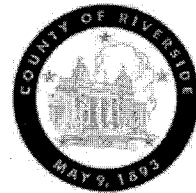


**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM  
3.28  
(ID # 9202)

**MEETING DATE:**

Tuesday, March 12, 2019

**FROM :** TLMA-BUILDING AND SAFETY:

**SUBJECT:** TLMA-BUILDING AND SAFETY: Introduction of Ordinance No. 458.16, Amending Riverside County Ordinance No. 458 (Regulating Special Flood Hazard Areas and Implementing the National Flood Insurance Plan) for the Addition of a Special Flood Hazard Area, Coldwater Canyon Wash Flood Hazard Study; Also Revise the Department of Water Resources Awareness Mapping in the Coldwater Canyon Areas, District 1, CEQA Exempt [Total Cost \$15,000–Fee Revenue 100%] (Clerk to Advertise - Set Public Hearing for 3/26/19)

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

1. Find that the adoption of Ordinance No. 458.16 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, waive further reading of, set for public hearing on March 26, 2019, and adopt on successive weeks Ordinance No. 458.16, an ordinance of the County of Riverside, amending Ordinance No. 458 which regulates development in flood hazard areas and establishes procedures to implement the National Flood Insurance Program, adding the Special Flood Hazard Study Area (Section 5.c), Coldwater Canyon Wash Flood Hazard Study, to Ordinance No. 458.16, and replacing the Department of Water Resources (DWR) awareness mapping within this area with the results of the study; and

**ACTION:** Policy, Set for Hearing, Clerk to Advertise

  
Charissa Leach, Assistant TLMA Director

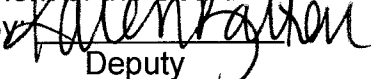
2/28/2019

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Perez, seconded by Supervisor Spiegel and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended; the above Ordinance is approved as introduced with a waiver of reading; and is set for public hearing on or after Tuesday, March 26, 2019 at 9:00 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt  
Nays: None  
Absent: None  
Date: March 12, 2019  
xc: Building and Safety, COB

Kecia Harper-Ihem  
Clerk of the Board

By   
Deputy

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

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

- Direct the Clerk of the Board to file the attached Notice of Exemption with the County Clerk within five (5) days after adoption of the amendment to Riverside County Ordinance No. 458.

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 15,000	\$ n/a	\$ 15,000	\$ N/A
<b>NET COUNTY COST</b>	\$ N/A	\$ N/A	\$ N/A	\$ N/A
<b>SOURCE OF FUNDS:</b> Departmental Revenue. No general fund.			<b>Budget Adjustment:</b>	No
			<b>For Fiscal Year:</b>	18/19

**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 January 29, 2019, Agenda Item 11.2, the Board of Supervisors adopted an order to initiate an amendment to Ordinance No. 458 that regulates development in flood hazard areas, revising the Department of Water Resources (DWR) floodplains for the Coldwater Wash hazard areas.

The Coldwater Canyon Wash Flood Hazard Study area is located in the region of Temescal Valley in Riverside County. The study area extends from immediately upstream of Glen Ivy Hot Springs Resort to the Coldwater Canyon Wash confluence with Temescal Wash. The property owners and businesses along Coldwater Canyon Wash have experienced flood related problems such as channel scour, deposition and bank erosion. The District hired a geomorphologist to study the impacts of the flooding and the resulting scouring/deposition of sediment in the area and to delineate such hazard area. This Flood Hazard Area is a culmination of extensive geomorphology study, reference to historical information and a discussion with the stakeholders in the area. This area is currently regulated by approximate floodplains that were defined by the DWR and have been adopted in the Ordinance. The DWR floodplains will be replaced with the more accurate hazard areas determined from the aforementioned study.

Ordinance No. 458.16 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 the NFIP.

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

The Department of Building and Safety is responsible for the building permit processing and inspections. For this Ordinance, the Director 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 Ordinance amendment has been reviewed and approved as to form by County Counsel.

**Compliance with CEQA**

Ordinance No. 458.16 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 Board of Supervisors 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 a property owner will need to undergo its own CEQA analysis.

**Prev. Agn. Ref.: MT# 8865, 11.2 of 01/29/19**

**Impact on Residents and Businesses**

Residents and businesses may have increased construction costs in the newly defined hazard areas. The residents and businesses have always been at risk in the hazard areas and will now have better guidance on the potential of current risk and future improvements to the parcels affected.

