

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



ITEM
3.27
(ID # 4096)

MEETING DATE:

Tuesday, May 2, 2017

FROM : TLMA-BUILDING AND SAFETY:

SUBJECT: TLMA-BUILDING AND SAFETY: Introduction of Ordinance No. 458.15, Amending Riverside County Ordinance No. 458 (Regulating Special Flood Hazard Areas and Implementing the National Flood Insurance Program) to Provide Consistency between Ordinance No. 458 and the 2016 California Building Standards Code (California Code of Regulations, Title 24) (2016 CRC) which became Effective on January 1, 2017 and to Revise other Provisions of the Ordinance in Order to Streamline Development Process in a Floodplain, CEQA Findings of Exemption, All Supervisorial Districts. [\$15,000 - Total Cost-Fee Revenue 100%]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Find that the adoption of Ordinance No. 458.15 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. Introduce, read title, and waive further reading of, and adopt on successive weeks Ordinance No. 458.15, 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.
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

ACTION: Policy

Charissa Leach, Assistant TLMA Director

4/17/2017

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and that the above Ordinance is approved as introduced with a waiver of reading.

Ayes: Jeffries, Tavaglione, Washington and Ashley
Nays: None
Absent: None
Date: May 2, 2017
xc: TLMA-Building and Safety, COB

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 15,000	\$ 0	\$15,000	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: Departmental Revenue. No general fund.			Budget Adjustment:	No
			For Fiscal Year:	16/17

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

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"). 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 December 6, 2016 (Item 3-35), the Board of Supervisors adopted an order to initiate an amendment to Ordinance No. 458 to add the language required to provide consistency between Ordinance No. 458 and the 2016 California Building Standards Code (California Code of Regulations, Title 24) (2016 CRC) which became effective on January 1, 2017 and to provide other administrative revisions for consistency, clarification and direction.

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 definitions to provide clarification
- Revising the construction standards to provide consistency with 2016 California Building Standards Code
- Clarify procedure to revise Special Flood Hazard Areas

Ordinance No. 458.15 does not prompt any new flood control projects. It is a current County Ordinance that is being amended for the reasons provided above. This Ordinance amendment is to maintain what currently exists for the protection and aid of the public from the County's continued participation in NFIP.

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

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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.

On February 7, 2017 (Item 3-31), Ordinance No. 458.15 was Introduced. It was brought to our attention that Section 8.a.11 and 8.a.14 are for nonresidential structures and are not subject to the 2016 California Residential Code standards. Nonresidential structures per the California Building Code do not require the finished floor to be elevated an additional 1 foot above the base flood elevation. The finished floor requirements for Section 8.a.11 and 8.a.14 will not change from Ordinance No. 458.14.

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

Compliance with CEQA

Ordinance No. 458.15 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 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 in compliance with the 2016 California Building Standards Code. Any actual project proposed by property owners will have to undergo its own CEQA analysis.

Impact on Residents and Businesses

Compliance with the California Building Standards Code is state law and will govern over Ordinance No. 458. Residents may have increased construction costs for the lowest floor to be elevated the additional one (1) foot required by the California Residential Code. However, residents may benefit from a potential flood insurance premium reduction when higher standards are used. Businesses have no change per the California Building Code.

SUPPLEMENTAL:

Additional Fiscal Information

There are minimal administrative costs limited to staff time and the necessary processing of documents associated with amending Ordinance No. 458. There is adequate departmental funding for this activity. These costs will be borne both by RCFC&WCD with a small portion by Building and Safety. No general fund dollars are allocated for this effort.

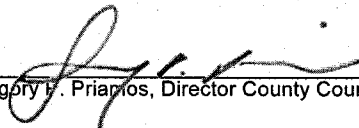
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Contract History and Price Reasonableness

N/A

ATTACHMENTS

- A. Ordinance 458.15
- B. Redline Ordinance 458.15
- C. Notice of Exemption



Gregory F. Priamos, Director County Counsel 4/12/2017

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
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 and 65850 to promote the public health, safety
27 and general welfare of its residents. This ordinance is adopted pursuant to the requirements of the
28 National Flood Insurance Program, Title 42 United States Code Section 4001, et seq. and Code of Federal

1 Regulations, Title 44, Chapter I, Subchapter B, Part 59, as each may be amended, including all
2 regulations adopted pursuant thereto. Flood heights may be increased by man-made or natural causes.
3 This ordinance does not imply that land outside the regulated areas or the uses and development permitted
4 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" and thus would be
17 considered Accessory Structures.
- 18 c. Awareness Map. Means and refers to those floodplain maps produced by
19 the Department of Water Resources of the State of California that initially
20 identify flood hazard areas using approximate assessment procedures to
21 map 100 year floodplains for both riverine and alluvial fan conditions.
22 Such "awareness floodplains" will be shown simply as flood hazard areas
23 without specific depth and other flood hazard data.
- 24 d. Base Flood. Means and refers to a flood which has a one percent (1%)
25 chance of being equaled or exceeded in any given year (also called the
26 "100-Year Flood"). Base Flood is the term commonly used throughout this
27 ordinance.
- 28 e. Base Flood Elevation (BFE). Means and refers to the elevation shown on

1 the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30,
2 and those elevation determined by the County of Riverside for other special
3 flood hazard areas that indicates the water surface elevation resulting from a
4 flood that has a one percent (1%) or greater chance of being equaled or
5 exceeded in any given year.

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

8 g. Building Code. Means and refers to the latest edition of the California
9 Residential Code (CRC), California Code of Regulations, Title 24, Part 2.5,
10 in effect at the time a building permit application is issued.

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11 hg. CVWD. Means and refers to the Coachella Valley Water District, a special
12 district created under California law.

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

18 ii. Contractor. Means and refers to a licensed General Contractor or
19 professional construction estimator.

20 ki. Development. Means and refers to any man-made change to improved or
21 unimproved real estate, including but not limited to buildings or other
22 structures, mining, dredging, filling, grading, paving, excavation, drilling
23 operations, storage of equipment or materials.

24 kl. Elevation Certificate (Known as FEMA Form 086-0-33 ~~expiring in effect as~~
25 of ~~on July 31, 2015-2016~~ or the latest version thereafter). Means and refers
26 to a form used for recording the finished floor elevations and adjacent
27 ground of a building.

28 lm. Encroachment. Means and refers to activities or construction within the

1 floodway including fill, new construction, substantial improvements, or
2 other development. These activities are prohibited within the adopted
3 regulatory floodway unless it has been demonstrated through hydrologic
4 and hydraulic analyses that the proposed encroachments would not result in
5 any increase in flood levels.

6 en. Existing Manufactured Home Park or Subdivision. Means and refers to a
7 manufactured home park or subdivision for which the construction of
8 facilities for servicing the lots on which the manufactured homes are to be
9 affixed (including, at a minimum, the installation of utilities, either final site
10 grading or pouring of concrete pads, and the construction of streets) is
11 completed before July 5, 1979.

12 eo. Expansion to an Existing Manufactured Home Park or Subdivision. Means
13 and refers to the preparation of additional sites by the construction of
14 facilities for servicing the lots on which the manufactured homes are to be
15 affixed (including the installation of utilities, either final site grading or
16 pouring of concrete pads, or the construction of streets).

17 ep. FEMA. Means and refers to the Federal Emergency Management Agency.

18 eq. Flood Insurance Rate Map (FIRM). Means and refers to the official map on
19 which the Federal Emergency Management Agency or Federal Insurance
20 Administration has delineated both the areas of special flood hazards and
21 the risk premium zones applicable to the unincorporated areas of Riverside
22 County.

23 er. Flood Insurance Study. Means and refers to the official report provided by
24 the Federal Insurance Administration that includes discharge rates, flood
25 profiles, the Flood Insurance Rate Map(s), and the water surface elevations
26 of the base floods.

27 es. Floodplain Administrator. Means and refers to the Director, or his
28 designee, of the Department of Building and Safety for the County of

Riverside.

st. Floodproofing Means and refers to any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

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

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

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

1 wx. Historic Structure. Means and refers to any structure that is:

- 2 1. Listed individually in the National Register of Historic Places (a
3 listing maintained by the Department of Interior) or preliminarily
4 determined by the Secretary of the Interior as meeting the
5 requirements for individual listing on the National Register; or
6 2. Certified or preliminarily determined by the Secretary of the Interior
7 as contributing to the historical significance of a registered historic
8 district or a district preliminarily determined by the Secretary to
9 qualify as a registered historic district; or
10 3. Individually listed on a state inventory of historic places in states
11 with historic preservation programs which have been approved by
12 the Secretary of Interior; or
13 4. Individually listed on a local inventory of historic places in
14 communities with historic preservation programs that have been
15 certified either by an approved state program as determined by the
16 Secretary of the Interior or directly by the Secretary of the Interior in
17 states without approved programs.

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

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

28 zaa. LOMR. Means and refers to a "Letter of Map Revision."

1 aabb. Lowest Floor. Means and refers to the lowest floor of the lowest enclosed
2 area (including basement). An unfinished or flood resistant enclosure,
3 usable solely for parking of vehicles, building access or storage in an area
4 other than a basement area is not considered a building's lowest floor;
5 provided, that such enclosure is not built so as to render the structure in
6 violation of applicable non-elevation design requirements of Section 8 of
7 this ordinance.

8 bbcc. Manufactured Home. Means and refers to a structure, transportable in one
9 or more sections, which is built on a permanent chassis and is designed for
10 use with or without a permanent foundation when attached to the required
11 utilities. The term "Manufactured Home" does not include a recreational
12 vehicle.

13 eedd. Manufactured Home Park or Subdivision. Means and refers to a parcel (or
14 contiguous parcels) of land divided into two or more manufactured home
15 lots for rent or sale.

16 ddcc. Market Value. Means and refers to the price agreed to be paid in an open
17 market by a willing buyer to a willing seller, with neither acting under
18 compulsion to buy or sell, giving due consideration to all economic uses of
19 the property at the time of the valuation. The market value of a structure
20 reflects its original quality, subsequent improvements, physical age of
21 building components and current condition. For the purposes of
22 determining substantial improvement, market value pertains only to the
23 structure in question. It does not pertain to the land, landscaping or
24 detached accessory structures on the property. Market value of the structure
25 will be obtained by the Floodplain Administrator using the assessed value
26 of the structure as shown on the last equalization assessment roll. The
27 resulting market value is intended to bring order and equity to the Separate
28 Application process which can be readily determined and administered

1 without undue delays to the applicant. Alternatively, the applicant can
2 submit a formal appraisal to determine the market value.

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

6 #egg. New Construction. Means and refers to structures for which the "Start of
7 Construction" commenced on or after July 5, 1979, and includes any
8 subsequent improvements to such structures.

9 eghh. New Manufactured Home Park or Subdivision. Means and refers to a
10 manufactured home park or subdivision for which the construction of
11 facilities for servicing the lots on which the manufactured homes are to be
12 affixed (including at a minimum, the installation of utilities, either final site
13 grading or the pouring of concrete pads, and the construction of streets) is
14 completed on or after July 5, 1979.

15 hhii. RCFC&WCD. Means and refers to the Riverside County Flood Control
16 and Water Conservation District, a special district created under California
17 law.

18 #iii. Recreational Vehicle. Means and refers to a vehicle which is (i) built on a
19 single chassis; (ii) 400 square feet or less when measured at the largest
20 horizontal projection; (iii) designed to be self-propelled or permanently
21 towable by a light duty truck; and (iv) designed primarily not for use as a
22 permanent dwelling but as temporary living quarters for recreational,
23 camping, travel, or seasonal use.

