

## Ordinance No. 10091

### AN ORDINANCE TO AMEND SECTIONS 811.201, 811.302, 811.401, 811.403 AND 811.504 OF THE SAN DIEGO COUNTY CODE RELATING TO FLOOD DAMAGE PREVENTION

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

**Section 1.** The Board of Supervisors finds and determines that the Flood Damage Prevention Ordinance, San Diego County Code, Section 811.101, et seq. should be amended to reflect the most current standards set forth by the Federal Emergency Management Agency for continued participation by the County in the National Flood Insurance Program.

**Section 2.** Sections 811.201, 81.302, 811.401, 811.403 and 811.504 of the San Diego County Code are 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.

(a) "Alluvial fan" means a desert phenomenon where streams emerge from canyons and deposit sand and rock in a cone-shaped formation fanning out from the canyon mouth.

(b) "Alluvial apron" means an area formed by alluvial deposits with essentially the same characteristics as alluvial fans but generally in smaller watersheds where the flow lines tend to be straighter. Alluvial aprons are designated on the Borrego Valley alluvial fans map.

(c) "Alluvial wash" means a recent flow path on an alluvial fan which is identified usually by an inspection of maps or aerial photographs or by a ground survey.

(d) "Area of shallow flooding" means a designated 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.

(e) "Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

(f) "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

(g) "Base flood elevation" means the water surface elevation resulting from the base flood.

(h) "Basement" means any area of the building having its floor subgrade below ground level on all sides.

(i) "Development" means any man-made change to improved or unimproved real estate in an area of special flood hazard, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storage of equipment or materials, or placement of manufactured homes which may increase flood depths, velocity or the area of inundation or result in a flood hazard as the result of collapse, flotation or other effect of the impact of flood waters on or as a result of the development activities.

(j) "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 flood plain management regulation adopted by the County of San Diego.

(k) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(l) "Fan Terminus Alluvial Wash" means the flow path where the bottom of an alluvial fan intersects with the edge of another alluvial fan.

(m) "Flood, flooding, or flood water" means:

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters;

(2) The unusual and rapid accumulation or runoff of surface waters from any source;

(3) Mudslides, mudflows or other flows of debris in surface water; and

(4) The condition resulting from flood related erosion, scour or deposition.

(n) "Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

(o) "Flood Insurance Rate Map (FIRM)" means the official map dated June 15, 1984 as subsequently amended on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable in the County of San Diego.

(p) "Flood Insurance Study" means the official report dated December 15, 1983 as subsequently amended provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the FBFM, and the water surface elevations of the base flood in the County of San Diego.

(q) "Flood Plain Administrator" means the Director of the County of San Diego, Department of Public Works.

(r) "Flood plain 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").

(s) "Flood plain map" means a 1-inch equals 200-foot scale ortho-photo topographic map published by the County showing 100-year flood plain lines, floodway lines, and floodway water surface elevations, or flood plain hazard areas. The County "flood plain maps" and the FEMA FIRMs are the primary basis for flood plain regulation within the County.

(t) "Flood proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(u) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height but not to exceed one foot. Also referred to as "Regulatory floodway".

(v) "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(w) "Historic structure" means any structure that is listed in the National Register of Historic Places or the State Inventory of Historic Places

(x) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable design requirements of this ordinance.

(y) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

(z) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

(aa) "Market value" means the value determined by the Flood Plain Administrator by estimating the cost to replace a structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed.

(1) The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry or, if such a guide is unavailable, a cost estimator or methodology acceptable to the Flood Plain Administrator.

(2) The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the

Flood Plain Administrator, but shall not include economic or other forms of external obsolescence.

Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

(bb) "New construction" means, for flood plain management purposes, structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by the County of San Diego.

(cc) "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 a flood plain management regulation adopted by the County of San Diego.

(dd) "Recreational vehicle" means a vehicle which is self-propelled or permanently towable by a truck or other vehicle and designed primarily for recreational, camping, travel, or seasonal use.

(ee) "Special flood hazard area (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; or on a County flood plain map as within a 100-year flood plain or on a County alluvial fan map within an alluvial fan area.

(ff) "Start of construction" means (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.

(gg) "Structure" means any building, gas or liquid storage tank that is above ground, wall or fence, manufactured home, bridge or other manmade structure of any kind in an area of special flood hazard which may which may increase flood depths, velocity or the area of inundation or result in a flood hazard as the result of collapse, flotation or other effect of the impact of flood waters on the structure.

(hh) "Substantial damage" means:

(1) Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred; or

(2) Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. This is also known as “repetitive loss.”

(ii) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

(jj) "Violation" means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

(kk) "Watercourse" means, for the purpose of this ordinance, a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas by the County of San Diego in which substantial flood damage may occur.

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

County flood plain and alluvial fan maps and the FEMA issued FIRMs, originally dated June 15, 1984, Flood Insurance Studies, 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. The County flood plain 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 Flood Plain Administrator. In case of conflict(s) between the County flood plain maps, County alluvial fan maps, FIRM, Flood Insurance Study, or FBFM, the more stringent of restrictions shall prevail and be deemed to govern.