**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.


**Contract History and Price Reasonableness**

N/A

**ATTACHMENTS:**

1. Ordinance No. 458
2. Redline of Ordinance No. 458
3. Flood Hazard Zone Exhibit
4. Notice of Exemption

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

  
\_\_\_\_\_  
Gregory V. Priamos, Director County Counsel 3/2/2019



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 submitted.
- 11 h. CVWD. Means and refers to the Coachella Valley Water District, a special  
12 district created under California law.
- 13 i. 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 j. Contractor. Means and refers to a licensed General Contractor or  
19 professional construction estimator.
- 20 k. 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 l. Elevation Certificate (Known as FEMA Form 086-0-33 in effect as of July,  
25 ~~2016~~March 1, 2018 or the latest version thereafter). Means and refers to a  
26 form used for recording the finished floor elevations and adjacent ground of  
27 a building.
- 28 m. 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 n. 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 o. 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 p. FEMA. Means and refers to the Federal Emergency Management Agency.

18 q. 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 r. 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 s. Floodplain Administrator. Means and refers to the Director, or his  
28 designee, of the Department of Building and Safety for the County of

1 Riverside.

- 2 t. Floodproofing Means and refers to any combination of structural and  
3 nonstructural additions, changes, or adjustments to structures which reduce  
4 or eliminate flood damage to real estate or improved real property, water  
5 and sanitary facilities, structures, and their contents. For guidelines on dry  
6 and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93,  
7 and TB 7-93.
- 8 u. Floodway. Means and refers to the channel of a river or other watercourse  
9 and adjacent land areas necessary to discharge the waters from the 100-Year  
10 Flood without increasing the water surface elevation of that flood more than  
11 one foot at any one point; or that area identified by the United States  
12 Department of the Interior, Bureau of Reclamation as required to safely  
13 convey the levee-design flood of the Colorado River.
- 14 v. Fraud and Victimization. As related to Section 9 of this ordinance, means  
15 that the variance granted must not cause fraud on or victimization of the  
16 public. In examining this requirement, Floodplain Administrator will  
17 consider the fact that every newly constructed building adds to government  
18 responsibilities and remains a part of the community for fifty to one-  
19 hundred years. Buildings that are permitted to be constructed below the  
20 base flood elevation are subject during all those years to increased risk of  
21 damage from floods, while future owners of the property and the  
22 community as a whole are subject to all the costs, inconvenience, danger,  
23 and suffering that those increased flood damages bring. In addition, future  
24 owners may purchase the property, unaware that it is subject to potential  
25 flood damage, and can be insured only at very high flood insurance rates.
- 26 w. Highest Adjacent Grade. Means and refers to the highest natural elevation  
27 of the ground surface prior to construction next to the proposed walls of a  
28 structure.

- 1 x. 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 z. 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 aa. LOMR. Means and refers to a "Letter of Map Revision."

- 1           bb. 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           cc. 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          dd. 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          ee. 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 ff. 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 gg. 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 hh. 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 ii. 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 jj. 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 kk. 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 ll. 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 mm. 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 nn. 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 oo. 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 pp. 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 qq. 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 rr. 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 entitled "The Flood Insurance  
28 Study for the County of Riverside" ~~effective August 18, 2014, with~~

Commented [GK1]: Check with michael

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Commented [GK3]: Lets take out the date

1 accompanying Flood Insurance Rate Maps and Flood Hazard Boundary  
2 Maps, prepared by the Federal Emergency Management Agency including  
3 any subsequent amendments, revisions or additions thereto that hereafter go  
4 into effect pursuant to the provisions of the applicable Federal law.

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

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

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

- 15 1. Cactus Valley, 100-year Flood Plain and Floodway Limits, March  
16 1980.
- 17 2. Cabazon Flood Study, Flood Hazard Areas, June 1980.
- 18 3. Lakeview & Sierra Vista Tracts, 100-year Floodplain Limits,  
19 October 1990.
- 20 4. Tocalota Creek, October 1984.
- 21 5. Long Valley Wash, October 2002.
- 22 6. Juniper Flats Floodplain, May 2006.
- 23 7. "Flood Insurance Study for Oasis Area of the Coachella Valley,  
24 April 2003."
- 25 8. Coldwater Canyon Wash Flood Hazard Study, October 2018

26  
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&WCD on



1 July 25, 2011, including any amendments, revisions or additions thereto that  
2 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'

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

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

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

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 consist  
7 of the application form, accompanying plans and Elevation Certificate.