24 jjkk. Separate Application. An additional floodproofing permit application will
25 be required when processing an application for development permit for land
26 which lies within the special flood hazard area of any map referred to in
27 Section 5 of this ordinance.

28 kkll. Special Flood Hazard Area (SFHA). Means and refers to an area in the

1 floodplain subject to a one percent (1%) or greater chance of flooding in
2 any given year. It is shown on an FHBM or FIRM as Zone A, AO,
3 A1-A30, AE, A99, or, AH. This includes floodplains, flood boundaries and
4 flood hazards within the studies listed in Section 5.

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

24 ~~HHMM~~. Structure. Means and refers to all buildings and structures, including
25 agricultural buildings that require a registration certificate and manufactured
26 homes; and their appurtenances such as gas or liquid storage tanks and flow
27 obstructing walls or fences.

28 ~~HHOO~~. Substantial Improvements/Substantially Improved. Means and refers to any

1 reconstruction, rehabilitation, addition, or other improvement of a structure,
2 in which the cost of this improvement equals or exceeds 50 percent of the
3 market value of the structure before the Start of Construction of the
4 proposed improvement. This term includes structures which have incurred
5 "Substantial Damage" (as it is hereinafter defined), regardless of the actual
6 repair work performed. The term does not include any alterations necessary
7 to comply with existing state or local health, sanitary or safety code
8 specifications or regulations, or any alterations of a structure listed on the
9 National Register of Historic Places or a State Inventory of Historic Places.

10 ~~oopp.~~ Substantial Damage. Means and refers to damage of any origin sustained
11 by a structure whereby the cost of restoring the structure to its condition
12 before its damaged condition would equal or exceed 50 percent of the
13 market value of the structure before the damage occurred.

14 ~~ppqq.~~ Vertical Addition. Means and refers to when an addition is a full or partial
15 second floor. When a vertical addition meets the criteria for a substantial
16 improvement, the entire structure must be elevated since the existing
17 building provides the foundation for the addition.

18 ~~qerr.~~ Violation. Means and refers to the failure of a structure or other
19 development to be fully compliant with this ordinance. A structure or other
20 development without the elevation certificate, other certifications, or other
21 evidence of compliance required in this ordinance is presumed to be in
22 violation until such time as that documentation is provided.

23 Section 5. APPLICATION. This ordinance shall apply to all the special flood hazard
24 areas within the unincorporated areas and within the jurisdiction of the County of Riverside on file at
25 RCFC&WCD headquarters and shown on the Public Flood Hazard Determination Interactive Map found
26 at <http://rcflood.org>. These special flood hazard areas incorporate:

- 27 a. The flood hazard areas shown on the maps prepared by the Federal
28 Insurance Administration ~~Emergency Management Agency~~ entitled "The

1 Flood Insurance Study for the County of Riverside" effective August 2818,
2 20082014, with accompanying Flood Insurance Rate Maps and Flood
3 Hazard Boundary Maps, prepared by the Federal Emergency Management
4 Agency including any subsequent amendments, revisions or additions
5 thereto that hereafter go into effect pursuant to the provisions of the
6 applicable Federal law.

7 b. The flood hazard areas shown on the maps prepared by the U.S. Army
8 Corps of Engineers entitled:

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

12 c. The special flood hazard areas shown on the following maps prepared for
13 Riverside County, including any amendments, revisions or additions thereto
14 that are hereafter adopted by resolution of the Board of Supervisors after a
15 public hearing on the proposed adoption per the provisions of Section 9 of
16 this ordinance:

- 17 1. Cactus Valley, 100-year Flood Plain and Floodway Limits, March
18 1980.
- 19 2. Cabazon Flood Study, Flood Hazard Areas, June 1980.
- 20 3. Lakeview & Sierra Vista Tracts, 100-year Floodplain Limits,
21 October 1990.
- 22 4. Tualota Creek, October 1984.
- 23 5. Long Valley Wash, October 2002.
- 24 6. Juniper Flats Floodplain, May 2006.
- 25 7. "Flood Insurance Study for Oasis Area of the Coachella Valley,
26 April 2003."

27 d. The flood hazard areas as shown on the Awareness Maps that were prepared
28 by the Department of Water Resources and received by RCFC & WSD WCD

1 on July 25, 2011, including any amendments, revisions or additions thereto
2 that are hereafter adopted by resolution of the Board of Supervisors after a
3 public hearing on the proposed adoption per the provisions of Section 9 of
4 this ordinance.

5 e. The flood hazard areas shown on the map prepared as part of the "Flood
6 Plain Information, Colorado River, Palo Verde Dam to Imperial Dam"
7 dated October 1974, for that area between the Palo Verde Diversion Dam
8 and Taylor Ferry; or on any Flood Insurance Rate Maps and Flood Hazard
9 Boundary Maps, including any amendments or additions thereto that
10 hereafter go into effect pursuant to the provisions of the applicable Federal
11 Law for the Colorado River.

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

14 Section 6. ADMINISTRATION. Notwithstanding the provisions of any other
15 ordinance to the contrary, within the special flood hazard areas shown on the maps referred to in Section
16 5, no structure, including flow obstructing structures, shall be constructed, located or substantially
17 improved and no land shall be graded, filled or developed, and no permit or approval shall be granted
18 therefor, unless it complies with all the applicable requirements of this ordinance and all other applicable
19 ordinances. If there is any conflict in or between the requirements of this ordinance and another
20 ordinance, the more stringent requirements shall apply. If there is any conflict between the maps referred
21 to in Section 5 of this ordinance the more stringent requirements shall apply.

