

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

862A



FROM: Transportation and Land Management Agency

SUBMITTAL DATE:
June 19, 2014

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

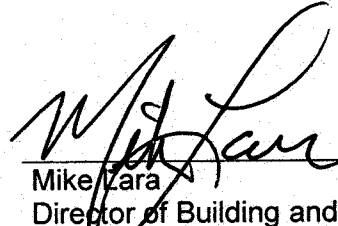
RECOMMENDED MOTION: That the Board of Supervisors:

INTRODUCE Ordinance No. 458.14, an Ordinance of the County of Riverside amending Ordinance No. 458 in its entirety which regulates development in flood hazard areas and establishes procedures to implement the National Flood Insurance Program; and

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 | |

SOURCE OF FUNDS:

Budget Adjustment: N/A

For Fiscal Year: N/A

C.E.O. RECOMMENDATION:

APPROVE

BY:

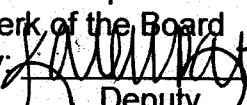

Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above ordinance is approved as introduced with waiver of reading.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: July 1, 2014
xc: TLMA, COB

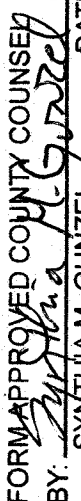
Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

Prev. Agn. Ref.: 3.11 of 7/29/08; 3-56 of 6/17/14

District: All

Agenda Number:

3-48

FORM APPROVED COUNTY COUNSEL
BY: 
CYNTHIA M. GUNZEL
DATE: 6-19-14
Departmental Concurrence

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

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Introduction of Ordinance No. 458.14, amending Riverside County Ordinance No. 458 Regulating Special Flood Hazard Areas and Implementing the National Flood Insurance Program – 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 consistency, clarification and direction.

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 pertaining 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.

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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.

This 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