



COUNTY OF SAN DIEGO BOARD OF SUPERVISORS

ERRATA FORM

DATE: September 25, 2024
TO: Board of Supervisors
FROM: Land Use and Environment Group

Agenda Item

3

SUBJECT: ADOPT AN ORDINANCE TO AMEND PORTIONS OF THE SAN DIEGO COUNTY FLOOD DAMAGE PREVENTION ORDINANCE, COUNTY CODE § 811.101, ET SEQ. AND RELATED CEQA FINDING (9/25/2024 – FIRST READING ORDINANCE; 10/9/2024 – ADOPT ORDINANCE) (DISTRICTS: ALL)

The errata is being submitted to note revisions/changes to the following document(s) related to the subject agenda item:

- ☐ Recommendation
- ☒ Board Letter Content
- ☐ Supporting Documents

SUMMARY OF CHANGES:

Updated itemized list of proposed ordinance amendments in the Background section with the following changes:

- *Removed incorrect reference to floodproofing in 1E.*
- *Removed an unnecessary limitation on items that require registered professional engineer/architect certification in 1F.*
- *Removed 2B, which exists in the current ordinance and is not being added or revised.*
- *Removed 2C, which was a duplicate of 1F.*

There are no changes or impacts to the recommendations or attached ordinance documents.

COSD CLERK OF THE BOARD
2024 SEP 24 AM 11:25



COUNTY OF SAN DIEGO

LAND USE AGENDA ITEM

BOARD OF SUPERVISORS

NORA VARGAS
First District

JOEL ANDERSON
Second District

TERRA LAWSON-REMER
Third District

MONICA MONTGOMERY STEPPE
Fourth District

JIM DESMOND
Fifth District

DATE: September 25, 2024 and October 9, 2024

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TO: Board of Supervisors

SUBJECT

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OVERVIEW

The County of San Diego (County) is committed to reducing flood risk to the community and is responsible for reviewing private development and County capital improvement projects for compliance with flood control objectives. The County provides floodplain maps and free sand and sandbags to the public to help them understand flood risks and protect their structures. The County also maintains stormwater drainage facilities and the County's ALERT Flood Warning Network. During and after a flooding event, the County conducts analyses to quantify the magnitude and extent of the storm's impacts and supports emergency response and recovery actions.

The County also participates in the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP), the requirements of which are outlined in the Code of Federal Regulations (CFR). To qualify for flood insurance, structures built within the boundaries of Special Flood Hazard Areas, also known as floodplains and floodways, as shown on FEMA's Flood Insurance Rate Maps, must meet minimum standards established under the NFIP that make structures more resilient from flooding and increase public safety. The County informs property owners of these requirements and offers guidance on elevating their structures above the flood risk, which will lower their flood insurance premiums. The County also participates in FEMA's Community Rating System (CRS) program, a voluntary incentive program for communities that have the authority to adopt and enforce floodplain management regulations for their jurisdictions, to earn credit for tasks and activities that are beyond minimum NFIP standards. Just over 1,500 communities in the U.S. participate in the CRS program. If standards are met, this translates to reduced flood insurance premiums for property owners. The County publicizes these premium reducing activities on social media and through direct mailers to people who live and work in mapped floodplains, as well as to real estate and land development industry members.

The County Board of Supervisors (Board) adopted the Flood Damage Prevention Ordinance (Ordinance) in 1988 to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in the unincorporated area of the county. The Ordinance includes

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methods and provisions for restricting or prohibiting uses that are dangerous to health, safety, or property due to flooding. It also controls the alteration of natural floodplains and stream channels, which help contain floodwaters. These methods and provisions apply to new development and redevelopment within the floodplain.

The recommended changes to the County's Ordinance include the following:

1. Revisions requested by FEMA for consistency with the Code of Federal Regulations (CFR);
2. Optional revisions recommended by FEMA to maximize County credits to the CRS program pertaining to non-residential construction flood proofing requirements; and
3. An optional amendment to the local floodplain map revision process requirements (pertaining to FEMA's Conditional Letter of Map Revision or "CLOMR") that staff is recommending to mirror the CFR requirements for consistency.

Because FEMA's requested changes (1) and recommended changes (2) came as part of an unscheduled review in August of 2021 of the County's Ordinance, FEMA concurred with implementing changes at the next planned Ordinance update. Regarding the optional amendment that staff are recommending (3), FEMA separately rescinded guidance for determining when CLOMRs for public and private land development projects are required. This revealed an area where the County's Ordinance is inadvertently more stringent than the Federal requirements under certain conditions, affecting a relatively small number of projects. The more stringent Ordinance language is not a regulatory requirement that would offer more protection to structures or the environment. Similarly, this more restrictive requirement does not provide any advantage for NFIP policy discounts in the CRS program.

The Department of Public Works has engaged extensively with our stakeholders and partners, including the Environmental Coalition, the Bay Council, the Building Industry Association, labor union stakeholders, floodplain management and legal professionals, the San Diego Association of Governments, the County's Land Development Technical Working Group, and the Flood Control District Advisory Commission, to gather feedback on the proposed optional amendment to the local floodplain map revision process (related to the CLOMR) to mirror the federal requirements. These stakeholders are all either neutral or in support of the recommended revisions; none expressed concerns or opposition to the staff's recommendation.

Today's request is for the Board to adopt an ordinance amending the County Flood Damage Prevention Ordinance to reflect FEMA's current standards for participation in the NFIP, to ensure continued successful participation in the CRS program, and to align the local floodplain map revision CLOMR requirements with the CFR.

The proposed action requires two steps. On September 25, 2024, it is requested that the Board approve introduction of the Ordinance per the recommendations below. If the Board takes action on the recommendations, then on October 9, 2024, the Board may adopt the Ordinance.

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RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the proposed action is not subject to review under the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2) of the State CEQA Guidelines because administrative revisions to the Flood Damage Prevention Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment.
2. Approve introduction (first reading), read the title, and waive further readings of the following Ordinance:

ORDINANCE TO AMEND PORTIONS OF THE SAN DIEGO COUNTY FLOOD DAMAGE PREVENTION ORDINANCE TO MEET NATIONAL FLOOD INSURANCE PROGRAM AND OTHER OBJECTIVES.

If, on September 25, 2024, the Board takes action as recommended, then, on October 9, 2024:

1. Submit the ordinance for consideration and adopt the ordinance (second reading).
ORDINANCE TO AMEND PORTIONS OF THE SAN DIEGO COUNTY FLOOD DAMAGE PREVENTION ORDINANCE TO MEET NATIONAL FLOOD INSURANCE PROGRAM AND OTHER OBJECTIVES.

EQUITY IMPACT STATEMENT

The proposed ordinance changes will promote the public safety and general welfare of people and structures within special flood hazard areas in the unincorporated county. If adopted, the Ordinance would apply equally across all unincorporated areas of San Diego county. The proposed Ordinance would allow the County of San Diego (County) to support public safety by keeping the County in good standing in the Federal Emergency Management Agency's National Flood Insurance Program and keeping policy holders eligible for premium discounts. These discounts make flood insurance more affordable for all policy holders, including those in historically underserved communities.

SUSTAINABILITY IMPACT STATEMENT

The proposed amendments to the ordinance keep the County of San Diego (County) in the National Flood Insurance Program and provide resilience to people who live and work in unincorporated areas. The proposed amendments to the Ordinance have health, well-being and economic sustainability benefits. These amendments will contribute to the County sustainability goal of protecting the health and well-being of everyone in the region by reducing flood risk and reducing costs for flood insurance.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years.

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BUSINESS IMPACT STATEMENT

The County of San Diego's Flood Damage Prevention Ordinance provides flood protection requirements for private and public development projects to provide clarity to developers while balancing the needs of the community. In addition, the update will allow for continued participation in the National Flood Insurance Program and the Community Rating System, resulting in reduced flood insurance rates for property owners.

ADVISORY BOARD STATEMENT

The Department of Public Works' Flood Control staff presented this item to the Flood Control District Advisory Commission (Commission) on February 3, April 7, June 9, September 15, and November 3, 2022; February 9 and November 2, 2023; and April 11, 2024. Flood Control staff also notified the Commissioners on September 9, 2024 by email. On September 15, 2022, staff had an extensive working meeting with the Commission to come to a consensus and finalize the recommended ordinance revisions.

BACKGROUND

The County of San Diego (County) participates in the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP). The NFIP regulations require that new buildings and substantial improvements to existing buildings be protected from the "base flood," also known as the "100-year flood," which is defined as the level of flood that has a 1% chance of occurring in any given year. The NFIP encourages communities to address other concerns as well, such as protecting natural floodplain functions, health and safety, and critical facilities, such as hospitals, police stations, or fire stations. In exchange for making flood insurance and disaster assistance available to property owners within a jurisdiction, local governments must adopt and enforce the NFIP's floodplain management standards within the boundaries of a floodplain as shown on the FEMA Flood Insurance Rate Maps (FIRMs).

Additionally, the County participates in FEMA's voluntary incentive Community Rating System (CRS) program, which currently enables eligible property owners to receive annual flood insurance at a 20% reduced rate. Participation in the CRS program requires the County to go above and beyond the minimum NFIP standards by performing additional tasks and activities, which include providing public education and outreach, including social media messaging for flood preparedness and mitigation; maintaining records for permits issued within the floodplain; and preserving open space. The more activities that a community undertakes leads to a better standing in the program, or "class", and greater percent reduction in flood insurance premiums for residents and businesses. Just over 1,500 communities in the U.S. participate in the CRS program, including the Southern California communities listed in the table below. In addition to showing the communities participating in the program, the table shows the year the communities enrolled in the program, their current "class" level in the program, and the corresponding percent discount in flood insurance premiums. Communities enter the program at class 9, which provides a 5% reduction in flood insurance premiums, and can advance to class 1 which provides a 45% reduction. The proposed changes are important to allow the County to continue to advance in their CRS class.

