

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS - LAND USE
WEDNESDAY, SEPTEMBER 25, 2024**

MINUTE ORDER NO. 3

**SUBJECT: NOTICED PUBLIC HEARING:
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)**

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 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.

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.

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.

ACTION:

ON MOTION of Supervisor Montgomery Steppe, seconded by Supervisor Desmond, the Board of Supervisors closed the Hearing, took action as recommended and will further consider the adoption of the Ordinance on October 9, 2024.

AYES: Anderson, Lawson-Remer, Montgomery Steppe, Desmond

ABSENT: Vargas

State of California)
County of San Diego)

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter