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

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

10 a. Special Flood Hazard Areas (SFHA). Within the areas shown on the maps  
11 listed in Section 5 as a Special Flood Hazard Area or floodplain, all  
12 proposed developments shall meet the following requirements:

13 1. All permit applications shall be reviewed to determine whether  
14 proposed building sites will be reasonably safe from flooding. All  
15 new structures, new construction and substantial improvements to  
16 existing structures shall:

17 a) Be designed (or modified) and adequately anchored to  
18 prevent flotation, collapse, or lateral movement of the  
19 structure resulting from hydrodynamic and hydrostatic loads,  
20 including the effects of buoyancy.

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

22 c) Be constructed by methods and practices that minimize flood  
23 damages.

24 d) Be constructed per California Residential Code Section  
25 R322.1.6 (Protection of mechanical, plumbing and electrical  
26 systems) with electrical, heating, ventilation, plumbing, and  
27 air conditioning equipment and other service facilities that  
28 are designed or located so as to prevent water from entering

1 or accumulating within the components during conditions of  
2 flooding.

3 e) Swimming pools shall:

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

10 2. Residential Structures with a building permit application submitted  
11 after January 1, 2017, must comply with California Residential Code  
12 Section R322 flood-resistant construction requirements.

13 3. All new construction improvements that are not considered  
14 substantial improvement shall be designed according to the  
15 requirements of the existing structure.

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

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

28 a) Such proposal is consistent with the need to minimize flood



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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 prior to alteration or relocation. Submit evidence of such notification to FEMA.

- 6. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
- 7. 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 disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- 8. All manufactured homes to be placed or substantially improved shall be installed using methods and practices which minimize flood

1 damage. For the purposes of this requirement, manufactured homes  
2 shall:

- 3 a) Be elevated on a permanent foundation such that the lowest  
4 floor complies with California Residential Code Section  
5 R322 Flood-Resistant Construction; and  
6 b) Be securely anchored to an adequately anchored foundation  
7 system to resist flotation, collapse, and lateral movement.

8 Methods of anchoring may include, but are not limited to, use of  
9 over-the-top or frame ties to ground anchors. This requirement is in  
10 addition to applicable State and local anchoring requirements for  
11 resisting wind forces. The requirements of Section 8.a., subsections  
12 8.a) and 8.b) herein shall only apply to i) manufactured homes  
13 located outside of a manufactured home park or subdivision; or ii) in  
14 a new manufactured home park or subdivision; or iii) in an  
15 expansion to an existing manufactured home park or subdivision on  
16 which a manufactured home has incurred substantial damage.  
17 Notwithstanding the aforementioned requirements, manufactured  
18 homes that have not incurred substantial damage due to flood and  
19 are to be placed or substantially improved in an existing  
20 manufactured home park or subdivision may either have their  
21 chassis supported by reinforced piers or other foundation elements  
22 of at least equivalent strength that are no less than thirty-six (36)  
23 inches in height above grade and be securely anchored to an  
24 adequately anchored foundation system to resist flotation, collapse,  
25 and lateral movement or meet the requirements of Section 8.a.,  
26 subsection 8.a) herein, whichever is the highest elevation.

27 9. All recreational vehicles to be placed shall:

- 28 a) Be on the site for fewer than one hundred eighty (180)

1 consecutive days; and

2 b) Be fully licensed and ready for highway use.

3 Otherwise, recreational vehicles shall meet the separate application  
4 requirements of Section 8.b). and the elevation and anchoring  
5 requirements for manufactured homes in section 8.a., subsection 8.  
6 A recreational vehicle is ready for highway use if it is on its wheels  
7 or jacking system, is attached to the site only by quick disconnect  
8 type utilities and security devices, and has no permanently attached  
9 additions.

10 10. Except as otherwise provided under Section 8.a., subsection 8., all  
11 new construction and substantial improvements of habitable and  
12 non-habitable residential structures shall have the lowest floor  
13 (including basement) elevated 1 foot above the base flood elevation  
14 or per California Residential Code Section R322.2.1 Flood-Resistant  
15 Construction Elevation Requirements, whichever is higher.

