:** 3.11 of 7/29/08; 3-56 of 6/17/14; \_\_\_ of 07/01/14

**District:** All

**Agenda Number:**

3-61

## **SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

**FORM 11:** Adoption of Ordinance No. 458.14, amending Riverside County Ordinance No. 458 Regulating Special Flood Hazard Areas and Implementing the National Flood Insurance Program – CEQA Findings of Exemption - All Supervisorial Districts [\$0]

**DATE:** June 19, 2014

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### **BACKGROUND:**

#### **Summary (continued)**

Riverside County Ordinance No. 458 (“Ordinance”) establishes policies, procedures and standards for regulating development in designated special flood zone areas and implements the provisions of the National Flood Insurance Program (NFIP) within the unincorporated areas of the County of Riverside (“County”). The NFIP is administered by the Federal Emergency Management Agency (“FEMA”) and makes federally backed flood insurance available to homeowners, renters and business owners in participating communities.

On June 17, 2014 (Item 3-56), the Board of Supervisors adopted an order to initiate an amendment to Ordinance No. 458 to add the language required for compliance for the County’s continued participation in the NFIP (as further explained below) and to provide other administrative revisions for clarification and direction. In accordance with Government Code Section 25131, the Board of Supervisors may adopt Ordinance No. 458.14 because more than five (5) days have passed since its introduction on July 1, 2014.

The Ordinance was initially adopted in 1979, has been amended from time to time as warranted and is subject to review by FEMA periodically. A recent review of the Ordinance by FEMA to assess the adequacy for compliance with the requirements of the National Flood Insurance Program, it was determined that Ordinance No. 458 is not consistent with the minimum provisions required to be in compliance with FEMA’s regulations. As stated in Title 44, part 59.24(a) of the Code of Federal Regulations (44CFR§59.24), a community with a non-compliant ordinance for flood plain management regulations subjects the community to suspension from the National Flood Insurance Program. If suspended, then flood insurance would no longer be available for sale within the unincorporated areas of Riverside County. FEMA has provided language that needs to be added to the Ordinance clarifying to which type of development this Ordinance shall apply. By remaining compliant with the NFIP program through this Ordinance amendment, the County allows the residents within its jurisdiction to meet a minimum eligibility requirement for Federal disaster aid, and to continue to purchase flood insurance. Moreover, the County remains eligible for federal grants and loans. The County has a limited time to amend the Ordinance before FEMA will suspend the County from the NFIP. Therefore, time is of the essence in updating the Ordinance to reflect current standards.

In addition, administrative revisions to the Ordinance are proposed which would provide consistency, clarification and direction for administering the regulations in the following areas:

- Revising and adding sections for legislative findings, purpose and source of authority
- Revising and adding definitions to provide clarification
- Revising the list of effective floodplain maps
- Clarify roles of the Floodplain Administrator and other agencies
- Establish procedure for calculating Substantial Improvement/Damage threshold
- Establish process to amend special study floodplain maps prepared by the County and DWR Awareness Maps through Board Resolution
- Clarify Separate Application process for certain development permits and establish procedure to verify if previous review is still in compliance with current FEMA standards
- Revising and updating the basis and procedures for appeals and requests for variances
- Update reference numbers for FEMA documents to current forms

Ordinance No. 458.14 does not prompt any new flood control projects. It is a current County ordinance that is being amended for the reasons provided above. There are no new higher floodproofing standards included in this proposed Ordinance amendment from the ones that are currently in place. This Ordinance amendment is to maintain what currently exists for the protection and aid of the public from the County’s continued participation in the NFIP.

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**  
**FORM 11:** Adoption of Ordinance No. 458.14, amending Riverside County Ordinance No. 458 Regulating Special Flood Hazard Areas and Implementing the National Flood Insurance Program – CEQA Findings of Exemption - All Supervisorial Districts [\$0]  
**DATE:** June 19, 2014  
**PAGE:** Page 3 of 3

The Department of Building and Safety is responsible for building permit processing and inspections. For this Ordinance, the Director of the Department of Building and Safety is designated as the Floodplain Administrator to administer, implement and enforce the requirements of the Ordinance. The Riverside County Flood Control and Water Conservation District (RCFC&WCD) and the Coachella Valley Water District are responsible for conducting floodplain management reviews within their respective service areas and providing permit recommendations in accordance with the Ordinance and NFIP regulations to the Floodplain Administrator. In addition, RCFC&WCD maintains the records and supporting documentation for floodplain maps.

Ordinance No. 458.14 is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment. There is no specific development project connected with this proposed amendment, it is not site specific and it does not commit the County to any development. The County's approval of the amendment does not cause any circumstances to significantly impact the environment or have negative cumulative impacts on the environment because it does not prompt any actual projects or flood control projects; it is merely an adoption of an ordinance with procedures and regulations for development within special flood hazard areas. Any actual project proposed by property owners will have to undergo its own CEQA analysis.

This Ordinance amendment has been reviewed and approved as to form by County Counsel.

**Impact on Citizens and Businesses**

If suspended from the NFIP program, real estate transactions in identified Special Flood Hazard Areas (SFHAs) cannot be completed until potential buyers provide proof of flood insurance. Because NFIP flood insurance policies cannot be sold in suspended communities, buyers would be forced to obtain flood insurance from the private sector which is usually at a significantly higher premium. Continued implementation of Ordinance No. 458 will assist in reducing the risk of flood hazards to future development and construction.

**SUPPLEMENTAL:**

**Additional Fiscal Information**

N/A

**Contract History and Price Reasonableness**

N/A



1 enacting development regulations and through participation in a national  
2 program of flood insurance makes flood insurance coverage and relief  
3 available on reasonable terms and conditions to persons who have need for  
4 such protection.

5 Section 2. PURPOSE. The purpose of the ordinance is to promote the public health,  
6 safety, and welfare and minimize public and private costs caused by flooding by regulating development  
7 within the special flood hazard areas to be applied uniformly throughout the unincorporated areas of the  
8 Riverside County to all publicly and privately owned land within flood prone, mudslide or flood related  
9 erosion areas. These regulations are designed to:

- 10 a. Protect human life and health;
- 11 b. Minimize expenditure of public money for costly flood control projects;
- 12 c. Minimize the need for rescue and relief efforts associated with flooding and  
13 generally undertaken at the expense of the general public;
- 14 d. Minimize prolonged business interruptions;
- 15 e. Minimize damage to public facilities and utilities such as water and gas  
16 mains; electric, telephone and sewer lines; and streets and bridges located in  
17 areas of special flood hazard;
- 18 f. Help maintain a stable tax base by providing for the sound use and  
19 development of areas of special flood hazard so as to minimize future  
20 blighted areas caused by flood damage;
- 21 g. Ensure that potential buyers are notified that property is in an area of special  
22 flood hazard; and
- 23 h. Ensure that those who occupy the areas of special flood hazard assume  
24 responsibility for their actions.