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Community	CRS Entry Date	CRS Class	% Discount
KERN COUNTY	10/1/1991	9	5%
LOS ANGELES COUNTY	10/1/1991	6	20%
CITY OF OCEANSIDE	10/1/1991	8	10%
ORANGE COUNTY	10/1/1991	5	25%
CITY OF POWAY	5/1/2008	8	10%
RIVERSIDE COUNTY	10/1/2010	6	20%
SAN DIEGO COUNTY	5/1/2008	6	20%
CITY OF SAN DIEGO	10/1/2023	7	15%
SANTA BARBARA COUNTY	10/1/1991	6	20%
VENTURA COUNTY	10/1/2011	5	25%

The recommended changes to the County’s Ordinance include the following:

1. Revisions requested by FEMA for consistency with the Code of Federal Regulations (CFR);
2. Optional revisions recommended by FEMA to maximize County credits to the CRS program pertaining to non-residential construction flood proofing requirements; and
3. An optional amendment to the local floodplain map revision process requirements (pertaining to FEMA’s Conditional Letter of Map Revision or “CLOMR”) that staff is recommending to mirror the CFR requirements for consistency.

1. Revisions Requested by FEMA for Consistency with the CFR.

FEMA regularly conducts compliance reviews of a community’s floodplain management program. These reviews are typically conducted annually but can be performed less often for communities that are more experienced in the NFIP program. The County’s last few audits have been conducted on a five-year interval. FEMA performed its most recent technical review of the County’s (unincorporated areas only) floodplain management regulations on August 25, 2021 and identified necessary revisions to meet NFIP minimum standards for the next update to the County’s Ordinance. These changes are generally non-substantive but requested by FEMA for consistency with the CFR. They include revised definitions, added dates of Flood Insurance Studies, documentation of the County’s record keeping of floodplain management documents, and clarification of the licensed professionals allowed to perform design for certain flood protection features for development. In response to FEMA’s request, the County’s Building Code has been amended and adopted in a separate Board action on January 25, 2023 (8) to clarify the design and/or location of electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities for flood safety.

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Proposed Ordinance amendments include:

- A. Updates to definitions to align with Section 59.1 of Title 44 of the CFR (as shown in Attachments A and B).
- B. Addition of date that the County originally adopted the FIRMs and the Flood Insurance Study that served as their basis.
- C. Reference to the County requirement for permits for all proposed construction or other development, including placement of manufactured homes, for the purpose of identifying proposed development in flood-prone areas.
- D. Codification of the Floodplain Administrator's practice to maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations.
- E. Clarification of existing language in the Ordinance that for construction on alluvial fan floodplains, which are formed when a fast-moving mountain stream empties out on a relatively flat plain (like in Borrego), that the lowest floor of a structure cannot be below the highest adjacent grade ~~unless for a commercial facility that is floodproofed~~.
- F. Clarification that only a registered professional engineer or architect may certify that the design and methods of construction meet flood protection requirements ~~for floodproofing a commercial structure~~.

2. Optional Revisions to Maximize County's Credits in CRS Program

The County may exceed minimum NFIP standards by performing additional activities to receive flood insurance policy discounts for residents and businesses through FEMA's CRS program. FEMA recommended the following ~~three~~ proposed revisions, that would also codify the County's existing practices:

- A. Requirement that flood-proofing or elevation of non-residential structures be to a height of one foot above the base flood elevation.;
- ~~B. Requirement that structural components are capable of withstanding flooding; and~~
- ~~C. Requirement that designs are developed or reviewed by a registered engineer or architect.~~

These clarifying amendments will help ensure consistency between County regulations and CFR requirements, and maximize reductions to flood insurance premiums for property owners in the unincorporated area of the County.

3. Optional Amendment to Local Floodplain Map Revision Process to Mirror CFR CLOMR Requirements

Some elements of the County's local Ordinance are intentionally more stringent than FEMA requirements and result in flood insurance policy discounts through FEMA's CRS program. The proposed amendments discussed in this section, however, pertain to an administrative requirement for floodplain map revisions in the County's Ordinance that is unintentionally more restrictive than the federal requirement. Additionally, it does not provide any advantage for NFIP policy discounts

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in the CRS program, nor provide additional flood protection to structures, people or the environment. Specifically, this is the requirement that determines which projects must obtain a FEMA-approved CLOMR before grading can be allowed.

The first step in FEMA's floodplain map revision process is for the applicant to prepare and submit a CLOMR application to the County for review. The CLOMR application is the applicant's plan for proposed improvements, such as grading or building a structure, on a property located within a FEMA mapped floodplain. Once the County's comments on the CLOMR are addressed, the applicant submits it to FEMA for review. Once FEMA reviews and concurs, they will issue an official determination stating that after the applicant completes work in the floodplain FEMA will revise the floodplain map. At this point, the County can then issue the grading permit. The FEMA floodplain map can only be updated once the applicant submits a Letter of Map Revision (or LOMR) to the County and FEMA, as proof that the work in the floodplain was completed in accordance with the approved CLOMR.

Communities, including states or local jurisdictions that have authority to adopt and enforce floodplain management regulations are allowed to incorporate requirements that are more stringent than FEMA's. On July 22, 2009 (8), the County updated the Ordinance to include, among other items, a new one-foot freeboard requirement for new development and substantial improvement of existing structures located in a floodplain. Freeboard functions as a factor of safety and, for purposes of floodplain management, is usually expressed in feet above a flood level. Applying freeboard compensates for many unknown factors that might cause flood heights to be greater than calculated, such as waves. This freeboard requirement is intentionally more stringent than Federal requirements, providing greater flood protection to the community and helping to enable NFIP policy discounts. However, also included in the same Board of Supervisors (Board) action was updated CLOMR requirement language that unintentionally made the County's map revision rules more stringent than Federal requirements. Unlike the freeboard requirement, the more stringent CLOMR requirement did not provide any advantage for NFIP policy discounts or greater flood protection to the community.

This difference between the local Ordinance and the CFR pertains specifically to projects that are proposed to be built in the floodplain. The CFR requires CLOMRs for projects that are proposed to be built in the mapped floodplain where no floodway has been determined, taking into account the cumulative impacts of existing and future development, which would cause an increase in the base flood elevation greater than one foot at any point. By contrast, the County's Ordinance requires a CLOMR for projects that propose any changes to the floodplain, in terms of the base flood elevation, base flood depth or floodplain boundary. At the time that the Board approved the changed CLOMR language, FEMA published their floodplain maps in a paper format. For very small projects whose impacts to the floodplain would not be visible on a paper map, FEMA would not require CLOMRs, although local communities would still review proposed project impacts. Because FEMA would not process CLOMRs for these projects, this difference between local and Federal requirements was not readily apparent. Later, when FEMA converted their paper floodplain maps to a digital format, which can easily account for changes of any size, FEMA

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subsequently rescinded its thresholds for very small projects. FEMA advised the County in June 2021 of this, and this difference between Federal regulations and the local Ordinance became evident. Since the more stringent Ordinance language is not a regulatory requirement that would offer more protection to structures or the environment or provide any advantage for NFIP policy discounts in the CRS program, staff recommends changing the local Ordinance language to mirror the CFR’s CLOMR language. If this change is adopted, the County will still review applicants’ drainage submittals for these smaller projects before issuing grading permits. However, FEMA approval would not be required, which would save projects time and money.

The County’s requirements for proposed projects located in floodways are identical to the Federal requirements. Similarly, the County’s requirement that all projects located in and altering floodplains and floodways must obtain a Letter of Map Revisions (LOMR) from FEMA after grading completion is also identical to the Federal requirement. As a result, no Ordinance amendment for these situations is needed.

Outreach and discussions with stakeholders, including the San Diego County Flood Control District Advisory Commission (Commission) led to consideration of several options to address the disparity between local and Federal CLOMR requirements, including a status quo option (no change). The Commission’s recommendation is to amend the Ordinance to mirror the CFR CLOMR language. Department of Public Works Flood Control staff met with stakeholders shown in Table 1 below, who all agreed or were neutral on this approach. Therefore, the staff recommendation is to change the Ordinance to mirror the CFR CLOMR language.

