

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.

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(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.

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(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.

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(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: Emily Helms, Senior Deputy County Counsel