25 Section 3. AUTHORITY. Local governments have the authority to adopt regulations  
26 under Government Code Sections 65302, 65560, 65800, 65850 and 65900, et seq., to promote the public  
27 health, safety and general welfare of its residents. This ordinance is adopted pursuant to the requirements  
28 of the National Flood Insurance Act of 1968, Title 42 United States Code Section 4001, et seq. and Code

1 of Federal Regulations, Title 44, Chapter I, Subchapter B, Part 59, as each may be amended, including all  
2 other regulations adopted pursuant thereto. Flood heights may be increased by man-made or natural  
3 causes. This ordinance does not imply that land outside the regulated areas or the uses and development  
4 permitted within such areas will be free from flooding or flood damages.

5 Section 4. DEFINITIONS. Unless specifically defined below, terms or phrases used  
6 in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to  
7 give this ordinance its most reasonable application. The following terms shall have the following  
8 meanings:

- 9 a. 100-Year Flood. Means and refers to the “Base Flood” as defined herein  
10 below.
- 11 b. Accessory Structure. Means and refers to a structure, that may not qualify  
12 as a “building”, located on the same parcel of property as the primary  
13 structure or building to be insured and the use of which is incidental and  
14 subordinate to the use of the principal structure or building. For example,  
15 open structures, such as carports, gazebos and picnic pavilions that do not  
16 have at least two rigid walls are not “buildings.”
- 17 c. Awareness Map. Means and refers to those floodplain maps produced by  
18 the Department of Water Resources of the State of California that initially  
19 identify flood hazard areas using approximate assessment procedures to  
20 map 100 year floodplains for both riverine and alluvial fan conditions.  
21 Such “awareness floodplains” will be shown simply as flood hazard areas  
22 without specific depth and other flood hazard data.
- 23 d. Base Flood. Means and refers to a flood which has a one percent (1%)  
24 chance of being equaled or exceeded in any given year (also called the  
25 “100-Year Flood”). Base Flood is the term commonly used throughout this  
26 ordinance.
- 27 e. Base Flood Elevation (BFE). Means and refers to the elevation shown on  
28 the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30,

1 and those elevation determined by the County of Riverside for other special  
2 flood hazard areas that indicates the water surface elevation resulting from a  
3 flood that has a one percent (1%) or greater chance of being equaled or  
4 exceeded in any given year.

5 f. Basement. Means and refers to any area of a building having its floor  
6 subgrade (below ground level) on all sides.

7 g. CVWD. Means and refers to the Coachella Valley Water District, a special  
8 district created under California law.

9 h. Colorado River Floodway Fringe. Means and refers to that area subject to  
10 inundation by floods of varying magnitudes generated from the Colorado  
11 River, up to and including the floodway flow, but which is not required for  
12 the safe conveyance of the floodway flow and is not included in the  
13 computation of the Colorado River Floodway base flood elevation.

14 i. Contractor. Means and refers to a licensed General Contractor or  
15 professional construction estimator.

16 j. Development. Means and refers to any man-made change to improved or  
17 unimproved real estate, including but not limited to buildings or other  
18 structures, mining, dredging, filling, grading, paving, excavation, drilling  
19 operations, storage of equipment or materials.

20 k. Elevation Certificate (known as FEMA Form 086-0-33 expiring on July 31,  
21 2015 or the latest version thereafter). Means and refers to a form used for  
22 recording the finished floor elevations and adjacent ground of a building.

23 l. Encroachment. Means and refers to activities or construction within the  
24 floodway including fill, new construction, substantial improvements, or  
25 other development. These activities are prohibited within the adopted  
26 regulatory floodway unless it has been demonstrated through hydrologic  
27 and hydraulic analyses that the proposed encroachments would not result in  
28 any increase in flood levels.

- 1 m. Existing Manufactured Home Park or Subdivision. Means and refers to a  
2 manufactured home park or subdivision for which the construction of  
3 facilities for servicing the lots on which the manufactured homes are to be  
4 affixed (including, at a minimum, the installation of utilities, either final site  
5 grading or pouring of concrete pads, and the construction of streets) is  
6 completed before July 5, 1979.
- 7 n. Expansion to an Existing Manufactured Home Park or Subdivision. Means  
8 and refers to the preparation of additional sites by the construction of  
9 facilities for servicing the lots on which the manufactured homes are to be  
10 affixed (including the installation of utilities, either final site grading or  
11 pouring of concrete pads, or the construction of streets).
- 12 o. FEMA. Means and refers to the Federal Emergency Management Agency.
- 13 p. Flood Insurance Rate Map (FIRM). Means and refers to the official map on  
14 which the Federal Emergency Management Agency or Federal Insurance  
15 Administration has delineated both the areas of special flood hazards and  
16 the risk premium zones applicable to the unincorporated areas of Riverside  
17 County.
- 18 q. Flood Insurance Study. Means and refers to the official report provided by  
19 the Federal Insurance Administration that includes discharge rates, flood  
20 profiles, the Flood Insurance Rate Map(s), and the water surface elevations  
21 of the base floods.
- 22 r. Floodplain Administrator. Means and refers to the Director, or his  
23 designee, of the Department of Building and Safety for the County of  
24 Riverside.
- 25 s. Floodproofing Means and refers to any combination of structural and  
26 nonstructural additions, changes, or adjustments to structures which reduce  
27 or eliminate flood damage to real estate or improved real property, water  
28 and sanitary facilities, structures, and their contents. For guidelines on dry



1 and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93,  
2 and TB 7-93.

3 t. Floodway. Means and refers to the channel of a river or other watercourse  
4 and adjacent land areas necessary to discharge the waters from the 100-Year  
5 Flood without increasing the water surface elevation of that flood more than  
6 one foot at any one point; or that area identified by the United States  
7 Department of the Interior, Bureau of Reclamation as required to safely  
8 convey the levee-design flood of the Colorado River.