Stakeholder	Meeting Dates
Flood Control District Advisory Commission	2/3/2022, 4/7/2022, 6/9/2022, 9/15/2022, 11/3/2022, 2/9/2023, 11/2/2023, 4/11/2024
Land Development Technical Working Group	3/17/2022, 11/17/2022, 11/16/23
Environmental Coalition	3/18/2022, 10/14/2022, 1/19/2024
Building Industry Association Stormwater Task Force	4/28/2022, 1/26/2023, 2/23/2023, 1/25/2024
Bay Council	10/26/2022, 10/27/2023
Labor Unions	11/29/2022, 5/28/2024

Table 1: Stakeholder Outreach

ENVIRONMENTAL STATEMENT

Section 15060(c)(2) of the California Environmental Quality Act (CEQA) Guidelines provides that a project is not subject to CEQA review if the “activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.” The proposed action includes approval of revisions to the existing Flood Damage Prevention Ordinance for the purpose of compliance with the National Flood Insurance Program, consistency with the Code of Federal Regulations, and maximizing County credits in FEMA’s Community Rating System. As such, the proposed activity will not result in any direct or reasonably foreseeable indirect physical change to the

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environment, and accordingly, is exempt from CEQA review pursuant to Section 15060(c)(2) of the CEQA Guidelines.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

The County's Strategic Initiatives of Sustainability and Community included in the 2024-2029 Strategic Plan seek to unify the County's efforts in environmental preservation, safety and community preparedness, quality of life, and economic development. The action requested today will support the County's goals of maintaining high standards of quality of life by promoting flood safety in the unincorporated area, which will also assist economic development. Updating the County's Flood Damage Prevention Ordinance enables the County to implement higher standards of safety for flood protection that decrease the potential of damage from disasters.

Respectfully submitted,



DAHVIA LYNCH

Deputy Chief Administrative Officer

ATTACHMENT(S)

Attachment A – Ordinance Amending County Code Title 8, Division 11 (Strikeout Copy)

Attachment B – Ordinance Amending County Code Title 8, Division 11 (Clean Copy)



COUNTY OF SAN DIEGO

LAND USE AGENDA ITEM

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OVERVIEW

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The Department of Public Works has engaged extensively with our stakeholders and partners, including the Environmental Coalition, the Bay Council, the Building Industry Association, labor union stakeholders, floodplain management and legal professionals, the San Diego Association of Governments, the County's Land Development Technical Working Group, and the Flood Control District Advisory Commission, to gather feedback on the proposed optional amendment to the local floodplain map revision process (related to the CLOMR) to mirror the federal requirements. These stakeholders are all either neutral or in support of the recommended revisions; none expressed concerns or opposition to the staff's recommendation.

Today's request is for the Board to adopt an ordinance amending the County Flood Damage Prevention Ordinance to reflect FEMA's current standards for participation in the NFIP, to ensure continued successful participation in the CRS program, and to align the local floodplain map revision CLOMR requirements with the CFR.

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RECOMMENDATION(S)

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2. Approve introduction (first reading), read the title, and waive further readings of the following Ordinance:

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FISCAL IMPACT

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years.

SUBJECT: ADOPT AN ORDINANCE TO AMEND PORTIONS OF THE SAN DIEGO COUNTY FLOOD DAMAGE PREVENTION ORDINANCE, COUNTY CODE § 811.101, ET SEQ. AND RELATED CEQA FINDING (9/25/2024 – FIRST READING ORDINANCE; 10/9/2024 – ADOPT ORDINANCE) (DISTRICTS: ALL)

BUSINESS IMPACT STATEMENT

The County of San Diego's Flood Damage Prevention Ordinance provides flood protection requirements for private and public development projects to provide clarity to developers while balancing the needs of the community. In addition, the update will allow for continued participation in the National Flood Insurance Program and the Community Rating System, resulting in reduced flood insurance rates for property owners.

ADVISORY BOARD STATEMENT

The Department of Public Works' Flood Control staff presented this item to the Flood Control District Advisory Commission (Commission) on February 3, April 7, June 9, September 15, and November 3, 2022; February 9 and November 2, 2023; and April 11, 2024. Flood Control staff also notified the Commissioners on September 9, 2024 by email. On September 15, 2022, staff had an extensive working meeting with the Commission to come to a consensus and finalize the recommended ordinance revisions.

BACKGROUND

The County of San Diego (County) participates in the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP). The NFIP regulations require that new buildings and substantial improvements to existing buildings be protected from the "base flood," also known as the "100-year flood," which is defined as the level of flood that has a 1% chance of occurring in any given year. The NFIP encourages communities to address other concerns as well, such as protecting natural floodplain functions, health and safety, and critical facilities, such as hospitals, police stations, or fire stations. In exchange for making flood insurance and disaster assistance available to property owners within a jurisdiction, local governments must adopt and enforce the NFIP's floodplain management standards within the boundaries of a floodplain as shown on the FEMA Flood Insurance Rate Maps (FIRMs).

Additionally, the County participates in FEMA's voluntary incentive Community Rating System (CRS) program, which currently enables eligible property owners to receive annual flood insurance at a 20% reduced rate. Participation in the CRS program requires the County to go above and beyond the minimum NFIP standards by performing additional tasks and activities, which include providing public education and outreach, including social media messaging for flood preparedness and mitigation; maintaining records for permits issued within the floodplain; and preserving open space. The more activities that a community undertakes leads to a better standing in the program, or "class", and greater percent reduction in flood insurance premiums for residents and businesses. Just over 1,500 communities in the U.S. participate in the CRS program, including the Southern California communities listed in the table below. In addition to showing the communities participating in the program, the table shows the year the communities enrolled in the program, their current "class" level in the program, and the corresponding percent discount in flood insurance premiums. Communities enter the program at class 9, which provides a 5% reduction in flood insurance premiums, and can advance to class 1 which provides a 45% reduction. The proposed changes are important to allow the County to continue to advance in their CRS class.

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Community	CRS Entry Date	CRS Class	% Discount
KERN COUNTY	10/1/1991	9	5%
LOS ANGELES COUNTY	10/1/1991	6	20%
CITY OF OCEANSIDE	10/1/1991	8	10%
ORANGE COUNTY	10/1/1991	5	25%
CITY OF POWAY	5/1/2008	8	10%
RIVERSIDE COUNTY	10/1/2010	6	20%
SAN DIEGO COUNTY	5/1/2008	6	20%
CITY OF SAN DIEGO	10/1/2023	7	15%
SANTA BARBARA COUNTY	10/1/1991	6	20%
VENTURA COUNTY	10/1/2011	5	25%

The recommended changes to the County’s Ordinance include the following:

1. Revisions requested by FEMA for consistency with the Code of Federal Regulations (CFR);
2. Optional revisions recommended by FEMA to maximize County credits to the CRS program pertaining to non-residential construction flood proofing requirements; and
3. An optional amendment to the local floodplain map revision process requirements (pertaining to FEMA’s Conditional Letter of Map Revision or “CLOMR”) that staff is recommending to mirror the CFR requirements for consistency.

1. Revisions Requested by FEMA for Consistency with the CFR.

FEMA regularly conducts compliance reviews of a community’s floodplain management program. These reviews are typically conducted annually but can be performed less often for communities that are more experienced in the NFIP program. The County’s last few audits have been conducted on a five-year interval. FEMA performed its most recent technical review of the County’s (unincorporated areas only) floodplain management regulations on August 25, 2021 and identified necessary revisions to meet NFIP minimum standards for the next update to the County’s Ordinance. These changes are generally non-substantive but requested by FEMA for consistency with the CFR. They include revised definitions, added dates of Flood Insurance Studies, documentation of the County’s record keeping of floodplain management documents, and clarification of the licensed professionals allowed to perform design for certain flood protection features for development. In response to FEMA’s request, the County’s Building Code has been amended and adopted in a separate Board action on January 25, 2023 (8) to clarify the design and/or location of electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities for flood safety.

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Proposed Ordinance amendments include:

- A. Updates to definitions to align with Section 59.1 of Title 44 of the CFR (as shown in Attachments A and B).
- B. Addition of date that the County originally adopted the FIRMs and the Flood Insurance Study that served as their basis.
- C. Reference to the County requirement for permits for all proposed construction or other development, including placement of manufactured homes, for the purpose of identifying proposed development in flood-prone areas.
- D. Codification of the Floodplain Administrator's practice to maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations.
- E. Clarification of existing language in the Ordinance that for construction on alluvial fan floodplains, which are formed when a fast-moving mountain stream empties out on a relatively flat plain (like in Borrego), that the lowest floor of a structure cannot be below the highest adjacent grade.
- F. Clarification that only a registered professional engineer or architect may certify that the design and methods of construction meet flood protection requirements.

2. Optional Revisions to Maximize County's Credits in CRS Program

The County may exceed minimum NFIP standards by performing additional activities to receive flood insurance policy discounts for residents and businesses through FEMA's CRS program. FEMA recommended the following proposed revision, that would also codify the County's existing practices:

- A. Requirement that flood-proofing or elevation of non-residential structures be to a height of one foot above the base flood elevation.

These clarifying amendments will help ensure consistency between County regulations and CFR requirements, and maximize reductions to flood insurance premiums for property owners in the unincorporated area of the County.

3. Optional Amendment to Local Floodplain Map Revision Process to Mirror CFR CLOMR Requirements

Some elements of the County's local Ordinance are intentionally more stringent than FEMA requirements and result in flood insurance policy discounts through FEMA's CRS program. The proposed amendments discussed in this section, however, pertain to an administrative requirement for floodplain map revisions in the County's Ordinance that is unintentionally more restrictive than the federal requirement. Additionally, it does not provide any advantage for NFIP policy discounts in the CRS program, nor provide additional flood protection to structures, people or the environment. Specifically, this is the requirement that determines which projects must obtain a FEMA-approved CLOMR before grading can be allowed.

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The first step in FEMA's floodplain map revision process is for the applicant to prepare and submit a CLOMR application to the County for review. The CLOMR application is the applicant's plan for proposed improvements, such as grading or building a structure, on a property located within a FEMA mapped floodplain. Once the County's comments on the CLOMR are addressed, the applicant submits it to FEMA for review. Once FEMA reviews and concurs, they will issue an official determination stating that after the applicant completes work in the floodplain FEMA will revise the floodplain map. At this point, the County can then issue the grading permit. The FEMA floodplain map can only be updated once the applicant submits a Letter of Map Revision (or LOMR) to the County and FEMA, as proof that the work in the floodplain was completed in accordance with the approved CLOMR.