SEC. 811.401. DEVELOPMENT PERMIT.

A development permit shall be obtained before new construction, substantial improvements, or development begins within any area of special flood hazards. 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.

(b) All certifications required by this ordinance and such additional certifications as may be required by the Flood Plain Administrator;

(c) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and

(e) Location of 100-year flood plain and floodway lines, both before and after proposed development.

**SEC. 811.403. DUTIES AND RESPONSIBILITIES OF THE FLOOD PLAIN ADMINISTRATOR.**

The duties and responsibilities of the Flood Plain Administrator shall include, but not be limited to:

(a) Permit Review. Review all development permits to determine that:

(1) The permit requirements of this ordinance have been satisfied;

(2) Applicants have filed applications for all necessary permits from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

(3) The site is reasonably safe from flooding;

(4) The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this ordinance, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point; and

(5) Sites identified on flood plain maps as subject to erosion and/or sedimentation during major floods are provided with necessary protective bank stabilization or other structural protective measures. Special engineering studies will be required to support the level of protection provided.

(b) Use of Other Base Flood Data. The Flood Plain Administrator shall determine the base flood elevation or depth utilizing the County alluvial fan maps, County flood plain maps and FIRM. When the base flood elevation or depth cannot be determined from the County alluvial fan maps, County flood plain maps or FIRM or is determined by the Flood Plain Administrator to be inaccurate, the Flood Plain Administrator shall obtain, review, and reasonably utilize any base flood elevation or depth and floodway data available from a Federal, State or other source to determine the base flood elevation. The Flood Plain Administrator may require an applicant for a development permit to provide analysis acceptable to the Flood Plain Administrator from a licensed civil engineer or other professional qualified to make such determinations that establishes the base flood elevation or depth.

(c) Whenever a watercourse is to be altered or relocated:

(1) Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation of a watercourse;

(2) Submit evidence of such notification to the Federal Emergency Management Agency when in a mapped FEMA flood plain; and

(3) Require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained. The Watercourse Ordinance provides the basis for regulation.

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

(1) Ensure all 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

(2) 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.

(3) Within six (6) months of learning of the change, submit technical or scientific data required by FEMA to reflect the change. For changes resulting from development projects, new construction or substantial improvements, the Flood Plain Administrator may seek reimbursement from the project builder or property owner of any costs incurred by the County to provide the required information.

(e) Notify FEMA in writing whenever the boundaries of the County have been modified by annexation or other means and include a copy of a map of the area impacted clearly delineating the adjustments to the County's boundaries.

(f) Obtain and maintain for public inspection and make available as needed:

(1) All certifications required by this ordinance and those which may be required by the Flood Plain Administrator; and

(2) Records of all variance actions, including justification for their issuance

(g) Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

(h) Take action to remedy violations of this ordinance.

(i) Complete and submit Biennial Report to FEMA. Identify any variances granted by the Flood Plain Administrator in the report.

(j) Assure County's General Plan and any applicable Specific Plans are consistent with floodplain management objectives of this ordinance.

#### **SEC. 811.504. STANDARDS FOR MANUFACTURED HOMES.**

(a) All new, replacement, or substantially improved manufactured homes and any manufactured homes to be placed as part of a new manufactured home park or subdivision, outside the boundaries of a manufactured home park or subdivision, or within an expansion to an existing manufactured home park or subdivision in a special flood hazard area shall:

(1) With the exception of garages that are constructed in accordance with the flood proofing requirements of this Chapter and used solely for the parking or storage of vehicles, as access to or from a residence or storage in a manner that prevents stored objects from being carried away in a flood, be elevated on a permanent foundation so that the lowest floor is at least 1 foot above the base flood elevation or depth; and

(2) Be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement.

(b) All manufactured homes to be placed or substantially improved within an existing manufactured home park or subdivision in an area of special flood hazard under circumstances not otherwise covered by paragraph (a) of this section shall be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement and:

(1) Have the lowest floor of the manufactured home, with the exception of garages that are constructed in accordance with the flood proofing requirements of this Chapter and used solely for the parking or storage of vehicles, as access to or from a



residence or storage in a manner that prevents stored objects from being carried away in a flood, elevated at least 1 foot above the base flood elevation or depth; or

(2) In circumstances where the base flood depth or elevation is not known and the Flood Plain Administrator determines that circumstances do not require the determination of the base flood depth or elevation, ensure that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade in areas where a base flood elevation or depth is undetermined or unavailable.

(c) The elevation of the lowest floor shall be certified by a registered civil engineer or licensed land surveyor, and verified by the County building inspector to be properly elevated. Such certification and verification shall be provided to the Flood Plain Administrator.

**Section 3:** This Ordinance shall take effect and be in force thirty days after its adoption.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 10<sup>th</sup> day of November, 2010.