22 a. Designation of the Floodplain Administrator. The Director of the
23 Department of Building and Safety for the County of Riverside, or his
24 designee, is hereby appointed to administer, coordinate, implement and
25 enforce this ordinance by granting or denying development permits in
26 accord with its provisions.

27 b. Duties and Responsibilities of the Floodplain Administrator. The duties and
28 responsibilities of the Floodplain Administrator shall include, but not

1 limited to the following:

- 2 1. Permit Review. Review all development permit applications to:
- 3 a) Determine if permit requirements of this ordinance have
- 4 been satisfied; and
- 5 b) Make substantial improvement and substantial damage of
- 6 existing structures determinations; and
- 7 b) All other required state and federal permits have been
- 8 obtained.
- 9 2. Assurance. Assure procedures are coordinated with other
- 10 departments/divisions and implemented by County staff and take
- 11 any remedial actions necessary to administer and implement this
- 12 ordinance.
- 13 3. Referrals. Refer public to RCFC&WCD or CVWD for review, use
- 14 and development of other Base Flood data.
- 15 4. Submittals. Forward separate applications to RCFC&WCD or
- 16 CVWD for technical review.
- 17 5. Notification. Notify other appropriate agencies of alteration or
- 18 relocation of watercourses, changes on Base Flood Elevations due to
- 19 physical alterations and changes in corporate boundaries.
- 20 6. Retention. Retain records of approved variances for floodplain
- 21 development.
- 22 7. Reimbursement. Reimburse RCFC&WCD and CVWD for any
- 23 review and input either agency provides on separate applications.
- 24 c. Consultation and Review by Other Agencies. Due to the subject matter
- 25 expertise and functions of other agencies, the County intends to submit any
- 26 separate applications required under this ordinance to the Riverside County
- 27 Flood Control and Water Conservation District or the Coachella Valley
- 28 Water District for review and input in accordance with the provisions of this

1 ordinance.

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

- 4 1. Review and process separate applications within their respective
5 jurisdictions.
- 6 2. Maintain a record of all applications reviewed and approved
7 including the application form, accompanying plans and Elevation
8 Certificate.
- 9 3. Obtain, review and reasonably utilize any base flood elevation and
10 floodway data available. Calculating base flood elevation, if
11 necessary.
- 12 4. Issue a report recommending approval, with conditions or
13 modifications, or denial of the proposed separate application plan.
- 14 5. Make interpretations where needed, as to the exact location of the
15 boundaries of the special flood hazard areas.
- 16 6. For RCFC&WCD only, RCFC&WCD shall:
- 17 a) Maintain a record of floodplain maps and supporting
18 documentation for the special flood hazard areas included in
19 Section 5; and
- 20 b) Complete and submit a Biennial Report to FEMA.

21 Section 7. PROCEDURE.

- 22 a. Insofar as it is feasible, it is intended that the requirements of this ordinance
23 shall be integrated into the processing of applications for development
24 permits under other County Ordinances including, but not limited to,
25 Ordinances Nos. 348, 369, 457, 460 and 555. When the information
26 required, or the procedures involved, in the processing of such applications
27 is not sufficient to assure compliance with the requirements of this
28 ordinance, a separate application shall be filed as hereinafter provided.

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

5 1. If a permit would allow the location of any structure, new
6 construction or substantial improvement thereto, or allow the
7 alteration of land by grading or otherwise, or allow the placement of
8 a recreational vehicle pursuant to section 8.a.8 of this ordinance, and
9 the existing permit procedure does not otherwise provide for a
10 specific and still appropriate, recommendation by RCFC&WCD or
11 CVWD, a separate application shall be filed by the applicant
12 accompanied by a fee as set forth in Ordinance No. 671 Section 4.

13 2. If a permit would allow the location of any structure, new
14 construction or substantial improvement thereto, or allow the
15 alteration of land by grading or otherwise, or allow the placement of
16 a recreational vehicle pursuant to section 8.a.8 of this ordinance, and
17 the existing permit procedure does provide for a specific and still
18 appropriate recommendation by the RCFC&WCD or CVWD, a
19 separate application shall be filed by the applicant accompanied by a
20 5.5 hour minimum fee set forth in Ordinance No. 671 Section 17B
21 to begin review.

22 3. If a permit would allow for an attached deck or enclosed patio, a
23 separate application shall be filed by the applicant accompanied by a
24 5.5 hour minimum fee set forth in Ordinance No. 671 Section 17B
25 to begin review.

26 In order for the Floodplain Administrator to determine if the application for
27 a permit qualifies as substantial improvement, the applicant shall provide a
28 contractor's cost estimate.

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

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

10 2. Elevation contours, with maximum interval of:

SLOPE	INTERVAL
0 - 2.99%	1'
3 - 9.99%	4'
10% plus	10'

11 3. Elevations, in relation to the 1988 North American Vertical Datum,
12 of the area to be developed, including adjoining properties necessary
13 to be shown for continuity. The elevation, in relation to the 1988
14 North American Vertical Datum, of the lowest floor (including
15 basement) of all new or substantially improved structures, and
16 whether or not such structures contain a basement shall be stated.

17 4. The method by which the applicant proposes to comply with the
18 requirements of this ordinance, including proposed elevations of any
19 structures or fills, flood proofing, erosion protection, flow-through
20 area, any proposals to modify existing flow of storm waters and any
21 other relevant information. If any structure is to be flood proofed,
22 the elevation, in relation to the 1988 North American Vertical
23 Datum, to which such structure is to be flood proofed shall be stated.
24

25 5. All applications plans shall be prepared and certified by a civil
26
27
28

1 engineer registered in the State of California.

2 d. Upon acceptance of both applications as being complete for filing, the
3 Floodplain Administrator shall forward copies of the basic application and
4 the separate application to the RCFC&WCD, unless the proposed
5 development lies within the area jurisdiction of the CVWD, in which case it
6 shall be forwarded to said District.