Communities, including states or local jurisdictions that have authority to adopt and enforce floodplain management regulations are allowed to incorporate requirements that are more stringent than FEMA's. On July 22, 2009 (8), the County updated the Ordinance to include, among other items, a new one-foot freeboard requirement for new development and substantial improvement of existing structures located in a floodplain. Freeboard functions as a factor of safety and, for purposes of floodplain management, is usually expressed in feet above a flood level. Applying freeboard compensates for many unknown factors that might cause flood heights to be greater than calculated, such as waves. This freeboard requirement is intentionally more stringent than Federal requirements, providing greater flood protection to the community and helping to enable NFIP policy discounts. However, also included in the same Board of Supervisors (Board) action was updated CLOMR requirement language that unintentionally made the County's map revision rules more stringent than Federal requirements. Unlike the freeboard requirement, the more stringent CLOMR requirement did not provide any advantage for NFIP policy discounts or greater flood protection to the community.

This difference between the local Ordinance and the CFR pertains specifically to projects that are proposed to be built in the floodplain. The CFR requires CLOMRs for projects that are proposed to be built in the mapped floodplain where no floodway has been determined, taking into account the cumulative impacts of existing and future development, which would cause an increase in the base flood elevation greater than one foot at any point. By contrast, the County's Ordinance requires a CLOMR for projects that propose any changes to the floodplain, in terms of the base flood elevation, base flood depth or floodplain boundary. At the time that the Board approved the changed CLOMR language, FEMA published their floodplain maps in a paper format. For very small projects whose impacts to the floodplain would not be visible on a paper map, FEMA would not require CLOMRs, although local communities would still review proposed project impacts. Because FEMA would not process CLOMRs for these projects, this difference between local and Federal requirements was not readily apparent. Later, when FEMA converted their paper floodplain maps to a digital format, which can easily account for changes of any size, FEMA subsequently rescinded its thresholds for very small projects. FEMA advised the County in June 2021 of this, and this difference between Federal regulations and the local Ordinance became evident. Since the more stringent Ordinance language is not a regulatory requirement that would

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offer more protection to structures or the environment or provide any advantage for NFIP policy discounts in the CRS program, staff recommends changing the local Ordinance language to mirror the CFR’s CLOMR language. If this change is adopted, the County will still review applicants’ drainage submittals for these smaller projects before issuing grading permits. However, FEMA approval would not be required, which would save projects time and money.

The County’s requirements for proposed projects located in floodways are identical to the Federal requirements. Similarly, the County’s requirement that all projects located in and altering floodplains and floodways must obtain a Letter of Map Revisions (LOMR) from FEMA after grading completion is also identical to the Federal requirement. As a result, no Ordinance amendment for these situations is needed.

Outreach and discussions with stakeholders, including the San Diego County Flood Control District Advisory Commission (Commission) led to consideration of several options to address the disparity between local and Federal CLOMR requirements, including a status quo option (no change). The Commission’s recommendation is to amend the Ordinance to mirror the CFR CLOMR language. Department of Public Works Flood Control staff met with stakeholders shown in Table 1 below, who all agreed or were neutral on this approach. Therefore, the staff recommendation is to change the Ordinance to mirror the CFR CLOMR language.

Stakeholder	Meeting Dates
Flood Control District Advisory Commission	2/3/2022, 4/7/2022, 6/9/2022, 9/15/2022, 11/3/2022, 2/9/2023, 11/2/2023, 4/11/2024
Land Development Technical Working Group	3/17/2022, 11/17/2022, 11/16/23
Environmental Coalition	3/18/2022, 10/14/2022, 1/19/2024
Building Industry Association Stormwater Task Force	4/28/2022, 1/26/2023, 2/23/2023, 1/25/2024
Bay Council	10/26/2022, 10/27/2023
Labor Unions	11/29/2022, 5/28/2024

Table 1: Stakeholder Outreach

ENVIRONMENTAL STATEMENT

Section 15060(c)(2) of the California Environmental Quality Act (CEQA) Guidelines provides that a project is not subject to CEQA review if the “activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.” The proposed action includes approval of revisions to the existing Flood Damage Prevention Ordinance for the purpose of compliance with the National Flood Insurance Program, consistency with the Code of Federal Regulations, and maximizing County credits in FEMA’s Community Rating System. As such, the proposed activity will not result in any direct or reasonably foreseeable indirect physical change to the environment, and accordingly, is exempt from CEQA review pursuant to Section 15060(c)(2) of the CEQA Guidelines.

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LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

The County's Strategic Initiatives of Sustainability and Community included in the 2024-2029 Strategic Plan seek to unify the County's efforts in environmental preservation, safety and community preparedness, quality of life, and economic development. The action requested today will support the County's goals of maintaining high standards of quality of life by promoting flood safety in the unincorporated area, which will also assist economic development. Updating the County's Flood Damage Prevention Ordinance enables the County to implement higher standards of safety for flood protection that decrease the potential of damage from disasters.

Respectfully submitted,



DAHVIA LYNCH

Deputy Chief Administrative Officer

ATTACHMENT(S)

Attachment A – Ordinance Amending County Code Title 8, Division 11 (Strikeout Copy)

Attachment B – Ordinance Amending County Code Title 8, Division 11 (Clean Copy)

**County of San Diego Board of Supervisors
AGENDA ITEM INFORMATION SHEET**

AGENDA ITEM SUBJECT/TITLE:

ADOPT AN ORDINANCE TO AMEND PORTIONS OF THE SAN DIEGO COUNTY FLOOD DAMAGE PREVENTION ORDINANCE, COUNTY CODE § 811.101, ET SEQ. AND RELATED CEQA FINDING (9/25/2024 - FIRST READING ORDINANCE; 10/9/2024 - ADOPT ORDINANCE) (DISTRICTS: ALL)

REQUIRES FOUR VOTES:

Yes ☐ No ☒

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION §1000.1 REQUIRED:

Yes ☐ No ☒

NOTICED PUBLIC HEARING REQUIRED:

Yes ☐ No ☒

PROJECT UNDER CEQA:

Yes ☐ No ☒

If Yes, approval of CEQA document required?

Yes ☐ No ☐

DECISION WITHIN GOVERNMENT CODE SECTION 84308:

Yes ☐ No ☒

PREVIOUS RELEVANT BOARD ACTIONS:

October 30, 2019 (2) adopted an Ordinance to Amend Portions of the County Code Relating to Flood Damage Prevention; November 10, 2010 (8), adopted an Ordinance to Amend Portions of the County Code Relating to Flood Damage Prevention; August 5, 2009 (3), adopted an Ordinance to Amend Portions of the County Code Relating to Flood Damage Prevention; September 27, 2006 (7), approved an Implementation plan under the Community Rating System. November 23, 1993 (32), Amended County Code relating to Flood Damage Prevention

BOARD POLICIES APPLICABLE:

N/A

BOARD POLICY STATEMENTS:

N/A

MANDATORY COMPLIANCE:

The proposed action to adopt an ordinance amending the County's Flood Damage Prevention Ordinance complies with the Code of Federal Regulations.

ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):

N/A

ORIGINATING DEPARTMENT: Department of Public works

OTHER CONCURRENCE(S): Department of General Services
Department of Parks and Recreation
Department of Planning and Development Services

INTERNAL REVIEW COMPLETED: YES ☒ NO ☐ **Tai Dietrich** Digitally signed by Tai Dietrich
Date: 2024.09.12 09:49:51
-07'00'

Signature

CONTACT PERSON(S):

Bill Morgan

Name
858-694-3087

Phone
William.Morgan@sdcounty.ca.gov

E-mail

William Morgan Digitally signed by William
Morgan
Date: 2024.09.10 07:25:52 -07'00'

Signature

Richard Whipple

Name
858-694-2125

Phone
Richard.Whipple@sdcounty.ca.gov

E-mail

Whipple, Richard Digitally signed by Whipple,
Richard
Date: 2024.09.09 16:55:36 -07'00'

Signature

From: [Morgan, William](#)
To: [Caro, Grace](#); [Leighton, Aimee](#); [Bulante, Rizalie](#); [Helms, Emily](#); [Nicoletti, Vince](#); [Albright, Brian](#); [Medved, Marko](#)
Cc: [Brideau, Sherry](#); [O'Barr, Madison](#); [Mayorga, Marvin](#); [Weiland, Danielle](#); [Crawford, Benjamin](#); [Rubio, David](#)
Subject: RE: EA Approval - Errata for the 9/25/24 Flood Damage Prevention Ordinance Board Letter
Date: Tuesday, September 24, 2024 8:18:23 AM
Attachments: [DPW BL - Flood Damage Prevention Ordinance Updates 10-2023 Final Rev with errata changes.docx](#)
[image001.png](#)
[Attachment A - Ordinance to Amend FDPO \(strikeout\).docx](#)
[Attachment B - Ordinance to Amend FDPO \(clean\).docx](#)
[Errata Item 3.docx](#)

Approved

Thanks,

William Morgan, P.E. Interim Director
Department of Public Works
County of San Diego Land Use and Environment Group
O: 858-694-3087 | C: 858-344-5859
Email: william.morgan@sdcounty.ca.gov

