

1 ORDINANCE NO. 458.18

2
3 AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 458
4 REGULATING FLOOD HAZARD AREAS AND IMPLEMENT THE NATIONAL FLOOD
5 INSURANCE PROGRAM

6
7 The Board of Supervisors of the County of Riverside ordains as follows:

8 Section 1. Ordinance No. 458 is amended in its entirety to read as follows:

9 "ORDINANCE NO. 458"

10 AN ORDINANCE OF THE COUNTY OF RIVERSIDE
11 REGULATING SPECIAL FLOOD HAZARD AREAS AND IMPLEMENTING
12 THE NATIONAL FLOOD INSURANCE PROGRAM

13 The Board of Supervisors of the County of Riverside ordains as follows:

14 Section 1. FINDINGS. The Board of Supervisors finds that:

- 15 a. The flood hazard areas of the County of Riverside are subject to periodic
16 inundation which may result in loss of life and property, health and safety
17 hazards, disruption in commerce and governmental services, extraordinary
18 public expenditures for flood protection and relief from flooding, and
19 impairment of the tax base, all of which adversely affect the public health,
20 safety, and general welfare.
- 21 b. When floodplains are developed without taking appropriate care and
22 precautions, flood heights, frequencies, and velocities increase, causing a
23 greater threat to humans, damage to property, destruction of natural
24 floodplain functions and adverse impacts to water quality.
- 25 c. The establishment of reasonable preventive and protective measures by
26 enacting development regulations and through participation in a national
27 program of flood insurance makes flood insurance coverage and relief
28 available on reasonable terms and conditions to persons who have need for

1 such protection.

2 Section 2. PURPOSE. The purpose of the ordinance is to promote the public health,
3 safety, and welfare and minimize public and private costs caused by flooding by regulating development
4 within the special flood hazard areas to be applied uniformly throughout the unincorporated areas of
5 Riverside County to all publicly and privately owned land within flood prone, mudslide or flood related
6 erosion areas. These regulations are designed to:

- 7 a. Protect human life and health;
- 8 b. Minimize expenditure of public money for costly flood control projects;
- 9 c. Minimize the need for rescue and relief efforts associated with flooding and
10 generally undertaken at the expense of the general public;
- 11 d. Minimize prolonged business interruptions;
- 12 e. Minimize damage to public facilities and utilities such as water and gas
13 mains; electric, telephone and sewer lines; and streets and bridges located in
14 areas of special flood hazard;
- 15 f. Help maintain a stable tax base by providing for the sound use and
16 development of areas of special flood hazard so as to minimize future
17 blighted areas caused by flood damage;
- 18 g. Ensure that potential buyers are notified that property is in an area of special
19 flood hazard; and
- 20 h. Ensure that those who occupy the areas of special flood hazard assume
21 responsibility for their actions.

22 Section 3. AUTHORITY. Local governments have the authority to adopt regulations
23 under Government Code Sections 65302, 65560, 65800 and 65850 to promote the public health, safety
24 and general welfare of its residents. This ordinance is adopted pursuant to the requirements of the
25 National Flood Insurance Program (NFIP), Title 42 United States Code Section 4001, et seq. and Code of
26 Federal Regulations, Title 44, Chapter I, Subchapter B, Part 59, as each may be amended, including all
27 regulations adopted pursuant thereto. Flood heights may be increased by man-made or natural causes.
28 This ordinance does not imply that land outside the regulated areas or the uses and development permitted

1 flood that has a one percent (1%) or greater chance of being equaled or
2 exceeded in any given year.

3 f. Basement. Means and refers to any area of a building having its floor
4 subgrade (below ground level) on all sides.

5 g. Building Code. Means and refers to the latest edition of the California
6 Residential Code (CRC), California Code of Regulations Title 24, Part 2.5,
7 in effect at the time a building permit application is submitted.

8 h. CVWD. Means and refers to the Coachella Valley Water District, a special
9 district created under California law.

10 i. Colorado River Floodway Fringe. Means and refers to that area subject to
11 inundation by floods of varying magnitudes generated from the Colorado
12 River, up to and including the floodway flow, but which is not required for
13 the safe conveyance of the floodway flow and is not included in the
14 computation of the Colorado River Floodway base flood elevation.

15 j. Contractor. Means and refers to a licensed General Contractor or
16 professional construction estimator.

17 k. Design Flood. Means the flood associated with the greater of the following
18 two areas:

19 1. Area with a flood plain subject to a 1-percent or greater chance of
20 flooding in any year.

21 2. Area designated as a flood hazard area on a community's flood hazard
22 map, or otherwise legally designated.

23
24 l. Development. Means and refers to any man-made change to improved or
25 unimproved real estate, including but not limited to buildings or other
26 structures, mining, dredging, filling, grading, paving, excavation, drilling
27 operations, storage of equipment or materials.

28 m. Elevation Certificate (Known as FEMA Form FF-206-FY 22-152 (formerly

1 086-0-33 in effect as of August 2023 or the latest version thereafter). Means
2 and refers to a form used for recording the finished floor elevations and
3 adjacent ground of a building.

4 n. Encroachment. Means and refers to activities or construction within the
5 floodway including fill, new construction, substantial improvements, or
6 other development. These activities are prohibited within the adopted
7 regulatory floodway unless it has been demonstrated through hydrologic
8 and hydraulic analyses that the proposed encroachments would not result in
9 any increase in flood levels.