7 e. Within thirty (30) days of receipt thereof, the RCFC&WCD or CVWD,
8 respectively, shall determine if any further information is required in order
9 to process the application and, if required, shall inform the applicant or his
10 representative by regular mail of the need for additional information.
11 RCFC&WCD and CVWD shall review and process separate applications
12 within their respective jurisdictions as provided herein.

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

18 NOTE: A base flood elevation may be calculated using one of two methods
19 from the FEMA publication, FEMA 265, Managing Floodplain
20 Development in Approximate Zone A Areas – A Guide for Obtaining and
21 Developing Base (100 year) Flood Elevations, dated July 1995. For alluvial
22 fans, the base flood elevation and velocity may be calculated using methods
23 from the FEMA publication, Guidelines and Specifications for Flood
24 Hazard Mapping Partners, Appendix G: Guidance for Alluvial Fan
25 Flooding Analyses and Mapping dated April 2003.

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

- 1 h. The applicant shall submit to RCFC&WCD or CVWD certifications,
2 including but not limited to Elevation Certificates, to satisfy the conditions
3 as referenced in 7g, prior to the issuance of any subsequent building
4 permits.
- 5 i. The RCFC&WCD and CVWD shall maintain a record of all applications
6 reviewed and approved pursuant to this Ordinance. Said record shall
7 consist of the application form, accompanying plans and Elevation
8 Certificate.

9 **Section 8. CONSTRUCTION STANDARDS.** Within the areas shown on the maps

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

- 11 a. Special Flood Hazard Areas (SFHA). Within the areas shown on the maps
12 listed in Section 5 as a Special Flood Hazard Area or floodplain, all
13 proposed developments shall meet the following requirements:
- 14 1. All permit applications shall be reviewed to determine whether
15 proposed building sites will be reasonably safe from flooding. All
16 new structures, new construction and substantial improvements to
17 existing structures shall:
- 18 a) Be designed (or modified) and adequately anchored to
19 prevent flotation, collapse, or lateral movement of the
20 structure resulting from hydrodynamic and hydrostatic loads,
21 including the effects of buoyancy.
- 22 b) Be constructed with materials resistant to flood damage.
- 23 c) Be constructed by methods and practices that minimize flood
24 damages.
- 25 d) Be constructed per California Residential Code Section
26 R322.1.6 (Protection of mechanical, plumbing and electrical
27 systems) with electrical, heating, ventilation, plumbing, and
28 air conditioning equipment and other service facilities that

1 are designed or located so as to prevent water from entering
2 or accumulating within the components during conditions of
3 flooding.

4 e) Swimming pools shall:

- 5 1) Be constructed flush to the ground.
- 6 2) Have excavated dirt from the pool needs to be
7 removed from the site or spread across the site, no
8 more than four (4) inches thick.
- 9 3) Have equipment servicing the pool elevated at or
10 above the Base Flood Elevation plus 1 foot.

11 2. Residential Structures with a building permit application
12 ~~initiated~~ submitted after January 1, 2017, must comply with
13 California Residential Code Section R322 flood-resistant
14 construction requirements ~~even if previously conditioned.~~

15 32. All new construction improvements that are not considered
16 substantial improvement shall be designed according to the
17 requirements of the existing structure.

18 43. The existing structures shall also comply with current regulations
19 (such as elevating the finished floor) when the substantial
20 improvements to the existing structure consist of the following
21 types: rehabilitation improvements, foundation improvements or
22 replacement, a vertical addition and/or a structurally connected
23 lateral addition.

24 45. All subdivision proposals and other proposed new development,
25 including manufactured home parks or subdivisions greater than
26 fifty (50) lots or five (5) acres, whichever is less, shall be required to
27 identify the base flood elevation and be reviewed to determine
28 whether such proposals will be reasonably safe from flooding. All

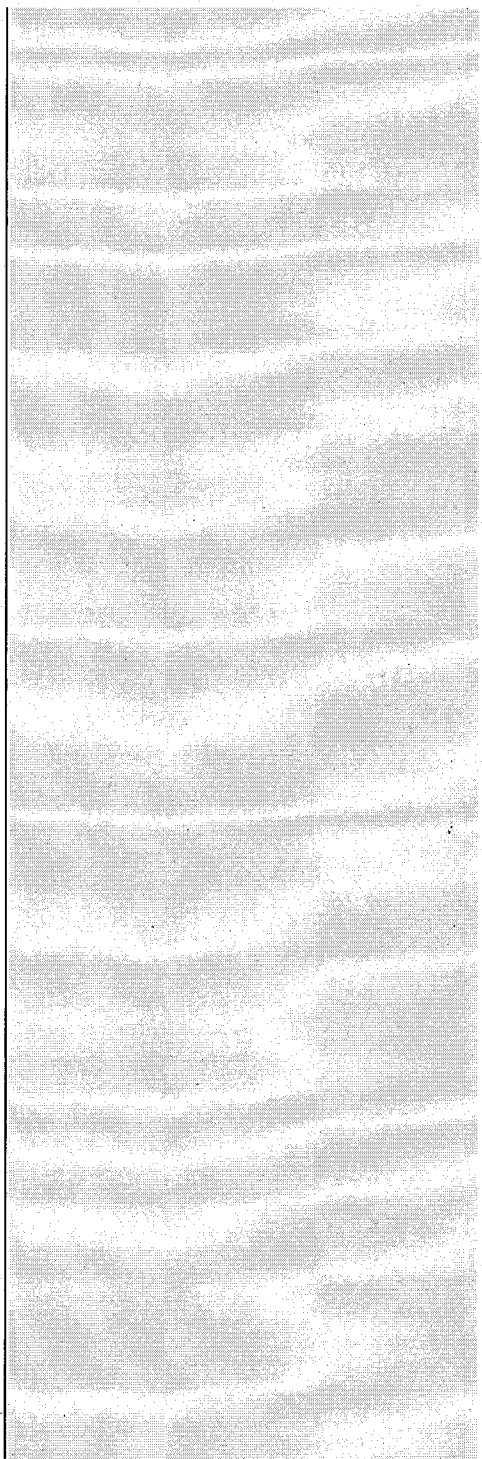
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such proposals shall be reviewed to assure that:

- a) Such proposal is consistent with the need to minimize flood damage.
- b) In the case of SFHA identified in Section 5.a of this ordinance, prior to grading, a Conditional LOMR has been issued by FEMA.
- c) In the case of SFHA identified in Section 5.a of this ordinance, prior to inspection for occupancy, a LOMR has been issued by FEMA for areas shown as floodplain on the effective FIRM.
- d) All utilities and facilities, such as sewer, gas, electrical, propane tanks, and water systems are located and constructed to minimize or eliminate flood damage.
- e) Adequate drainage is provided within the lot to reduce exposure to flood hazards.
- f) All other required state and federal permits have been obtained.
- g) Alteration or relocation of a watercourse: Notify adjacent communities ~~and the California Department of Water Resources~~ prior to alteration or relocation. Submit evidence of such notification to FEMA.

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

67. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters, and on-site waste



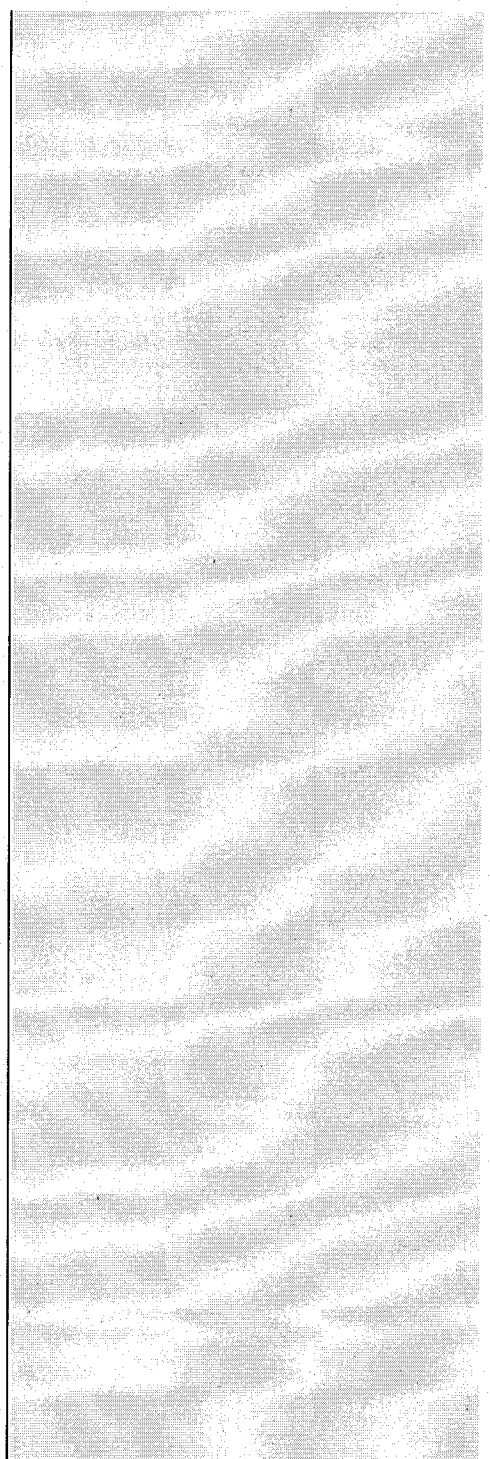
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disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

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

- a) Be elevated on a permanent foundation such that the lowest floor ~~is at or above the base flood elevation~~ complies with California Residential Code Section R322 Flood-Resistant Construction; and
- b) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. The requirements of Section 8.a., subsections 78.a) and 87.b) herein shall only apply to i) manufactured homes located outside of a manufactured home park or subdivision; or ii) in a new manufactured home park or subdivision; or iii) in an expansion to an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage. Notwithstanding the aforementioned requirements, manufactured homes that have not incurred substantial damage due to flood and are to be placed or substantially improved in an existing manufactured home park or subdivision may either have their chassis 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 be securely



1 anchored to an adequately anchored foundation system to resist
2 flotation, collapse, and lateral movement or meet the requirements
3 of Section 8.a., subsection 78.a) herein, whichever is the highest
4 elevation.

5 98. All recreational vehicles to be placed shall:

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

9 Otherwise, recreational vehicles shall meet the separate application
10 requirements of Section 78.b) and the elevation and anchoring
11 requirements for manufactured homes in section 8.a., subsection 78.

12 A recreational vehicle is ready for highway use if it is on its wheels
13 or jacking system, is attached to the site only by quick disconnect
14 type utilities and security devices, and has no permanently attached
15 additions.

16 910. Except as otherwise provided under Section 8.a., subsection 87., all
17 new construction and substantial improvements of habitable and
18 non-habitable residential structures shall have the lowest floor
19 (including basement) elevated 1 foot above the base flood elevation
20 or per California Residential Code Section R322.2.1 Flood-Resistant
21 Construction Elevation Requirements, whichever is higher ~~or~~
22 ~~above the base flood level.~~

23 101. All new construction and substantial improvements of nonresidential
24 structures shall either:

- 25 a) Have the lowest floor (including basement) elevated to or
26 above the base flood level; or
- 27 b) Together with attendant utility and sanitary facilities, be
28 designed so that below the Base Flood level the structure is

1 watertight with walls substantially impermeable to the
2 passage of water and with structural components having the
3 capability of resisting hydrostatic and hydrodynamic loads
4 and the effects of buoyancy.