From: Caro, Grace <Grace.Caro@sdcounty.ca.gov>
Sent: Tuesday, September 24, 2024 8:16 AM
To: Morgan, William <William.Morgan@sdcounty.ca.gov>; Leighton, Aimee <Aimee.Leighton@sdcounty.ca.gov>; Bulante, Rizalie <Rizalie.Bulante@sdcounty.ca.gov>; Helms, Emily <Emily.Helms@sdcounty.ca.gov>; Nicoletti, Vince <Vince.Nicoletti@sdcounty.ca.gov>; Albright, Brian <Brian.Albright@sdcounty.ca.gov>; Medved, Marko <Marko.Medved@sdcounty.ca.gov>
Cc: Brideau, Sherry <Sherry.Brideau@sdcounty.ca.gov>; O'Barr, Madison <Madison.OBarr@sdcounty.ca.gov>; Mayorga, Marvin <Marvin.Mayorga@sdcounty.ca.gov>; Weiland, Danielle <Danielle.Weiland1@sdcounty.ca.gov>; Crawford, Benjamin <Benjamin.Crawford@sdcounty.ca.gov>; Rubio, David <David.Rubio@sdcounty.ca.gov>
Subject: EA Approval - Errata for the 9/25/24 Flood Damage Prevention Ordinance Board Letter
Importance: High

Good morning,

9/25/24 ADOPT AN ORDINANCE TO AMEND PORTIONS OF THE SAN DIEGO COUNTY FLOOD DAMAGE PREVENTION ORDINANCE, COUNTY CODE § 811.101, ET SEQ. AND RELATED CEQA FINDING (9/25/2024 – FIRST READING ORDINANCE; 10/9/2024 – ADOPT ORDINANCE) (DISTRICTS: ALL). I have attached the Board letter, attachments, and Errata form for your review and your approval **ASAP**.

Due to time constraints, we have opted to use an email response of “**approved**” to docket this item.

From: [Nicoletti, Vince](#)
To: [Morgan, William](#); [Caro, Grace](#); [Leighton, Aimee](#); [Bulante, Rizalie](#); [Helms, Emily](#); [Albright, Brian](#); [Medved, Marko](#)
Cc: [Brideau, Sherry](#); [O'Barr, Madison](#); [Mayorga, Marvin](#); [Weiland, Danielle](#); [Crawford, Benjamin](#); [Rubio, David](#)
Subject: RE: EA Approval - Errata for the 9/25/24 Flood Damage Prevention Ordinance Board Letter
Date: Tuesday, September 24, 2024 8:20:55 AM
Attachments: [image002.png](#)
[image003.png](#)

Approved, thanks



COUNTY OF SAN DIEGO
**PLANNING & DEVELOPMENT
SERVICES**

Vince Nicoletti, Interim Director

he / him / his [Why do pronouns matter?](#)

County of San Diego, Planning & Development Services
5510 Overland Avenue | Suite 210 | San Diego, CA 92123 | MS: O-377
Cell 619-993-0042 | vince.nicoletti@sdcounty.ca.gov
Planning & Development Services Homepage: www.SDCPDS.org

From: Morgan, William <William.Morgan@sdcounty.ca.gov>
Sent: Tuesday, September 24, 2024 8:18 AM
To: Caro, Grace <Grace.Caro@sdcounty.ca.gov>; Leighton, Aimee <Aimee.Leighton@sdcounty.ca.gov>; Bulante, Rizalie <Rizalie.Bulante@sdcounty.ca.gov>; Helms, Emily <Emily.Helms@sdcounty.ca.gov>; Nicoletti, Vince <Vince.Nicoletti@sdcounty.ca.gov>; Albright, Brian <Brian.Albright@sdcounty.ca.gov>; Medved, Marko <Marko.Medved@sdcounty.ca.gov>
Cc: Brideau, Sherry <Sherry.Brideau@sdcounty.ca.gov>; O'Barr, Madison <Madison.OBarr@sdcounty.ca.gov>; Mayorga, Marvin <Marvin.Mayorga@sdcounty.ca.gov>; Weiland, Danielle <Danielle.Weiland1@sdcounty.ca.gov>; Crawford, Benjamin <Benjamin.Crawford@sdcounty.ca.gov>; Rubio, David <David.Rubio@sdcounty.ca.gov>
Subject: RE: EA Approval - Errata for the 9/25/24 Flood Damage Prevention Ordinance Board Letter

Approved
Thanks,

William Morgan, P.E. Interim Director
Department of Public Works
County of San Diego Land Use and Environment Group
O: 858-694-3087 | C: 858-344-5859
Email: william.morgan@sdcounty.ca.gov

From: Caro, Grace <Grace.Caro@sdcounty.ca.gov>
Sent: Tuesday, September 24, 2024 8:16 AM

From: [Leighton, Aimee](#)
To: [Caro, Grace](#); [Morgan, William](#); [Bulante, Rizalie](#); [Helms, Emily](#); [Nicoletti, Vince](#); [Albright, Brian](#); [Medved, Marko](#)
Cc: [Brideau, Sherry](#); [O'Barr, Madison](#); [Mayorga, Marvin](#); [Weiland, Danielle](#); [Crawford, Benjamin](#); [Rubio, David](#)
Subject: RE: EA Approval - Errata for the 9/25/24 Flood Damage Prevention Ordinance Board Letter
Date: Tuesday, September 24, 2024 8:24:26 AM
Attachments: [image001.png](#)

Approved.

Thanks~

Aimee

Aimee Leighton

Group Finance Director
Land Use and Environment Group
(619) 481-1182



COUNTY OF SAN DIEGO
LAND USE AND ENVIRONMENT

From: Caro, Grace <Grace.Caro@sdcounty.ca.gov>
Sent: Tuesday, September 24, 2024 8:16 AM
To: Morgan, William <William.Morgan@sdcounty.ca.gov>; Leighton, Aimee <Aimee.Leighton@sdcounty.ca.gov>; Bulante, Rizalie <Rizalie.Bulante@sdcounty.ca.gov>; Helms, Emily <Emily.Helms@sdcounty.ca.gov>; Nicoletti, Vince <Vince.Nicoletti@sdcounty.ca.gov>; Albright, Brian <Brian.Albright@sdcounty.ca.gov>; Medved, Marko <Marko.Medved@sdcounty.ca.gov>
Cc: Brideau, Sherry <Sherry.Brideau@sdcounty.ca.gov>; O'Barr, Madison <Madison.OBarr@sdcounty.ca.gov>; Mayorga, Marvin <Marvin.Mayorga@sdcounty.ca.gov>; Weiland, Danielle <Danielle.Weiland1@sdcounty.ca.gov>; Crawford, Benjamin <Benjamin.Crawford@sdcounty.ca.gov>; Rubio, David <David.Rubio@sdcounty.ca.gov>
Subject: EA Approval - Errata for the 9/25/24 Flood Damage Prevention Ordinance Board Letter
Importance: High

Good morning,

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From: [Helms, Emily](#)
To: [Caro, Grace](#); [Morgan, William](#); [Leighton, Aimee](#); [Bulante, Rizalie](#); [Nicoletti, Vince](#); [Albright, Brian](#); [Medved, Marko](#)
Cc: [Brideau, Sherry](#); [O'Barr, Madison](#); [Mayorga, Marvin](#); [Weiland, Danielle](#); [Crawford, Benjamin](#); [Rubio, David](#)
Subject: RE: EA Approval - Errata for the 9/25/24 Flood Damage Prevention Ordinance Board Letter
Date: Tuesday, September 24, 2024 8:34:14 AM

Approved.

Emily M. Helms
Senior Deputy County Counsel
County of San Diego | Office of County Counsel
1600 Pacific Highway, Room 355 | San Diego, CA 92101
Office Phone: (619) 595-4644 | Mobile Phone: (619) 385-1106

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From: Caro, Grace <Grace.Caro@sdcounty.ca.gov>
Sent: Tuesday, September 24, 2024 8:16 AM
To: Morgan, William <William.Morgan@sdcounty.ca.gov>; Leighton, Aimee <Aimee.Leighton@sdcounty.ca.gov>; Bulante, Rizalie <Rizalie.Bulante@sdcounty.ca.gov>; Helms, Emily <Emily.Helms@sdcounty.ca.gov>; Nicoletti, Vince <Vince.Nicoletti@sdcounty.ca.gov>; Albright, Brian <Brian.Albright@sdcounty.ca.gov>; Medved, Marko <Marko.Medved@sdcounty.ca.gov>
Cc: Brideau, Sherry <Sherry.Brideau@sdcounty.ca.gov>; O'Barr, Madison <Madison.OBarr@sdcounty.ca.gov>; Mayorga, Marvin <Marvin.Mayorga@sdcounty.ca.gov>; Weiland, Danielle <Danielle.Weiland1@sdcounty.ca.gov>; Crawford, Benjamin <Benjamin.Crawford@sdcounty.ca.gov>; Rubio, David <David.Rubio@sdcounty.ca.gov>
Subject: EA Approval - Errata for the 9/25/24 Flood Damage Prevention Ordinance Board Letter
Importance: High