9 u. Fraud and Victimization. As related to Section 10 of this ordinance, means  
10 and refers to the variance granted must not cause fraud on or victimization  
11 of the public. In examining this requirement, Floodplain Administrator will  
12 consider the fact that every newly constructed building adds to government  
13 responsibilities and remains a part of the community for fifty to one-  
14 hundred years. Buildings that are permitted to be constructed below the  
15 base flood elevation are subject during all those years to increased risk of  
16 damage from floods, while future owners of the property and the  
17 community as a whole are subject to all the costs, inconvenience, danger,  
18 and suffering that those increased flood damages bring. In addition, future  
19 owners may purchase the property, unaware that it is subject to potential  
20 flood damage, and can be insured only at very high flood insurance rates.

21 v. Highest Adjacent Grade. Means and refers to the highest natural elevation  
22 of the ground surface prior to construction next to the proposed walls of a  
23 structure.

24 w. Historic Structure. Means and refers to any structure that is:

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

- 1 2. Certified or preliminarily determined by the Secretary of the Interior  
2 as contributing to the historical significance of a registered historic  
3 district or a district preliminarily determined by the Secretary to  
4 qualify as a registered historic district; or
- 5 3. Individually listed on a state inventory of historic places in states  
6 with historic preservation programs which have been approved by  
7 the Secretary of Interior; or
- 8 4. Individually listed on a local inventory of historic places in  
9 communities with historic preservation programs that have been  
10 certified either by an approved state program as determined by the  
11 Secretary of the Interior or directly by the Secretary of the Interior in  
12 states without approved programs.

13 x. Lateral Additions. Means and refers to improvements constructed adjacent  
14 to an existing structure that increases the square footage of the structure.  
15 This commonly includes the structure attachment of a bedroom, den,  
16 recreational room and garage. If the lateral addition is attached through a  
17 covered breezeway or similar structure open on two (2) or more sides, it  
18 will not be included in the substantial improvement calculations and will be  
19 conditioned to meet current floodproofing standards.

20 y. Levee-Design Flood. Means and refers to flooding of the Colorado River  
21 equivalent to a flow rate of 75,000 cubic feet per second from the Palo  
22 Verde Diversion Dam to Taylor Ferry.

23 z. LOMR. Means and refers to a “Letter of Map Revision.”

24 aa. Lowest Floor. Means and refers to the lowest floor of the lowest enclosed  
25 area (including basement). An unfinished or flood resistant enclosure,  
26 usable solely for parking of vehicles, building access or storage in an area  
27 other than a basement area is not considered a building’s lowest floor;  
28 provided, that such enclosure is not built so as to render the structure in

1 violation of applicable non-elevation design requirements of Section 8 of  
2 this ordinance.

3 bb. Manufactured Home. Means and refers to a structure, transportable in one  
4 or more sections, which is built on a permanent chassis and is designed for  
5 use with or without a permanent foundation when attached to the required  
6 utilities. The term "Manufactured Home" does not include a recreational  
7 vehicle.

8 cc. Manufactured Home Park or Subdivision. Means and refers to a parcel (or  
9 contiguous parcels) of land divided into two or more manufactured home  
10 lots for rent or sale.

11 dd. Market Value. Means and refers to the price agreed to be paid in an open  
12 market by a willing buyer to a willing seller, with neither acting under  
13 compulsion to buy or sell, giving due consideration to all economic uses of  
14 the property at the time of the valuation. The market value of a structure  
15 reflects its original quality, subsequent improvements, physical age of  
16 building components and current condition. For the purposes of  
17 determining substantial improvement, market value pertains only to the  
18 structure in question. It does not pertain to the land, landscaping or  
19 detached accessory structures on the property. Market value of the structure  
20 will be obtained by the Floodplain Administrator using the assessed value  
21 of the structure as shown on the last equalization assessment roll. The  
22 resulting market value is intended to bring order and equity to the Separate  
23 Application process which can be readily determined and administered  
24 without undue delays to the applicant. Alternatively, the applicant can  
25 submit a formal appraisal to determine the market value.

26 ee. Mean Sea Level. Means and refers to the National Geodetic Vertical  
27 Datum (NGVD) of 1929, North American Vertical Datum of 1988 (NAVD  
28 88), or other datum, to which base flood elevations are referenced.

- 1 ff. New Construction. Means and refers to structures for which the "Start of  
2 Construction" commenced on or after July 5, 1979, and includes any  
3 subsequent improvements to such structures.
- 4 gg. New Manufactured Home Park or Subdivision. Means and refers to a  
5 manufactured home park or subdivision for which the construction of  
6 facilities for servicing the lots on which the manufactured homes are to be  
7 affixed (including at a minimum, the installation of utilities, either final site  
8 grading or the pouring of concrete pads, and the construction of streets) is  
9 completed on or after July 5, 1979.
- 10 hh. RCFC&WCD. Means and refers to the Riverside County Flood Control  
11 and Water Conservation District, a special district created under California  
12 law.
- 13 ii. Recreational Vehicle. Means and refers to a vehicle which is (i) built on a  
14 single chassis; (ii) 400 square feet or less when measured at the largest  
15 horizontal projection; (iii) designed to be self-propelled or permanently  
16 towable by a light duty truck; and (iv) designed primarily not for use as a  
17 permanent dwelling but as temporary living quarters for recreational,  
18 camping, travel, or seasonal use.
- 19 jj. Separate Application. Means and refers to an additional floodproofing  
20 permit application will be required when processing an application for  
21 development permit for land which lies within the special flood hazard area  
22 of any map referred to in Section 5 of this ordinance.
- 23 kk. Special Flood Hazard Area (SFHA). Means and refers to an area in the  
24 floodplain subject to a one percent (1%) or greater chance of flooding in  
25 any given year. It is shown on FIRM as Zone A, AO, A1-A30, AE, A99,  
26 or, AH. This includes floodplains, flood boundaries and flood hazards  
27 within the studies listed in Section 5.
- 28 ll. Start of Construction. Means and refers to the inclusion of a substantial

1 improvement and other proposed new development and means the date the  
2 building permit was issued, provided the actual start of construction, repair,  
3 reconstruction, rehabilitation, addition, placement, or other improvement  
4 was within one hundred eighty (180) days from the date of the permit. The  
5 actual start means either the first placement of permanent construction of a  
6 structure on a site, such as the pouring of slab or footings, the installation of  
7 piles, the construction of columns, or any work beyond the stage of  
8 excavation; or the placement of a manufactured home on a foundation.  
9 Permanent construction does not include land preparation, such as clearing,  
10 grading, and filling; nor does it include the installation of streets and/or  
11 walkways; nor does it include excavation for a basement, footings, piers, or  
12 foundations or the erection of temporary forms; nor does it include the  
13 installation on the property of accessory buildings, such as garages or sheds  
14 not occupied as dwelling units or not part of the main structure. For a  
15 substantial improvement, the actual start of construction means the first  
16 alteration of any wall, ceiling, floor, or other structural part of a building,  
17 whether or not that alteration affects the external dimensions of the  
18 building.