16 11. All new construction and substantial improvements of nonresidential  
17 structures shall either:

18 a) Have the lowest floor (including basement) elevated to or  
19 above the base flood level; or

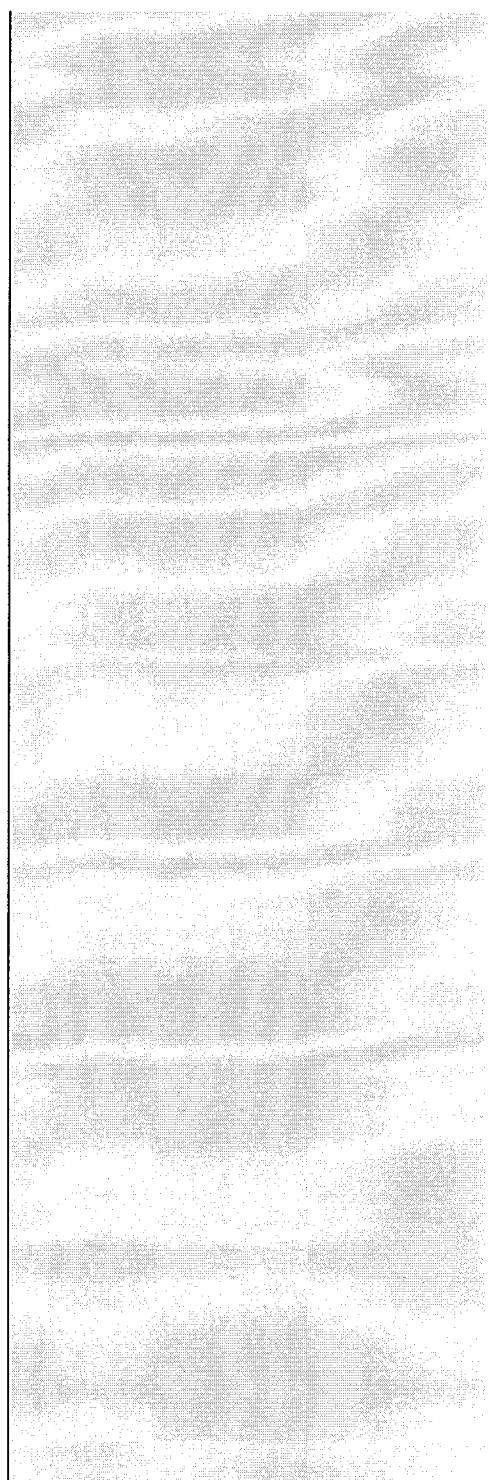
20 b) Together with attendant utility and sanitary facilities, be  
21 designed so that below the Base Flood level the structure is  
22 watertight with walls substantially impermeable to the  
23 passage of water and with structural components having the  
24 capability of resisting hydrostatic and hydrodynamic loads  
25 and the effects of buoyancy.

26 12. For all new construction and substantial improvements, fully  
27 enclosed areas below the lowest floor that are subject to flooding  
28 shall be designed to automatically equalize hydrostatic flood forces

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on exterior walls by allowing for the entry and exit of floodwaters per standards in California Residential Code Section R322.2.2 Enclosed area below design flood elevation. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. The minimum opening size shall not be less than 3 inches in any direction in the plane of the wall.

- 13. Within any AO zone on the Flood Insurance Rate Maps, all new construction and substantial improvements of residential structures shall 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 plus 1 foot (at least three feet if no depth number is specified) per California Residential Code Section R322.2.1 Flood-Resistant Construction Elevation Requirements.
- 14. Within any AO zone on the Flood Insurance Rate Maps, all new construction and substantial improvements of nonresidential 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



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

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

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

28                    18.    All proposed development applications shall be reviewed to assure

1 that all necessary permits have been received from those  
2 governmental agencies from which approval is required by Federal  
3 or State law.

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

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

14 b. Floodways.

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

23 2. Until such time that a regulatory floodway is adopted, no new  
24 construction or other development (including fill) shall be permitted  
25 within Zones A, A1-30 and AE, unless it is demonstrated that the  
26 cumulative effect of the proposed development, when combined  
27 with all other development, will not increase the water surface  
28 elevation of the base flood more than one (1) foot or as determined

1 by the RCFC&WCD or the CVWD at any point along the  
2 floodplain.