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From: [Medved, Marko](#)
To: [Helms, Emily](#); [Caro, Grace](#); [Morgan, William](#); [Leighton, Aimee](#); [Bulante, Rizalie](#); [Nicoletti, Vince](#); [Albright, Brian](#)
Cc: [Brideau, Sherry](#); [O'Barr, Madison](#); [Mayorga, Marvin](#); [Weiland, Danielle](#); [Crawford, Benjamin](#); [Rubio, David](#)
Subject: Re: EA Approval - Errata for the 9/25/24 Flood Damage Prevention Ordinance Board Letter
Date: Tuesday, September 24, 2024 8:37:41 AM

Approved.
MM

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From: Helms, Emily <Emily.Helms@sdcounty.ca.gov>
Sent: Tuesday, September 24, 2024 8:34:12 AM
To: Caro, Grace <Grace.Caro@sdcounty.ca.gov>; Morgan, William <William.Morgan@sdcounty.ca.gov>; Leighton, Aimee <Aimee.Leighton@sdcounty.ca.gov>; Bulante, Rizalie <Rizalie.Bulante@sdcounty.ca.gov>; Nicoletti, Vince <Vince.Nicoletti@sdcounty.ca.gov>; Albright, Brian <Brian.Albright@sdcounty.ca.gov>; Medved, Marko <Marko.Medved@sdcounty.ca.gov>
Cc: Brideau, Sherry <Sherry.Brideau@sdcounty.ca.gov>; O'Barr, Madison <Madison.OBarr@sdcounty.ca.gov>; Mayorga, Marvin <Marvin.Mayorga@sdcounty.ca.gov>; Weiland, Danielle <Danielle.Weiland1@sdcounty.ca.gov>; Crawford, Benjamin <Benjamin.Crawford@sdcounty.ca.gov>; Rubio, David <David.Rubio@sdcounty.ca.gov>
Subject: RE: EA Approval - Errata for the 9/25/24 Flood Damage Prevention Ordinance Board Letter

Approved.

Emily M. Helms
Senior Deputy County Counsel
County of San Diego | Office of County Counsel
1600 Pacific Highway, Room 355 | San Diego, CA 92101
Office Phone: (619) 595-4644 | Mobile Phone: (619) 385-1106

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From: Caro, Grace <Grace.Caro@sdcounty.ca.gov>
Sent: Tuesday, September 24, 2024 8:16 AM

From: [Albright, Brian](#)
To: [Caro, Grace](#)
Subject: Re: EA Approval - Errata for the 9/25/24 Flood Damage Prevention Ordinance Board Letter
Date: Tuesday, September 24, 2024 8:54:26 AM

Approved

Get [Outlook for iOS](#)

From: Caro, Grace <Grace.Caro@sdcounty.ca.gov>
Sent: Tuesday, September 24, 2024 8:15:34 AM
To: Morgan, William <William.Morgan@sdcounty.ca.gov>; Leighton, Aimee <Aimee.Leighton@sdcounty.ca.gov>; Bulante, Rizalie <Rizalie.Bulante@sdcounty.ca.gov>; Helms, Emily <Emily.Helms@sdcounty.ca.gov>; Nicoletti, Vince <Vince.Nicoletti@sdcounty.ca.gov>; Albright, Brian <Brian.Albright@sdcounty.ca.gov>; Medved, Marko <Marko.Medved@sdcounty.ca.gov>
Cc: Brideau, Sherry <Sherry.Brideau@sdcounty.ca.gov>; O'Barr, Madison <Madison.OBarr@sdcounty.ca.gov>; Mayorga, Marvin <Marvin.Mayorga@sdcounty.ca.gov>; Weiland, Danielle <Danielle.Weiland1@sdcounty.ca.gov>; Crawford, Benjamin <Benjamin.Crawford@sdcounty.ca.gov>; Rubio, David <David.Rubio@sdcounty.ca.gov>
Subject: EA Approval - Errata for the 9/25/24 Flood Damage Prevention Ordinance Board Letter

Good morning,

9/25/24 ADOPT AN ORDINANCE TO AMEND PORTIONS OF THE SAN DIEGO COUNTY FLOOD DAMAGE PREVENTION ORDINANCE, COUNTY CODE § 811.101, ET SEQ. AND RELATED CEQA FINDING (9/25/2024 – FIRST READING ORDINANCE; 10/9/2024 – ADOPT ORDINANCE) (DISTRICTS: ALL). I have attached the Board letter, attachments, and Errata form for your review and your approval **ASAP**.

Due to time constraints, we have opted to use an email response of “**approved**” to docket this item.

DPW – Bill Morgani
CoCo – Emily Helms
OFP – Riza Bulante
LUEG Finance – Aimee Leighton
PDS – Vince Nicoletti
DPR – Brian Albright
DGS – Marko Medved

Please let me know if you have any questions.

From: [Bulante, Rizalie](#)
To: [Caro, Grace](#); [Morgan, William](#); [Leighton, Aimee](#); [Helms, Emily](#); [Nicoletti, Vince](#); [Albright, Brian](#); [Medved, Marko](#)
Cc: [Brideau, Sherry](#); [O'Barr, Madison](#); [Mayorga, Marvin](#); [Weiland, Danielle](#); [Crawford, Benjamin](#); [Rubio, David](#)
Subject: RE: EA Approval - Errata for the 9/25/24 Flood Damage Prevention Ordinance Board Letter
Date: Tuesday, September 24, 2024 9:04:16 AM
Attachments: [image001.png](#)

Approved.

Thanks,

Rizalie Bulante, Financial Policy & Planning Officer
County of San Diego - Office of Financial Planning
Email: rizalie.bulante@sdcounty.ca.gov
P: 619-531-5172



COUNTY OF
SAN DIEGO

From: Caro, Grace <Grace.Caro@sdcounty.ca.gov>
Sent: Tuesday, September 24, 2024 8:16 AM
To: Morgan, William <William.Morgan@sdcounty.ca.gov>; Leighton, Aimee <Aimee.Leighton@sdcounty.ca.gov>; Bulante, Rizalie <Rizalie.Bulante@sdcounty.ca.gov>; Helms, Emily <Emily.Helms@sdcounty.ca.gov>; Nicoletti, Vince <Vince.Nicoletti@sdcounty.ca.gov>; Albright, Brian <Brian.Albright@sdcounty.ca.gov>; Medved, Marko <Marko.Medved@sdcounty.ca.gov>
Cc: Brideau, Sherry <Sherry.Brideau@sdcounty.ca.gov>; O'Barr, Madison <Madison.OBarr@sdcounty.ca.gov>; Mayorga, Marvin <Marvin.Mayorga@sdcounty.ca.gov>; Weiland, Danielle <Danielle.Weiland1@sdcounty.ca.gov>; Crawford, Benjamin <Benjamin.Crawford@sdcounty.ca.gov>; Rubio, David <David.Rubio@sdcounty.ca.gov>
Subject: EA Approval - Errata for the 9/25/24 Flood Damage Prevention Ordinance Board Letter
Importance: High

Good morning,

9/25/24 ADOPT AN ORDINANCE TO AMEND PORTIONS OF THE SAN DIEGO COUNTY FLOOD DAMAGE PREVENTION ORDINANCE, COUNTY CODE § 811.101, ET SEQ. AND RELATED CEQA FINDING (9/25/2024 – FIRST READING ORDINANCE; 10/9/2024 – ADOPT ORDINANCE) (DISTRICTS: ALL). I have attached the Board letter, attachments, and Errata form for your review and your approval **ASAP**.

Due to time constraints, we have opted to use an email response of “**approved**” to docket this item.

DPW – Bill Morgani

ORDINANCE NO. _____ (New Series)

ORDINANCE TO AMEND PORTIONS OF THE SAN DIEGO COUNTY FLOOD
DAMAGE PREVENTION ORDINANCE TO MEET NATIONAL FLOOD INSURANCE
PROGRAM AND OTHER OBJECTIVES

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that it is necessary to amend the San Diego County Code of Regulatory Ordinances pertaining to Flood Damage Prevention Ordinance (Ordinance) to implement National Flood Insurance Program (NFIP) requirements and make changes to improve flood mapping and ordinance language. The amendments made by this ordinance are intended to reflect the Federal Emergency Management Agency's current standards for participation in the NFIP and ensure continued successful participation in the Community Rating System Program. This action also includes changes to the Ordinance to mirror the language found in the Code of Federal Regulations.

Section 2. Portions of Sections 811.201, 811.302, 811.401, 811.403, 811.501 and 811.503 without deleting existing text as identified by asterisk of the San Diego County Code of Regulatory Ordinances are hereby amended to read as follows:

SEC. 811.201. DEFINITIONS.

Unless specifically defined below, words and phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

* * * * *

(b) "Alluvial fan flooding" means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and, unpredictable flow paths. ~~a desert phenomenon where streams emerge from canyons and deposit sand and rock in a cone-shaped formation fanning out from the canyon mouth~~

* * * * *

(e) "Area of shallow flooding" means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. ~~AO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.~~

* * * * *

(j) "Conditional Letter of Map Revision (CLOMR)" means a formal review and comment as to whether a proposed flood protection project or other project complies with

the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM. ~~letter from FEMA commenting on whether a proposed project, if built as proposed, or proposed hydrology changes would meet minimum National Flood Insurance Program standards.~~

* * * *

(m) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the County of San Diego.

* * * *

(u) "Floodplain or flood-prone area" means any land area adjacent to a watercourse susceptible to being inundated by water from any source (see definition of "flooding").