19 mm. Structure. Means and refers to all buildings and structures, including  
20 agricultural buildings that require a registration certificate and manufactured  
21 homes; and their appurtenances such as gas or liquid storage tanks and flow  
22 obstructing walls or fences.

23 mn. Substantial Improvements/Substantially Improved. Means and refers to any  
24 reconstruction, rehabilitation, addition, or other improvement of a structure,  
25 in which the cost of this improvement equals or exceeds 50 percent of the  
26 market value of the structure before the Start of Construction of the  
27 proposed improvement. This term includes structures which have incurred  
28 "Substantial Damage" (as it is hereinafter defined), regardless of the actual

1 repair work performed. The term does not include any alterations necessary  
2 to comply with existing state or local health, sanitary or safety code  
3 specifications or regulations, or any alterations of a structure listed on the  
4 National Register of Historic Places or a State Inventory of Historic Places.

5 oo. Substantial Damage. Means and refers to damage of any origin sustained  
6 by a structure whereby the cost of restoring the structure to its condition  
7 before its damaged condition would equal or exceed 50 percent of the  
8 market value of the structure before the damage occurred.

9 pp. Vertical Addition. Means and refers to when an addition is a full or partial  
10 second floor. When a vertical addition meets the criteria for a substantial  
11 improvement, the entire structure must be elevated since the existing  
12 building provides the foundation for the addition.

13 qq. Violation. Means and refers to the failure of a structure or other  
14 development to be fully compliant with this ordinance. A structure or other  
15 development without the elevation certificate, other certifications, or other  
16 evidence of compliance required in this ordinance is presumed to be in  
17 violation until such time as that documentation is provided.

18 Section 5. APPLICATION. This ordinance shall apply to all the special flood hazard  
19 areas within the unincorporated areas and within the jurisdiction of the County of Riverside (“County”)  
20 on file at RCFC&WCD headquarters and shown on the Public Flood Hazard Determination Interactive  
21 Map found at <http://rcflood.org>. These special flood hazard areas incorporate:

22 a. The flood hazard areas shown on the maps prepared by the Federal  
23 Insurance Administration entitled "The Flood Insurance Study for the  
24 County of Riverside" effective August 28, 2008, with accompanying Flood  
25 Insurance Rate Maps, including any subsequent amendments, revisions or  
26 additions thereto that hereafter go into effect pursuant to the provisions of  
27 the applicable Federal law.

28 b. The flood hazard areas shown on the maps prepared by the U.S. Army

1 Corps of Engineers entitled:

- 2 1. San Gorgonio River and Smith Creek, June 1973.
- 3 2. San Gorgonio River and Tributaries, October 1974.
- 4 3. Warm Springs Creek, February 2003.

5 c. The special flood hazard areas shown on the following maps prepared for  
6 the County of Riverside, including any amendments, revisions or additions  
7 thereto that are hereafter adopted by resolution of the Board of Supervisors  
8 of the County of Riverside after a public hearing on the proposed adoption:

- 9 1. Cactus Valley, 100-year Flood Plain and Floodway Limits, March  
10 1980.
- 11 2. Cabazon Flood Study, Flood Hazard Areas, June 1980.
- 12 3. Lakeview & Sierra Vista Tracts, 100-year Floodplain Limits,  
13 October 1990.
- 14 4. Tualota Creek, October 1984.
- 15 5. Long Valley Wash, October 2002.
- 16 6. Juniper Flats Floodplain, May 2006.
- 17 7. "Flood Insurance Study for Oasis Area of the Coachella Valley,  
18 April 2003."

19 d. The flood hazard areas as shown on the Awareness Maps that were prepared  
20 by the Department of Water Resources and received by RCFC&WCD on  
21 July 25, 2011, including any amendments, revisions or additions thereto that  
22 are hereafter adopted by resolution of the Board of Supervisors after a  
23 public hearing on the proposed adoption.

24 e. The flood hazard areas shown on the map prepared as part of the "Flood  
25 Plain Information, Colorado River, Palo Verde Dam to Imperial Dam"  
26 dated October 1974, for that area between the Palo Verde Diversion Dam  
27 and Taylor Ferry; or on any Flood Insurance Rate Maps, including any  
28 amendments or additions thereto that hereafter go into effect pursuant to the

1 provisions of the applicable Federal Law for the Colorado River.

- 2 f. Any maps of flood hazard areas hereafter adopted by resolution of the  
3 Board of Supervisors after a public hearing on the proposed adoption.

4 Section 6. ADMINISTRATION. Notwithstanding the provisions of any other  
5 ordinance to the contrary, within the special flood hazard areas shown on the maps referred to in Section  
6 5, no structure, including flow obstructing structures, shall be constructed, located or substantially  
7 improved and no land shall be graded, filled or developed, and no permit or approval shall be granted  
8 therefor, unless it complies with all the applicable requirements of this ordinance and all other applicable  
9 ordinances. If there is any conflict in or between the requirements of this ordinance and another  
10 ordinance, the more stringent requirements shall apply. If there is any conflict between the maps referred  
11 to in Section 5 of this ordinance the more stringent requirements shall apply.

- 12 a. Designation of the Floodplain Administrator. The Director of the  
13 Department of Building and Safety for the County of Riverside, or his  
14 designee, is hereby appointed to administer, coordinate, implement and  
15 enforce this ordinance by granting or denying development permits in  
16 accord with its provisions.

- 17 b. Duties and Responsibilities of the Floodplain Administrator. The duties and  
18 responsibilities of the Floodplain Administrator shall include, but not  
19 limited to the following:

- 20 1. Permit Review. Review all development permit applications to:  
21 a) Determine if permit requirements of this ordinance have  
22 been satisfied; and  
23 b) Make substantial improvement and substantial damage of  
24 existing structures determinations; and  
25 b) All other required state and federal permits have been  
26 obtained.  
27 2. Assurance. Assure procedures are coordinated with other  
28 departments/divisions and implemented by the County staff and take



1 any remedial actions necessary to administer and implement this  
2 ordinance.

3 3. Referrals. Refer public to RCFC&WCD or CVWD for review, use  
4 and development of other Base Flood data.

5 4. Submittals. Forward separate applications to RCFC&WCD or  
6 CVWD for technical review.

7 5. Notification. Notify other appropriate agencies of alteration or  
8 relocation of watercourses, changes on Base Flood Elevations due to  
9 physical alterations and changes in corporate boundaries.

10 6. Retention. Retain records of approved variances for floodplain  
11 development.

12 7. Reimbursement. Reimburse RCFC&WCD and CVWD for any  
13 review and input either agency provides on separate applications.

14 c. Consultation and Review by Other Agencies. Due to the subject matter  
15 expertise and functions of other agencies, the County intends to submit any  
16 separate applications required under this ordinance to the Riverside County  
17 Flood Control and Water Conservation District or the Coachella Valley  
18 Water District for review and input in accordance with the provisions of this  
19 ordinance.

20 d. Duties and Responsibilities of RCFC&WCD and CVWD. The duties and  
21 responsibilities include the following:

22 1. Review and process separate applications within their respective  
23 jurisdictions.

24 2. Maintain a record of all applications reviewed and approved  
25 including the application form, accompanying plans and Elevation  
26 Certificate.

27 3. Obtain, review and reasonably utilize any base flood elevation and  
28 floodway data available. Calculating base flood elevation, if

1 necessary.

2 4. Issue a report recommending approval, with conditions or  
3 modifications, or denial of the proposed separate application plan.

4 5. Make interpretations where needed, as to the exact location of the  
5 boundaries of the special flood hazard areas.

6 6. For RCFC&WCD only, RCFC&WCD shall:

7 a) Maintain a record of floodplain maps and supporting  
8 documentation for the special flood hazard areas included in  
9 Section 5; and

10 b) Complete and submit a Biennial Report to FEMA.

11 Section 7. PROCEDURE.

12 a. Insofar as it is feasible, it is intended that the requirements of this ordinance  
13 shall be integrated into the processing of applications for development  
14 permits under other Riverside County ordinances including, but not limited  
15 to, Ordinances Nos. 348, 369, 457, 460 and 555. When the information  
16 required, or the procedures involved, in the processing of such applications  
17 is not sufficient to assure compliance with the requirements of this  
18 ordinance, a separate application shall be filed as hereinafter provided.

19 b. Whenever an application for a permit involves land which lies within the  
20 special flood hazard area of any map referred to in Section 5 of this  
21 ordinance, the Floodplain Administrator that accepts the application shall  
22 determine if a separate application shall be filed.

23 1. If a permit would allow the location of any structure, new  
24 construction or substantial improvement thereto, or allow the  
25 alteration of land by grading or otherwise, or allow the placement of  
26 a recreational vehicle pursuant to section 8.a.8 of this ordinance, and  
27 the existing permit procedure does not otherwise provide for a  
28 specific and still appropriate, recommendation by RCFC&WCD or

1 CVWD, a separate application shall be filed by the applicant  
2 accompanied by a fee as set forth in Section 4 of Riverside County  
3 Ordinance No. 671 (“Ordinance No. 671”).

4 2. If a permit would allow the location of any structure, new  
5 construction or substantial improvement thereto, or allow the  
6 alteration of land by grading or otherwise, or allow the placement of  
7 a recreational vehicle pursuant to section 8.a.8 of this ordinance, and  
8 the existing permit procedure does provide for a specific, but may  
9 no longer be appropriate, recommendation by the RCFC&WCD or  
10 CVWD, a separate application shall be filed by the applicant  
11 accompanied by a 5.5 hour minimum fee set forth in Ordinance No.  
12 671 Section 17B to begin review.

13 3. If a permit would allow for an attached deck or enclosed patio, a  
14 separate application shall be filed by the applicant accompanied by a  
15 5.5 hour minimum fee set forth in Ordinance No. 671 Section 17B  
16 to begin review.

17 In order for the Floodplain Administrator to determine if the application for  
18 a permit qualifies as substantial improvement, the applicant shall provide a  
19 contractor’s cost estimate.

20 c. All separate applications shall be filed with the Floodplain Administrator  
21 that accepts the basic application and shall be accompanied by a fee as set  
22 forth in Ordinance No. 671. Sites on noncontiguous parcels shall require  
23 separate submittals. Each application shall contain plans that, at a  
24 minimum, include the following:

25 1. A plat map drawn to scale of the property proposed to be developed  
26 showing location, type and use of any structures proposed, base  
27 flood elevation data, floodways and floodplains, including adjoining  
28 properties necessary to be shown for continuity.



1 representative by regular mail of the need for additional information.  
2 RCFC&WCD and CVWD shall review and process separate applications  
3 within their respective jurisdictions as provided herein.

- 4 f. When base flood elevation data has not been provided through the maps  
5 referred to in Section 5, the RCFC&WCD or CVWD shall obtain, review,  
6 and reasonably utilize any base flood elevation and floodway data available  
7 from a federal or state agency, or other source, in order to administer  
8 Section 8.

9 NOTE: A base flood elevation may be calculated using one of two methods  
10 from the FEMA publication, FEMA 265, Managing Floodplain  
11 Development in Approximate Zone A Areas – A Guide for Obtaining and  
12 Developing Base (100 year) Flood Elevations, dated July 1995. For alluvial  
13 fans, the base flood depth and velocity may be calculated using methods  
14 from the FEMA publication, Guidelines and Specifications for Flood  
15 Hazard Mapping Partners, Appendix G: Guidance for Alluvial Fan  
16 Flooding Analyses and Mapping dated April 2003.

- 17 g. Within thirty (30) days after determining that all required information has  
18 been obtained, the RCFC&WCD or CVWD shall issue a report approving,  
19 with conditions or modifications, or denying the proposed plan.

- 20 h. The applicant shall submit to RCFC&WCD or CVWD certifications,  
21 including but not limited to Elevation Certificates, to satisfy the conditions  
22 as referenced in 7g, prior to the issuance of any subsequent building  
23 permits.

- 24 i. The RCFC&WCD and CVWD shall maintain a record of all applications  
25 reviewed and approved pursuant to this Ordinance. Said record shall  
26 consist of the application form, accompanying plans and Elevation  
27 Certificate.