5 142. For all new construction and substantial improvements, fully
6 enclosed areas below the lowest floor that are subject to flooding
7 shall be designed to automatically equalize hydrostatic flood forces
8 on exterior walls by allowing for the entry and exit of floodwaters
9 per standards in California Residential Code Section R322.2.2
10 Enclosed area below design flood elevation. A minimum of two
11 openings having a total net area of not less than one square inch for
12 every square foot of enclosed area subject to flooding shall be
13 provided. The bottom of all openings shall be no higher than one
14 foot above grade. Openings may be equipped with screens, louvers,
15 valves, or other coverings or devices provided that they permit the
16 automatic entry and exit of floodwaters. The minimum opening size
17 shall not be less than 3 inches in any direction in the plane of the
18 wall.

19 132. Within any AO zone on the Flood Insurance Rate Maps, all new
20 construction and substantial improvements of residential structures
21 shall have the lowest floor (including basement) elevated above the
22 highest adjacent grade at least as high as the depth number specified
23 in feet on the Flood Insurance Rate Map plus 1 foot (at least ~~two~~
24 three feet if no depth number is specified) per California Residential
25 Code Section R322.2.1 Flood-Resistant Construction Elevation
26 Requirements.

27 143. Within any AO zone on the Flood Insurance Rate Maps, all new
28 construction and substantial improvements of nonresidential

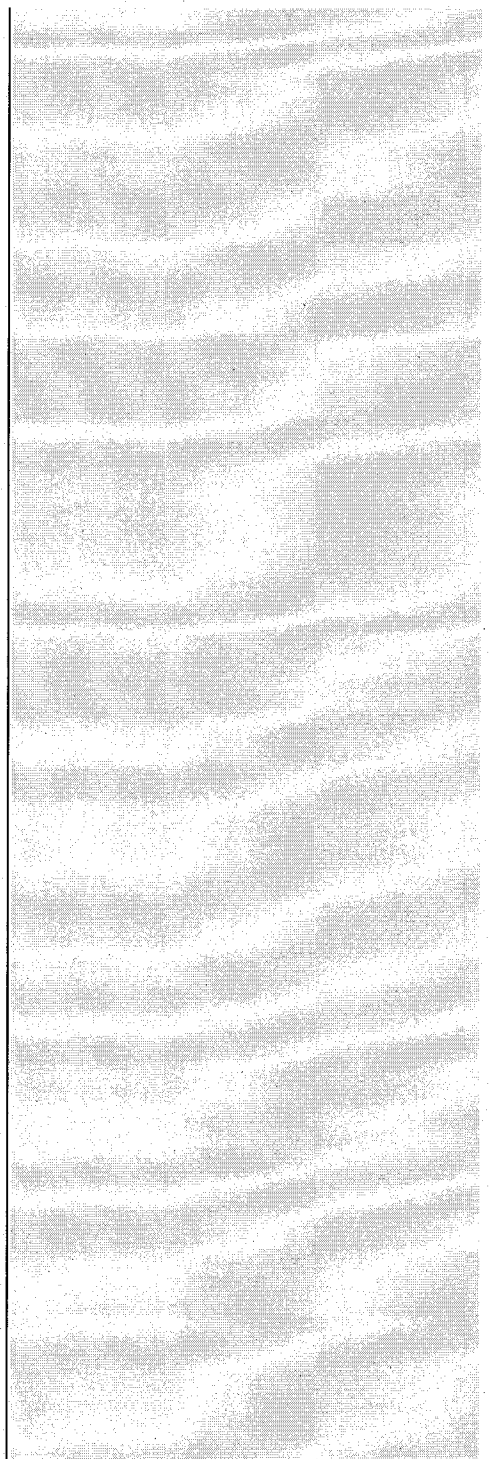
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structures shall either:

- a) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the Flood Insurance Rate Map (at least two feet if no depth number is specified); or
- b) Together with attendant utility and sanitary facilities, be completely flood proofed to that level so that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

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

165. Whenever a watercourse or mapped floodplain is to be altered or relocated, the flood carrying capacity of the altered or relocated portion of the watercourse or mapped floodplain shall be maintained. Manufactured slopes that encroach into a floodplain and which are subject to erosive velocities, are considered flood control facilities and must be maintained by a public entity. However, the appropriateness of such encroachment shall be determined at the sole discretion of the RCFC&WCD or the CVWD. Adjacent communities and the Federal Insurance and Mitigation Administration shall be notified of any such alteration or relocation by means of a request for a LOMR for floodplains shown on the effective FIRM panel. Within six (6) months of information becoming available or project completion, whichever comes first,



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the Floodplain Administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).