* * * *

(aa) "Letter of Map Amendment (LOMA)" means an amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area. ~~a letter from FEMA stating that an existing structure or parcel of land that has not been elevated by fill (natural ground) would not be inundated by the base flood.~~

* * * *

(bb) "Letter of Map Revision (LOMR)" means a revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features. ~~a letter from FEMA officially revising the current National Flood Insurance Program map to show changes to floodplains, floodways, or flood elevations.~~

* * * *

(cc) "Letter of Map Revision Based on Fill (LOMR-F)" means a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations. ~~a letter from FEMA stating that an existing structure or parcel of land that has been elevated by fill would not be inundated by the base flood.~~

* * * *

(hh) "New construction" means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of ~~a~~ the first floodplain management regulations adopted by the County of San Diego, and includes any

subsequent improvements to such structures.

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(ii) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first a floodplain management regulations adopted by the County of San Diego.

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(kk) "Special flood hazard area", "area of special flood hazard" and "SFHA" means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year, and shown on FBFM or FIRM as Zone A, AO, A1-30, AE, A99, or AH the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard"; or on a County floodplain map as within a 100-year floodplain or on a County alluvial fan map within an alluvial fan area.

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(ll) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. (i) the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; (ii) the placement of a manufactured home on a foundation; or (iii) "substantial improvement" of an existing structure. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

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(Amended by Ord. No. 7800 (N.S.), effective 9-6-90; amended by Ord. No. 9998 (N.S.), effective 9-4-09; amended by Ord. No. 10091 (N.S.), effective 12-10-10, amended by Ord. No. 10631 (N.S.), effective 11-29-19)

SEC. 811.302. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

County floodplain and alluvial fan maps and the FEMA issued FIRMs, originally dated June 15, 1984, "Flood Insurance Studies Study: San Diego County, California and Incorporated Areas," dated June 19, 1997 and FBFM for the County of San Diego and all subsequent revisions thereto are hereby adopted by reference and declared to be a part of this ordinance. All map revisions must be approved by FEMA through its map revision process. County floodplain maps shall be retired in the location of the revision upon completion of a FEMA map revision. The County floodplain and alluvial fan maps may be supplemented by studies for other areas which follow implementation of this ordinance and which are recommended to the Board of Supervisors by the Floodplain Administrator. In case of conflict(s) between the County floodplain maps, County alluvial fan maps, FIRM, Flood Insurance Study, or FBFM, the more stringent of restrictions shall prevail and be deemed to govern.

(Amended by Ord. No. 9998 (N.S.), effective 9-4-09; amended by Ord. No. 10091, effective 12-10-10; amended by Ord. No. 10631 (N.S.), effective 11-29-19)

SEC. 811.401. DEVELOPMENT PERMIT.

A development permit shall be obtained for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas and ~~before new construction, substantial improvements, or development begins within any area of~~ special flood hazard. Application for a development permit shall include, but not be limited to:

(a) Plans in duplicate, drawn to scale, showing:

(1) Location, dimensions, and elevation of the area in question, existing and proposed structures, storage of materials and equipment, and other facilities or features which may impact flood waters;

(2) Proposed and existing locations of water supply, sanitary sewers, and other utilities;

(3) Existing and proposed graded contours, proposed cut and fill areas, and drainage facilities;

(4) Base flood elevation before and after permitted work within the area where the work is performed and all adjacent areas where the base flood elevation is changed in any way as a result of the work;

(5) Proposed elevation in relation to mean sea level, of the lowest floor (including basement), of all structures and the level to which any structures will be flood proofed.

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(Amended by Ord. No. 9998 (N.S.), effective 9-4-09; amended by Ord. No. 10091, effective 12-

10-10; amended by Ord. No. 10631 (N.S.), effective 11-29-19)

SEC. 811.403. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

* * * *

- (d) Whenever base flood elevation, base flood depth, and/or the floodplain boundary are or may be changed:

- (1) Ensure all required Conditional Letters of Map Revision are obtained from FEMA prior to the issuance of grading permits or the start of construction where a grading permit is not required; and

* * * *

- (k) Department records. In addition to the requirements of the building code and these regulations, and regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the building codes, including Flood Insurance Studies and Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the building codes and these regulations; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the building codes.

* * * *

(Amended by Ord. No. 9998 (N.S.), effective 9-4-09; amended by Ord. No. 10091, effective 12-10-10 amended by Ord. No. 10631 (N.S.), effective 11-29-19))

SEC. 811.501. STANDARDS OF CONSTRUCTION.

In all areas of special flood hazards the following standards are required:

* * * *

- (c) Elevation and flood proofing.

- (1) Residential construction in special flood hazard areas outside an alluvial fan. All new construction, substantial improvements and placement of a residential structure within a special flood hazard area located outside an alluvial fan shall have the lowest floor, including basement, mechanical and utility equipment, and ductwork, but excluding garages used solely for parking or storing vehicles, access to or from the residence or storage in a manner that prevents stored objects from

being carried away in a flood, elevated 1 foot above the base flood elevation. The elevation shall be certified on a FEMA elevation certificate by a registered civil engineer, licensed land surveyor, or architect and the design and method of construction of any portion of a garage allowable below base flood elevation certified by a registered civil engineer, ~~licensed land surveyor~~, or architect as meeting these standards and standards imposed by the National Flood Insurance Program, and verified by the County building inspector. Such certification and verification shall be provided to the Floodplain Administrator.

- (2) Construction in alluvial fans. New construction, substantial improvement and placement of any structure in Zone AO or within the alluvial fan boundaries shown on the Borrego Valley alluvial fans map or FIRM, shall have the lowest floor, including basement, mechanical and utility equipment, and ductwork, elevated at least 1 foot above the highest adjacent grade at least as high as the FIRM's depth number base flood depth. The elevation shall be certified on a FEMA elevation certificate by a registered civil engineer, licensed land surveyor, or architect, and verified by the County building inspector. Such certification and verification shall be provided to the Floodplain Administrator.

- (3) Nonresidential construction in special flood hazard areas outside an alluvial fan. All new construction, substantial improvements and placement of a nonresidential structure shall either be elevated in conformance with the standards applicable to residential construction or conform to the following standards:

- A. Be flood proofed at least 1 foot above ~~so that below~~ the base flood elevation. ~~The structure (including attendant utility and sanitary facilities) below 1 foot above the base flood elevation must be~~ watertight with walls substantially impermeable to the passage of water;
- B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- C. A registered civil engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting these standards and standards imposed by the National Flood Insurance Program and verified by the County building inspector. Floodproofing Certificate for Non-Residential Structures shall be used. Such certification and verification shall be provided to the Floodplain Administrator. ~~The elevation shall be certified on a FEMA elevation certificate and the design and method of construction of any portion of a structure allowable below base flood elevation certified by a registered civil engineer, licensed land surveyor, or architect as meeting~~

- (d) General requirements applicable to alluvial fans. All new construction, substantial improvements and structures placed in Zone AO or within the alluvial fan boundaries shown on the Borrego Valley alluvial fans map or FIRM, shall meet the following minimum requirements:

(1) All structures shall be raised on piers, columns or stem walls oriented in the direction of flow, so as not to impede the flow of floodwater and debris, and have the lowest horizontal structural member elevated above the highest adjacent grade to at least as high as the depth number base flood depth as shown on the effective FEMA FIRM map.

(e) Flood Openings.

All new construction, substantial improvements, and placement of any fully enclosed nonresidential structure or garage that is usable solely for parking of vehicles, access to or from the structure or storage in a manner that prevents stored objects from being carried away in a flood, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified on a FEMA elevation certificate by either a registered civil engineer, ~~licensed land surveyor~~, or architect as meeting or exceeding the stricter of the requirements imposed pursuant to the National Flood Insurance Program or this Ordinance as follows:

- (1) Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- (2) The bottom of all openings shall be no higher than one foot above grade;
- (3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and
- (4) Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter.

(Amended by Ord. No. 9998 (N.S.), effective 9-4-09; amended by Ord. No. 10631 (N.S.), effective 11-29-19)

SEC. 811.503. STANDARDS FOR SUBDIVISIONS AND DEVELOPMENT.

* * * *

- (b) All new construction, substantial improvements, and placement of a structure, or other development in an area of special flood hazard that will change the base flood elevation, base flood depth or floodplain boundary shall only be commenced in accordance with the following requirements:

- (1) Submit a completed application for a development permit, including but not limited to plans and specifications for the project to the Floodplain Administrator;
- (2) Prior to the commencement of any grading activities, obtain a Conditional Letter of Map Revision from FEMA if the project meets one of the two criteria listed below:
 - (i) A project within a Zone AE floodplain without an effective floodway, which would result in a BFE increase of greater than 1.00 foot, compared to the existing (pre-project) conditions, when considering the cumulative impacts of all other existing and proposed encroachments.
 - (ii) A project within an effective regulatory floodway that would result in any (0.00 foot) BFE increase.

- (3) Prior to the issuance of a certificate of occupancy or the completion of any development for which a certificate of occupancy is not required, obtain a Letter of Map Revision from FEMA

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(Amended by Ord. No. 9998 (N.S.), effective 9-4-09; amended by Ord. No. 10631 (N.S.), effective 11-29-19)

Section 3. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in _____, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY

CLAUDIA G. SILVA, County Counsel

By: Thomas L. Bosworth, Senior Deputy County Counsel

ORDINANCE NO. _____ (New Series)

ORDINANCE TO AMEND PORTIONS OF THE SAN DIEGO COUNTY FLOOD
DAMAGE PREVENTION ORDINANCE TO MEET NATIONAL FLOOD INSURANCE
PROGRAM AND OTHER OBJECTIVES

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that it is necessary to amend the San Diego County Code of Regulatory Ordinances pertaining to Flood Damage Prevention Ordinance (Ordinance) to implement National Flood Insurance Program (NFIP) requirements and make changes to improve flood mapping and ordinance language. The amendments made by this ordinance are intended to reflect the Federal Emergency Management Agency's current standards for participation in the NFIP and ensure continued successful participation in the Community Rating System Program. This action also includes changes to the Ordinance to mirror the language found in the Code of Federal Regulations.