28 Section 8. CONSTRUCTION STANDARDS. Within the areas shown on the maps

1 listed in Section 5, the following requirements shall apply:

2 a. Special Flood Hazard Areas. Within the areas shown on the maps listed in  
3 Section 5 as a Special Flood Hazard Area or floodplain, all proposed  
4 developments shall meet the following requirements:

5 1. All permit applications shall be reviewed to determine whether  
6 proposed building sites will be reasonably safe from flooding. All  
7 new structures, new construction and substantial improvements to  
8 existing structures shall:

9 a) Be designed (or modified) and adequately anchored to  
10 prevent flotation, collapse, or lateral movement of the  
11 structure resulting from hydrodynamic and hydrostatic loads,  
12 including the effects of buoyancy.

13 b) Be constructed with materials resistant to flood damage.

14 c) Be constructed by methods and practices that minimize flood  
15 damages.

16 d) Be constructed with electrical, heating, ventilation,  
17 plumbing, and air conditioning equipment and other service  
18 facilities that are designed or located so as to prevent water  
19 from entering or accumulating within the components during  
20 conditions of flooding.

21 e) Swimming pools shall:

22 1) Be constructed flush to the ground.

23 2) Have excavated dirt from the pool removed from the  
24 site or spread across the site, no more than four (4)  
25 inches thick.

26 3) Have equipment servicing the pool elevated at or  
27 above the Base Flood Elevation.

28 2. All new construction improvements that are not considered

1 substantial improvement shall be designed according to the  
2 requirements of the existing structure.

3 3. The existing structures shall also comply with current regulations  
4 (such as elevating the finished floor) when the substantial  
5 improvements to the existing structure consist of the following  
6 types: rehabilitation improvements, foundation improvements or  
7 replacement, a vertical addition and/or a structurally connected  
8 lateral addition.

9 4. All subdivision proposals and other proposed new development,  
10 including manufactured home parks or subdivisions greater than  
11 fifty (50) lots or five (5) acres, whichever is less, shall be required to  
12 identify the base flood elevation and be reviewed to determine  
13 whether such proposals will be reasonably safe from flooding. All  
14 such proposals shall be reviewed to assure that:

- 15 a) Such proposal is consistent with the need to minimize flood  
16 damage.
- 17 b) Prior to grading, a Conditional LOMR has been issued by  
18 FEMA.
- 19 c) Prior to inspection for occupancy, a LOMR has been issued  
20 by FEMA for areas shown as floodplain on the effective  
21 FIRM.
- 22 d) All utilities and facilities, such as sewer, gas, electrical,  
23 propane tanks, and water systems are located and constructed  
24 to minimize or eliminate flood damage.
- 25 e) Adequate drainage is provided to reduce exposure to flood  
26 hazards.
- 27 f) All other required state and federal permits have been  
28 obtained.

1 g) Alteration or relocation of a watercourse: Notify adjacent  
2 communities and the California Department of Water  
3 Resources prior to alteration or relocation. Submit evidence  
4 of such notification to FEMA.

5 5. All new and replacement water supply systems shall be designed to  
6 minimize or eliminate infiltration of floodwaters into the systems.

7 6. New and replacement sanitary sewage systems shall be designed to  
8 minimize or eliminate infiltration of floodwaters into the systems  
9 and discharges from the systems into flood waters, and on-site waste  
10 disposal systems shall be located to avoid impairment to them or  
11 contamination from them during flooding.

12 7. All manufactured homes to be placed or substantially improved shall  
13 be installed using methods and practices which minimize flood  
14 damage. For the purposes of this requirement, manufactured homes  
15 shall:

16 a) Be elevated on a permanent foundation such that the lowest  
17 floor is at or above the base flood elevation; and

18 b) Be securely anchored to an adequately anchored foundation  
19 system to resist flotation, collapse, and lateral movement.

20 Methods of anchoring may include, but are not limited to, use of  
21 over-the-top or frame ties to ground anchors. This requirement is in  
22 addition to applicable State and local anchoring requirements for  
23 resisting wind forces. The requirements of section 8.a., subsections  
24 7.a) and 7.b) herein shall only apply to i) manufactured homes  
25 located outside of a manufactured home park or subdivision; or ii) in  
26 a new manufactured home park or subdivision; or iii) in an  
27 expansion to an existing manufactured home park or subdivision on  
28 which a manufactured home has incurred substantial damage.



1 Notwithstanding the aforementioned requirements, manufactured  
2 homes that have not incurred substantial damage due to flood and  
3 are to be placed or substantially improved in an existing  
4 manufactured home park or subdivision may either have their  
5 chassis supported by reinforced piers or other foundation elements  
6 of at least equivalent strength that are no less than thirty-six (36)  
7 inches in height above grade and be securely anchored to an  
8 adequately anchored foundation system to resist flotation, collapse,  
9 and lateral movement or meet the requirements of section 8.a.7.a)  
10 herein.

11 8. All recreational vehicles to be placed shall:

- 12 a) Be on the site for fewer than one hundred eighty (180)  
13 consecutive days; and
- 14 b) Be fully licensed and ready for highway use.

15 Otherwise, recreational vehicles shall meet the separate application  
16 requirements of section 7.b. and the elevation and anchoring  
17 requirements for manufactured homes in section 8.a.7. A  
18 recreational vehicle is ready for highway use if it is on its wheels or  
19 jacking system, is attached to the site only by quick disconnect type  
20 utilities and security devices, and has no permanently attached  
21 additions.

22 9. Except as otherwise provided under Section 8.a. subsection 7., all  
23 new construction and substantial improvements of residential  
24 structures shall have the lowest floor (including basement) elevated  
25 to or above the base flood level.

26 10. All new construction and substantial improvements of nonresidential  
27 structures shall either:

- 28 a) Have the lowest floor (including basement) elevated to or

1 above the base flood level; or

2 b) Together with attendant utility and sanitary facilities, be  
3 designed so that below the Base Flood level the structure is  
4 watertight with walls substantially impermeable to the  
5 passage of water and with structural components having the  
6 capability of resisting hydrostatic and hydrodynamic loads  
7 and the effects of buoyancy.

8 11. For all new construction and substantial improvements, fully  
9 enclosed areas below the lowest floor that are subject to flooding  
10 shall be designed to automatically equalize hydrostatic flood forces  
11 on exterior walls by allowing for the entry and exit of floodwaters.  
12 A minimum of two openings having a total net area of not less than  
13 one square inch for every square foot of enclosed area subject to  
14 flooding shall be provided. The bottom of all openings shall be no  
15 higher than one foot above grade. Openings may be equipped with  
16 screens, louvers, valves, or other coverings or devices provided that  
17 they permit the automatic entry and exit of floodwaters.