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

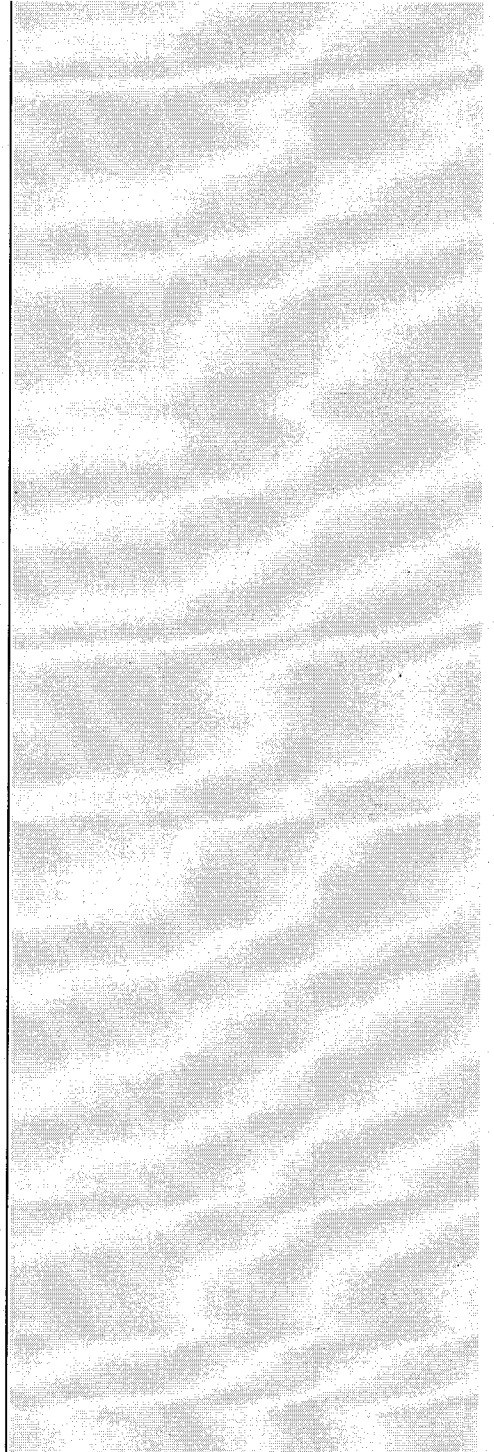
187. All proposed development applications shall be reviewed to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law.

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

2049. Any flood water storage displaced as a result of fill placement within Lake Elsinore's 100 year floodplain shall be made up by excavating 1.3 times the displaced volume within the elevation range between 1249.4 and 1265.7 (NAVD88).

b. Floodways.

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



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approval of a permit in a Special Flood Hazard Area or floodplain.

- 2. Until such time that a regulatory floodway is adopted, no new construction or other development (including fill) shall be permitted within Zones A, A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one (1) foot or as determined by the RCFC&WCD or the CVWD at any point along the floodplain.

Section 9. REVISION TO SPECIAL FLOOD HAZARD AREAS (SFHA).

—————This section applies to revisions, amendments and adoptions of those SFHA identified in SECTION 5.b, 5.c and 5.d of this ordinance.

a. a.—When RCFC&WCD or the CVWD initiate the revision to the SFHA identified in Sec 5.b, 5.c and 5.d of this ordinance, the following shall apply:

- 1. The proposed revision will be placed on the Board of Supervisors agenda for a public hearing.
- 2. The Floodplain Administrator shall reflect the limits of the revised Special Flood Hazard Areas—SFHAs in the Public Flood Hazard Determination Interactive Map after adoption of the resolution.

b. When a subdivision/development proposal affected by the SFHA affected in 5.b, 5.c and 5.d of this ordinance is submitted to the County, the following shall apply:

- 1. The applicant shall submit a hydraulic analysis accompanied by the requisite work maps and exhibits showing the impacts of the development to those SFHAs prior to issuance of conditions of approval.
- 2. The Public Hearing scheduled for the proposed land division/development shall serve as the intent to revise those SFHAs

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1 affected by the development proposal.

2 3. The applicant shall submit final exhibit showing the revisions to the
3 map, after completion of constructing improvements impacting SFHAs
4 and prior to issuance of occupancy.

5 4. The Floodplain Administrator shall reflect the limits of the revised
6 ~~Special Flood Hazard Areas~~ SFHAs in the Public Flood Hazard
7 Determination Interactive Map after receipt of final exhibit.

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9 Section 10. APPEALS.

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

1 application for the permit. The Board may reverse or affirm, wholly or
2 partly, or may modify the decision appealed from and the Board's decision
3 is final.

4 Section 110. REQUESTS FOR VARIANCES. An applicant shall also have the right to
5 request that a variance be granted to the construction standards or technical requirements of this ordinance
6 or to the conditions imposed upon a permit.

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

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

15 c. Conditions for Variances.

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

1 3. Variances shall not be issued within any mapped regulatory
2 floodway if any increase in flood levels during the base flood
3 discharge would result.

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

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

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

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

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

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

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

1 Special Flood Hazard Area.

- 2 2. That failure to grant the variance would result in exceptional
3 hardship to the applicant.
- 4 3. That the granting of a variance will not confer a special privilege not
5 enjoyed by other similarly situated properties.
- 6 4. That strict application of the ordinance deprives the property of
7 privileges enjoyed by other property in the vicinity and in the same
8 Special Flood Hazard Area.
- 9 5. That the granting of a variance will not result in increased flood
10 heights, additional threats to public safety, extraordinary public
11 expense, create nuisances, cause fraud on or victimize the public or
12 conflict with existing laws or ordinances.
- 13 6. That the variance is the minimum necessary, considering the flood
14 hazard, to afford relief.

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

18 Section 1+2. **DISCLAIMER OF LIABILITY**. The degree of flood protection required
19 by this ordinance is considered reasonable for regulatory purposes and is based on scientific and
20 engineering considerations. Flood heights may be increased by man-made or natural causes, and this
21 ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such
22 areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of
23 the County of Riverside, any officer or employee thereof, or the Federal Insurance Administration or the
24 Riverside County Flood Control and Water Conservation District, or the Coachella Valley Water District,
25 for any flood damages resulting from reliance on this ordinance or any determination made thereunder.

26 Section 123. **VIOLATIONS AND PENALTIES**. The procedures, remedies and
27 penalties for violation of this ordinance and for recovery of costs related to enforcement are provided for
28 in Ordinance No. 725, as it is amended from time to time, which is incorporated herein by this reference.

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Section 134. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.”

~~Section 145. This ordinance shall take effect thirty (30) days after its adoption.”~~

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

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

By: _____
Chairman

ATTEST:
Kecia Harper-Ihem
CLERK OF THE BOARD

By: _____
Deputy

(SEAL)

APPROVED AS TO FORM
_____, 20147

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By: AARON C. GETTIS
SYNTHIA M. GUNZEL
Deputy County Counsel

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