Section 2. Portions of Sections 811.201, 811.302, 811.401, 811.403, 811.501 and 811.503 without deleting existing text as identified by asterisk of the San Diego County Code of Regulatory Ordinances are hereby amended to read as follows:

SEC. 811.201. DEFINITIONS.

Unless specifically defined below, words and phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

* * * *

(b) "Alluvial fan flooding" means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and, unpredictable flow paths.

* * * *

(e) "Area of shallow flooding" means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

* * * *

(j) "Conditional Letter of Map Revision (CLOMR)" means a formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation,

a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

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(m) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the County of San Diego.

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(u) "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

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(aa) "Letter of Map Amendment (LOMA)" means an amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

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(bb) "Letter of Map Revision (LOMR)" means a revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

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(cc) "Letter of Map Revision Based on Fill (LOMR-F)" means a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

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(hh) "New construction" means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of the first floodplain management regulations adopted by the County of San Diego, and includes any subsequent improvements to such structures.

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(ii) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the County of San Diego.

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(kk) "Special flood hazard area", "area of special flood hazard" and "SFHA" means the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard"; or on a County floodplain map as within a 100-year floodplain or on a County alluvial fan map within an alluvial fan area.

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(ll) "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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(Amended by Ord. No. 7800 (N.S.), effective 9-6-90; amended by Ord. No. 9998 (N.S.), effective 9-4-09; amended by Ord. No. 10091 (N.S.), effective 12-10-10, amended by Ord. No. 10631 (N.S.), effective 11-29-19)

SEC. 811.302. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

County floodplain and alluvial fan maps and the FEMA issued FIRMs, originally dated June 15, 1984, "Flood Insurance Study: San Diego County, California and Incorporated Areas," dated June 19, 1997 and FBFM for the County of San Diego and all subsequent revisions thereto are hereby adopted by reference and declared to be a part of this ordinance. All map revisions must be approved by FEMA through its map revision process. County floodplain maps shall be retired in the location of the revision upon completion of a FEMA map revision. The County floodplain and alluvial fan maps may be supplemented by studies for other areas which follow implementation of this ordinance and which are recommended to the Board of Supervisors by the Floodplain Administrator. In case of conflict(s) between the County floodplain maps, County alluvial fan maps, FIRM, Flood Insurance Study, or FBFM, the more stringent of restrictions shall prevail and be deemed to govern.

(Amended by Ord. No. 9998 (N.S.), effective 9-4-09; amended by Ord. No. 10091, effective 12-

10-10; amended by Ord. No. 10631 (N.S.), effective 11-29-19)

SEC. 811.401. DEVELOPMENT PERMIT.

A development permit shall be obtained for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas and any area of special flood hazard. Application for a development permit shall include, but not be limited to:

(a) Plans in duplicate, drawn to scale, showing:

(1) Location, dimensions, and elevation of the area in question, existing and proposed structures, storage of materials and equipment, and other facilities or features which may impact flood waters;

(2) Proposed and existing locations of water supply, sanitary sewers, and other utilities;

(3) Existing and proposed graded contours, proposed cut and fill areas, and drainage facilities;

(4) Base flood elevation before and after permitted work within the area where the work is performed and all adjacent areas where the base flood elevation is changed in any way as a result of the work;

(5) Proposed elevation in relation to mean sea level, of the lowest floor (including basement), of all structures and the level to which any structures will be flood proofed.

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(Amended by Ord. No. 9998 (N.S.), effective 9-4-09; amended by Ord. No. 10091, effective 12-10-10; amended by Ord. No. 10631 (N.S.), effective 11-29-19)

SEC. 811.403. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

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(d) Whenever base flood elevation, base flood depth, and/or the floodplain boundary are or may be changed:

(1) Ensure required Conditional Letters of Map Revision are obtained from FEMA prior to the issuance of grading permits or the start of construction where a grading permit is not required; and

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(k) Department records. In addition to the requirements of the building code and these regulations, and regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the building codes, including Flood Insurance Studies and Flood Insurance Rate Maps; documents

from FEMA that amend or revise FIRMs; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the building codes and these regulations; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the building codes.

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(Amended by Ord. No. 9998 (N.S.), effective 9-4-09; amended by Ord. No. 10091, effective 12-10-10 amended by Ord. No. 10631 (N.S.), effective 11-29-19))

SEC. 811.501. STANDARDS OF CONSTRUCTION.

In all areas of special flood hazards the following standards are required:

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(c) Elevation and flood proofing.

- (1) Residential construction in special flood hazard areas outside an alluvial fan. All new construction, substantial improvements and placement of a residential structure within a special flood hazard area located outside an alluvial fan shall have the lowest floor, including basement, mechanical and utility equipment, and ductwork, but excluding garages used solely for parking or storing vehicles, access to or from the residence or storage in a manner that prevents stored objects from being carried away in a flood, elevated 1 foot above the base flood elevation. The elevation shall be certified on a FEMA elevation certificate by a registered civil engineer, licensed land surveyor, or architect and the design and method of construction of any portion of a garage allowable below base flood elevation certified by a registered civil engineer, or architect as meeting these standards and standards imposed by the National Flood Insurance Program, and verified by the County building inspector. Such certification and verification shall be provided to the Floodplain Administrator.
- (2) Construction in alluvial fans. New construction, substantial improvement and placement of any structure in Zone AO or within the alluvial fan boundaries shown on the Borrego Valley alluvial fans map or FIRM, shall have the lowest floor, including basement, mechanical and utility equipment, and ductwork, elevated at least 1 foot above the highest adjacent grade at least as high as the FIRM's depth number. The elevation shall be certified on a FEMA elevation certificate by a registered civil engineer, licensed land surveyor, or architect, and verified by the County building inspector. Such certification and verification shall be provided to the Floodplain Administrator.
- (3) Nonresidential construction in special flood hazard areas outside an alluvial

fan. All new construction, substantial improvements and placement of a nonresidential structure shall either be elevated in conformance with the standards applicable to residential construction or conform to the following standards:

- A. Be flood proofed at least 1 foot above the base flood elevation. The structure (including attendant utility and sanitary facilities) below 1 foot above the base flood elevation must be watertight with walls substantially impermeable to the passage of water;
- B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- C. A registered civil engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting these standards and standards imposed by the National Flood Insurance Program and verified by the County building inspector. Floodproofing Certificate for Non-Residential Structures shall be used. Such certification and verification shall be provided to the Floodplain Administrator.

(d) General requirements applicable to alluvial fans. All new construction, substantial improvements and structures placed in Zone AO or within the alluvial fan boundaries shown on the Borrego Valley alluvial fans map or FIRM, shall meet the following minimum requirements:

(1) All structures shall be raised on piers, columns or stem walls oriented in the direction of flow, so as not to impede the flow of floodwater and debris, and have the lowest horizontal structural member elevated above the highest adjacent grade to at least as high as the depth number as shown on the effective FEMA FIRM map.

(e) Flood Openings.

All new construction, substantial improvements, and placement of any fully enclosed nonresidential structure or garage that is usable solely for parking of vehicles, access to or from the structure or storage in a manner that prevents stored objects from being carried away in a flood, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified on a FEMA elevation certificate by either a registered civil engineer, or architect as meeting or exceeding the stricter of the requirements imposed pursuant to the National Flood Insurance Program or this Ordinance as follows:

(1) Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(2) The bottom of all openings shall be no higher than one foot above grade;

(3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and

(4) Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter.

(Amended by Ord. No. 9998 (N.S.), effective 9-4-09; amended by Ord. No. 10631 (N.S.), effective 11-29-19)

SEC. 811.503. STANDARDS FOR SUBDIVISIONS AND DEVELOPMENT.

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- (b) All new construction, substantial improvements, and placement of a structure, or other development in an area of special flood hazard that will change the base flood elevation, base flood depth or floodplain boundary shall only be commenced in accordance with the following requirements:

(1) Submit a completed application for a development permit, including but not limited to plans and specifications for the project to the Floodplain Administrator;

(2) Prior to the commencement of any grading activities, obtain a Conditional Letter of Map Revision from FEMA if the project meets one of the two criteria listed below:

(i) A project within a Zone AE floodplain without an effective floodway, which would result in a BFE increase of greater than 1.00 foot, compared to the existing (pre-project) conditions, when considering the cumulative impacts of all other existing and proposed encroachments.

(ii) A project within an effective regulatory floodway that would result in any (0.00 foot) BFE increase.

(3) Prior to the issuance of a certificate of occupancy or the completion of any development for which a certificate of occupancy is not required, obtain a Letter of Map Revision from FEMA

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(Amended by Ord. No. 9998 (N.S.), effective 9-4-09; amended by Ord. No. 10631 (N.S.), effective 11-29-19)

Section 3. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in _____, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY

CLAUDIA G. SILVA, County Counsel

By: Thomas L. Bosworth, Senior Deputy County Counsel