18 12. Within any AO zone on the Flood Insurance Rate Maps, all new  
19 construction and substantial improvements of residential structures  
20 shall have the lowest floor (including basement) elevated above the  
21 highest adjacent grade at least as high as the depth number specified  
22 in feet on the Flood Insurance Rate Map (at least two feet if no  
23 depth number is specified).

24 13. Within any AO zone on the Flood Insurance Rate Maps, all new  
25 construction and substantial improvements of nonresidential  
26 structures shall either:

27 a) Have the lowest floor (including basement) elevated above  
28 the highest adjacent grade at least as high as the depth

1 number specified in feet on the Flood Insurance Rate Map  
2 (at least two feet if no depth number is specified); or

3 b) Together with attendant utility and sanitary facilities, be  
4 completely flood proofed to that level so that the structure is  
5 watertight with walls substantially impermeable to the  
6 passage of water and with structural components having the  
7 capability of resisting hydrostatic and hydrodynamic loads  
8 and the effects of buoyancy.

9 14. Within any AH and AO zones on the Flood Insurance Rate Maps,  
10 adequate drainage paths around structures on slopes, to guide  
11 floodwaters around and away from proposed structures, shall be  
12 provided.

13 15. Whenever a watercourse or mapped floodplain is to be altered or  
14 relocated, the flood carrying capacity of the altered or relocated  
15 portion of the watercourse or mapped floodplain shall be  
16 maintained. Manufactured slopes that encroach into a floodplain  
17 and which are subject to erosive velocities, are considered flood  
18 control facilities and must be maintained by a public entity.  
19 However, the appropriateness of such encroachment shall be  
20 determined at the sole discretion of the RCFC&WCD or the CVWD.  
21 Adjacent communities and the Federal Insurance Administration  
22 shall be notified of any such alteration or relocation by means of a  
23 request for a LOMR for floodplains shown on the effective FIRM  
24 panel. Within six (6) months of information becoming available or  
25 project completion, whichever comes first, the Floodplain  
26 Administrator shall submit or assure that the permit applicant  
27 submits technical or scientific data to FEMA for a Letter of Map  
28 Revision (LOMR).

1 16. All plans prepared for the development of property within a mapped  
2 floodplain shall be prepared and certified by a civil engineer  
3 registered in the State of California.

4 17. All proposed development applications shall be reviewed to assure  
5 that all necessary permits have been received from those  
6 governmental agencies from which approval is required by Federal  
7 or State law.

8 18. All new buildings and/or substantial improvements located within  
9 the 500 year floodplain limits of Lake Elsinore shall have their  
10 lowest floor elevated a minimum of three (3) feet above said water  
11 body's 100 year water surface elevation. For the purpose of this  
12 ordinance, Lake Elsinore's water surface elevation shall be 1265.7  
13 (NAVD 88).

14 19. Any flood water storage displaced as a result of fill placement  
15 within Lake Elsinore's 100 year floodplain shall be made up by  
16 excavating 1.3 times the displaced volume within the elevation  
17 range between 1249.4 and 1265.7 (NAVD88).

18 b. Floodways.

19 1. No structure shall be constructed, located or substantially improved  
20 and no land shall be graded, filled or developed in the areas  
21 designated as floodways, except upon approval of a plan which  
22 provides that the proposed development will not result in any  
23 increase in flood levels during the occurrence of the base flood  
24 discharge. If a proposed permit qualifies for approval in the  
25 floodway, it shall then meet all the requirements necessary for  
26 approval of a permit in a Special Flood Hazard Area or floodplain.

27 2. Until such time that a regulatory floodway is adopted, no new  
28 construction or other development (including fill) shall be permitted

1 within Zones A, A1-30 and AE, unless it is demonstrated that the  
2 cumulative effect of the proposed development, when combined  
3 with all other development, will not increase the water surface  
4 elevation of the base flood more than one (1) foot or as determined  
5 by the RCFC&WCD or the CVWD at any point along the  
6 floodplain.

7 Section 9. APPEALS.

- 8 a. An applicant, or any interested party, shall have the right to appeal the  
9 decision or determination by Floodplain Administrator that is made on an  
10 application if appellant believes that an error has been made in the  
11 recommendation by the RCFC&WCD or CVWD. The decision of the  
12 Floodplain Administrator shall be considered final unless the applicant or  
13 an interested party files an appeal with the Clerk of the Board of  
14 Supervisors accompanied by the fee set forth in Ordinance No. 671 within  
15 ten days after the decision or determination.
- 16 b. If a timely appeal is filed, the Clerk of the Board shall set a public hearing  
17 for the matter to be heard before the Board of Supervisors of the County of  
18 Riverside ("Board") not less than five (5) but not more than forty-five (45)  
19 days thereafter and shall give notice, by mail no less than ten (10) days prior  
20 to the hearing, to the applicant, the appellant, the Floodplain Administrator  
21 with whom the application was originally filed and the applicable General  
22 Manager-Chief Engineer of the RCFC&WCD or CVWD. The Board shall  
23 render its decision on the matter upon the close of the public hearing on the  
24 matter.
- 25 c. Appeals may be granted by the Board if the Board finds that there has been  
26 an error in any requirement, decision or determination relating to the  
27 application for the permit. The Board may reverse or affirm, wholly or  
28 partly, or may modify the decision appealed from and the Board's decision

1 is final.

2 Section 10. REQUESTS FOR VARIANCES. An applicant shall also have the right to  
3 request that a variance be granted to the construction standards or technical requirements of this ordinance  
4 or to the conditions imposed upon a permit.

5 a. Basis for Variance. The issuance of a variance pursuant to this ordinance is  
6 for floodplain management purposes only. Insurance premium rates are  
7 determined by statute according to actuarial risk and will not be modified  
8 by the granting of a variance. The variance criteria set forth in this section  
9 of the ordinance are based on the general principle of zoning law that  
10 variances pertain to a piece of property and are not personal in nature. A  
11 variance may be granted for a parcel of property with physical  
12 characteristics so unusual that complying with the requirements of this  
13 ordinance would create an exceptional hardship to the applicant or the  
14 surrounding property owners. The characteristics must be unique to the  
15 property and not be shared by adjacent parcels. The unique characteristic  
16 must pertain to the land itself, not to the structure, its inhabitants, or the  
17 property owners. The need to help protect the citizens of Riverside County  
18 from flooding is so compelling and the implications of the cost of insuring a  
19 structure built below flood level are so serious that variances from the flood  
20 elevation or from other requirements in the flood ordinance are quite rare.  
21 The long term goal of preventing and reducing flood loss and damage can  
22 only be met if variances are strictly limited. Therefore, the variance  
23 guidelines provided in this ordinance are more detailed and contain multiple  
24 provisions that must be met before a variance can be properly granted. The  
25 criteria are designed to screen out those situations in which alternatives  
26 other than a variance are more appropriate.