3 Section 9. REVISION TO SPECIAL FLOOD HAZARD AREAS (SFHA). This  
4 section applies to revisions, amendments and adoptions of those SFHA identified in SECTION  
5 5.b, 5.c and 5.d of this ordinance.

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

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

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

- 16 1. The applicant shall submit a hydraulic analysis accompanied by the  
17 requisite work maps and exhibits showing the impacts of the  
18 development to those SFHAs prior to issuance of conditions of  
19 approval.
- 20 2. The Public Hearing scheduled for the proposed land  
21 division/development shall serve as the intent to revise those SFHAs  
22 affected by the development proposal.
- 23 3. The applicant shall submit final exhibit showing the revisions to the  
24 map, after completion of constructing improvements impacting SFHAs  
25 and prior to issuance of occupancy.
- 26 4. The Floodplain Administrator shall reflect the limits of the revised  
27 SFHAs in the Public Flood Hazard Determination Interactive Map after  
28 receipt of final exhibit.

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Section 10. APPEALS.

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

Section 11. REQUESTS FOR VARIANCES. An applicant shall also have the right to request that a variance be granted to the construction standards or technical requirements of this ordinance or to the conditions imposed upon a permit.



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

23 b. Application Process. An application to request a variance shall be made to  
24 the Floodplain Administrator, upon the form provided by the Department of  
25 Building and Safety, accompanied by a fee as set forth in Ordinance No.  
26 671. Upon receipt of a completed application, the Floodplain Administrator  
27 shall request and obtain a technical recommendation from the RCFC&WCD  
28 or CVWD. The Floodplain Administrator shall render its decision on the

1 matter within thirty (30) days after receipt of the report and  
2 recommendation from RCFC&WCD or CVWD. Any applicant to whom a  
3 variance is granted shall be given written notice that the cost of flood  
4 insurance will be commensurate with the increased risk resulting from the  
5 granting of the variance. Any applicant to whom a variance is granted shall  
6 promptly record an instrument evidencing said variance with the Riverside  
7 County Recorder's office. Said recordation shall be maintained until such  
8 time that the applicable flood hazard area has been removed.

9 c. Conditions for Variances.

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

1 minimum of deviation from the requirements of this ordinance.

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

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

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

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

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

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

24 2. That failure to grant the variance would result in exceptional  
25 hardship to the applicant.

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

28 4. That strict application of the ordinance deprives the property of

1 privileges enjoyed by other property in the vicinity and in the same  
2 Special Flood Hazard Area.

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

7 6. That the variance is the minimum necessary, considering the flood  
8 hazard, to afford relief.

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

12 Section 12. **DISCLAIMER OF LIABILITY.** The degree of flood protection required  
13 by this ordinance is considered reasonable for regulatory purposes and is based on scientific and  
14 engineering considerations. Flood heights may be increased by man-made or natural causes, and this  
15 ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such  
16 areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of  
17 the County of Riverside, any officer or employee thereof, or the Federal Insurance Administration or the  
18 Riverside County Flood Control and Water Conservation District, or the Coachella Valley Water District,  
19 for any flood damages resulting from reliance on this ordinance or any determination made thereunder.

20 Section 13. **VIOLATIONS AND PENALTIES.** The procedures, remedies and  
21 penalties for violation of this ordinance and for recovery of costs related to enforcement are provided for  
22 in Ordinance No. 725, as it is amended from time to time, which is incorporated herein by this reference.

23 Section 14. **SEVERABILITY.** If any provision, clause, sentence or paragraph of this  
24 ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity  
25 shall not affect the other provisions of this ordinance which can be given effect without the invalid  
26 provision or application, and to this end, the provisions of this ordinance are hereby declared to be  
27 severable.”

28

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

2

3

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

4

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By: \_\_\_\_\_  
Chairman

6

7 ATTEST:  
Kecia Harper-Ihem  
8 CLERK OF THE BOARD

9

10 By: \_\_\_\_\_  
Deputy

11

12 (SEAL)

13

14 APPROVED AS TO FORM  
\_\_\_\_\_, 20197

15

16 By: \_\_\_\_\_  
AARON C. GETTIS,  
17 Deputy County Counsel

18

19

20

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22 SMG/  
061814  
G:\ORDINANCE\458\Ord. 458.14.doc

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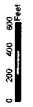
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28



Scale: 1 inch = 100 feet



**JE FULLER**  
Coldwater Canyon Wash  
Geomorphology Study  
Flood Hazard Zone  
Exhibit



CALL (951) 368-9222  
EMAIL: legals@pe.com

# THE PRESS-ENTERPRISE

DATE	ORDER NUMBER	PO Number	PRODUCT	SIZE	Amount
3/18/19	0011247120		PE Riverside	4 x 49 Li	254.80

Invoice text: Summary of Ordinance 458.16

Placed by: Stephanie Cribbs

## Legal Advertising Memo Invoice

**BALANCE DUE**

254.80

SALES/CONTACT INFORMATION	ADVERTISER INFORMATION			
	BILLING DATE	BILLED ACCOUNT NUMBER	ADVERTISER/CLIENT NUMBER	ADVERTISER/CLIENT NAME
Nick Eller 951-368-9229	03/18/2019	5209148	5209148	BOARD OF SUPERVISORS



**THE PRESS-ENTERPRISE**

Legal Advertising Memo Invoice

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR REMITTANCE

ADVERTISER/CLIENT NAME		
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BILLING DATE	BILLED ACCOUNT NUMBER	ADVERTISER/CLIENT NUMBER
03/18/2019	5209148	5209148
BALANCE DUE	ORDER NUMBER	TERMS OF PAYMENT
254.80	0011247120	DUE UPON RECEIPT

BILLING ACCOUNT NAME AND ADDRESS

REMITTANCE ADDRESS

BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE  
'PO BOX 1147'  
RIVERSIDE, CA 92502

CALIFORNIA NEWSPAPER PARTNERSHIP  
dba The Press-Enterprise  
PO Box 65210  
Colorado Springs, CO 80962-5210

# THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100  
Riverside, CA 92507  
951-684-1200  
951-368-9018 FAX

## PROOF OF PUBLICATION (2010, 2015.5 C.C.P)

Publication(s): The Press-Enterprise

### PROOF OF PUBLICATION OF

Ad Desc.: Summary of Ordinance 458.16 /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

**03/18/2019**

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: March 18, 2019  
At: Riverside, California



Legal Advertising Representative, The Press-Enterprise

BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE  
PO BOX 1147  
RIVERSIDE, CA 92502

Ad Number: 0011247120-01

P.O. Number:

Ad Copy:

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing at which all interested persons will be heard, will be held before the Board of Supervisors of Riverside County, California, on the 1st Floor Board Chambers, County Administrative Center, 4080 Lemon Street, Riverside, on **Tuesday, March 26, 2019 at 9:00 a.m.**, or as soon as possible thereafter, to consider adoption of the following Ordinance:

#### SUMMARY OF ORDINANCE NO. 458.16 AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 458 RELATED TO REGULATING DEVELOPMENT IN DESIGNATED SPECIAL FLOOD ZONE AREAS

Riverside County Ordinance No. 458 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. On March 12, 2019, the Board of Supervisors adopted an order to initiate an amendment to Ordinance No. 458 to amend the Department of Water Resources awareness mapping in the Coldwater Canyon area to instead include the Coldwater Canyon Wash Flood Hazard Study Area as a special flood zone area.

Ordinance No. 458.16 does not prompt any new flood control projects. This Ordinance amendment would improve public health and safety by adding one new Special Flood Hazard Area to Ordinance No. 458 and provide for the regulation of certain development within those flood plains.

If you challenge the above ordinance in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing. Be advised that as a result of public hearing and the consideration of all public comment, written and oral, the Board of Supervisors may amend, in whole or in part, the proposed ordinance.

Alternative formats available upon request to individuals with disabilities. If you require reasonable accommodation, please contact Clerk of the Board at (951) 955-1063, at least 72 hours prior to the hearing.

Please send all written correspondence to: Clerk of the Board, 4080 Lemon Street, 1st Floor, Post Office Box 1147, Riverside, CA 92502-1147 or email [cob@rivco.org](mailto:cob@rivco.org)

Dated: March 13, 2019      Kacia Harper, Clerk of the Board  
By: Stephanie Cribbs, Board Assistant

3/18