27 b. Application Process. An application to request a variance shall be made to  
28 the Floodplain Administrator, upon the form provided by the Department of

1 Building and Safety, accompanied by a fee as set forth in Ordinance No.  
2 671. Upon receipt of a completed application, the Floodplain Administrator  
3 shall request and obtain a technical recommendation from the RCFC&WCD  
4 or CVWD. The Floodplain Administrator shall render its decision on the  
5 matter within thirty (30) days after receipt of the report and  
6 recommendation from RCFC&WCD or CVWD. Any applicant to whom a  
7 variance is granted shall be given written notice that the cost of flood  
8 insurance will be commensurate with the increased risk resulting from the  
9 granting of the variance. Any applicant to whom a variance is granted shall  
10 promptly record an instrument evidencing said variance with the Riverside  
11 County Recorder's office. Said recordation shall be maintained until such  
12 time that the applicable flood hazard area has been removed.

13 c. Conditions for Variances.

- 14 1. Generally, variances may be issued for new construction, substantial  
15 improvement, and other proposed new development to be erected on  
16 a lot of one-half acre or less in size contiguous to and surrounded by  
17 lots with existing structures constructed below the base flood level,  
18 providing that the procedures of this ordinance have been fully  
19 considered. As the lot size increases beyond one-half acre, the  
20 technical justification required for issuing the variance increases.
- 21 2. Variances may be issued for the repair or rehabilitation of "Historic  
22 Structures" (as defined in section 4 of this ordinance) upon a  
23 determination that the proposed repair or rehabilitation will not  
24 preclude the structure's continued designation as an historic structure  
25 and the variance is the minimum necessary to preserve the historic  
26 character and design of the structure.
- 27 3. Variances shall not be issued within any mapped regulatory  
28 floodway if any increase in flood levels during the base flood

1 discharge would result.

2 4. Variances shall only be issued upon a determination that the  
3 variance is the "minimum necessary" considering the flood hazard,  
4 to afford relief. "Minimum necessary" means to afford relief with a  
5 minimum of deviation from the requirements of this ordinance.

6 5. Any applicant to whom a variance is granted shall be given written  
7 notice over the signature of a community official that:

8 a) The issuance of a variance to construct a structure below the  
9 base flood level will result in increased premium rates for  
10 flood insurance; and

11 b) Such construction below the base flood level increases risks  
12 to life and property. Applicant shall record, or caused to be  
13 recorded, a copy of the notice in the Official Records of the  
14 County of Riverside and shall be recorded in a manner so  
15 that it appears in the chain of title of the affected parcel of  
16 land. Applicant shall provide a conformed copy of the  
17 recorded notice to the Floodplain Administrator prior to the  
18 issuance of the permit to which the variance is approved.

19 6. The Floodplain Administrator will maintain a record of all variance  
20 actions, including justification for their issuance.

21 d. Findings Required for Variances. Variances on the requirements of this  
22 ordinance or the conditions of an approved permit may only be granted if  
23 the Floodplain Administrator finds:

24 1. That the approval of a variance was for good and sufficient cause  
25 which amount to special circumstances applicable to the subject  
26 property that does not generally apply to other property in the same  
27 Special Flood Hazard Area.

28 2. That failure to grant the variance would result in exceptional



1 hardship to the applicant.

2 3. That the granting of a variance will not confer a special privilege not  
3 enjoyed by other similarly situated properties.

4 4. That strict application of the ordinance deprives the property of  
5 privileges enjoyed by other property in the vicinity and in the same  
6 Special Flood Hazard Area.

7 5. That the granting of a variance will not result in increased flood  
8 heights, additional threats to public safety, extraordinary public  
9 expense, create nuisances, cause fraud on or victimize the public or  
10 conflict with existing laws or ordinances.

11 6. That the variance is the minimum necessary, considering the flood  
12 hazard, to afford relief.

13 e. Appeal. An applicant or interested party may appeal a decision by  
14 Floodplain Administrator that is made on an application for a variance in  
15 accordance with the procedures provided in Section 9 of this ordinance.

16 Section 11. **DISCLAIMER OF LIABILITY.** The degree of flood protection required  
17 by this ordinance is considered reasonable for regulatory purposes and is based on scientific and  
18 engineering considerations. Flood heights may be increased by man-made or natural causes, and this  
19 ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such  
20 areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of  
21 the County of Riverside, any officer or employee thereof, or the Federal Insurance Administration or the  
22 Riverside County Flood Control and Water Conservation District, or the Coachella Valley Water District,  
23 for any flood damages resulting from reliance on this ordinance or any determination made thereunder.

24 Section 12. **VIOLATIONS AND PENALTIES.** The procedures, remedies and  
25 penalties for violation of this ordinance and for recovery of costs related to enforcement are provided for  
26 in Ordinance No. 725, as it is amended from time to time, which is incorporated herein by this reference.

27 Section 13. **SEVERABILITY.** If any provision, clause, sentence or paragraph of this  
28 ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity

1 shall not affect the other provisions of this ordinance which can be given effect without the invalid  
2 provision or application, and to this end, the provisions of this ordinance are hereby declared to be  
3 severable.

4 Section 14. This ordinance shall take effect thirty (30) days after its adoption.”

6 Section 2. This ordinance shall take effect thirty (30) days after its adoption.

8 BOARD OF SUPERVISORS OF THE COUNTY  
9 OF RIVERSIDE, STATE OF CALIFORNIA

10 By: \_\_\_\_\_  
11 Chairman

12 ATTEST: Kecia Harper-Ihem  
13 CLERK OF THE BOARD:

14 By: \_\_\_\_\_  
15 Deputy

16 (SEAL)  
17

18 APPROVED AS TO FORM  
19 June 19, 2014

20 By: Synthia M. Gunzel  
21 SYNTHIA M. GUNZEL,  
22 Deputy County Counsel

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