10 o. Existing Manufactured Home Park or Subdivision. Means and refers to a
11 manufactured home park or subdivision for which the construction of
12 facilities for servicing the lots on which the manufactured homes are to be
13 affixed (including, at a minimum, the installation of utilities, either final site
14 grading or pouring of concrete pads, and the construction of streets) is
15 completed before July 5, 1979, the effective date of the County’s first
16 adopted floodplain management ordinance.

17 p. Expansion to an Existing Manufactured Home Park or Subdivision. Means
18 and refers to the preparation of additional sites by the construction of
19 facilities for servicing the lots on which the manufactured homes are to be
20 affixed (including the installation of utilities, either final site grading or
21 pouring of concrete pads, or the construction of streets).

22 q. FEMA. Means and refers to the Federal Emergency Management Agency.

23 r. Flood control project. Means a dam or barrier design and constructed to
24 keep water away from or out of a specified area, including but not limited to
25 levees, floodwalls, and channelization.

26
27 s. Flood damage-resistant materials. Means any construction material capable
28 of withstanding direct and prolonged contact with floodwaters without

1 sustaining any damage that requires more than cosmetic repair. (Also
2 defined in CCR Title 24 Part 2)

3
4 t. Flood or flooding. Means a general and temporary condition of partial or
5 complete inundation of normally dry land from:

6 (1) The overflow of inland or tidal waters.

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

9 (3) Mudslides (i.e., mudflows) which are proximately caused by flooding.
10

11
12 u. Flood Insurance Rate Map (FIRM). Means and refers to the official map on
13 which the Federal Emergency Management Agency or Federal Insurance
14 Administration has delineated both the areas of special flood hazards and
15 the risk premium zones applicable to the unincorporated areas of Riverside
16 County.

17 v. Flood Insurance Study. Means and refers to the official report provided by
18 the Federal Insurance Administration that includes discharge rates, flood
19 profiles, the Flood Insurance Rate Map(s), and the water surface elevations
20 of the base floods.

21 w. Floodplain Administrator. Means and refers to the Director, or his
22 designee, of the Department of Building and Safety for the County of
23 Riverside.

24 x. Floodproofing Means and refers to any combination of structural and
25 nonstructural additions, changes, or adjustments to structures which reduce
26 or eliminate flood damage to real estate or improved real property, water
27 and sanitary facilities, structures, and their contents. For guidelines on dry
28 and wet floodproofing, see FEMA Technical Bulletins TB 1, TB 3, and TB

1 7 and Policy Document P-2140.

2 y. Floodway. Means and refers to the channel of a river or other watercourse
3 and adjacent land areas necessary to discharge the waters from the 100-Year
4 Flood without increasing the water surface elevation of that flood more than
5 one foot at any one point; or that area identified by the United States
6 Department of the Interior, Bureau of Reclamation as required to safely
7 convey the levee-design flood of the Colorado River.

8 z. Fraud and Victimization. As related to Section 11 of this ordinance and for
9 the purpose of variances from these regulations or the building code, the
10 intentional use of deceit to deprive another of rights or property, making a
11 victim of the deprived person or the public. As it pertains to buildings
12 granted variances to be constructed below the elevation required by the
13 building code, future owners or tenants of such buildings and the
14 community as a whole may bear the burden of increased risk of damage
15 from floods, increased cost of flood insurance, and increased recovery costs,
16 inconvenience, danger, and suffering.

17 aa. Highest Adjacent Grade. Means and refers to the highest natural elevation
18 of the ground surface prior to construction next to the proposed walls of a
19 structure.

20 bb. Historic Structure. Means and refers to any structure that is:

- 21 1. Listed individually in the National Register of Historic Places (a
22 listing maintained by the Department of Interior) or preliminarily
23 determined by the Secretary of the Interior as meeting the
24 requirements for individual listing on the National Register; or
- 25 2. Certified or preliminarily determined by the Secretary of the Interior
26 as contributing to the historical significance of a registered historic
27 district or a district preliminarily determined by the Secretary to
28 qualify as a registered historic district; or

- 1 3. Individually listed on a state inventory of historic places in states
2 with historic preservation programs which have been approved by
3 the Secretary of Interior; or
4 4. Individually listed on a local inventory of historic places in
5 communities with historic preservation programs that have been
6 certified either by an approved state program as determined by the
7 Secretary of the Interior or directly by the Secretary of the Interior in
8 states without approved programs.

9 cc. Lateral additions. Means and refers to improvements constructed adjacent
10 to an existing structure that increases the square footage of the structure.
11 This commonly includes the structure attachment of a bedroom, den,
12 recreational room and garage. If the lateral addition is attached through a
13 covered breezeway or similar structure open on two (2) or more sides, it
14 will not be included in the substantial improvement calculations and will be
15 conditioned to meet current floodproofing standards.

16 dd. Levee-Design Flood. Means and refers to flooding of the Colorado River
17 equivalent to a flow rate of 75,000 cubic feet per second from the Palo
18 Verde Diversion Dam to Taylor Ferry.

19 ee. LOMR. Means and refers to a "Letter of Map Revision."

20 ff. Letter of Map Changes (LOMC). Means an official determination issued by
21 FEMA that amends or revises an effective Flood Insurance Rate Map or
22 Flood Insurance Study. Letters of Map Change include:

23 (1) Letter of Map Amendment (LOMA): An amendment based on technical
24 data showing that a property was incorrectly included in a designated
25 special flood hazard area. A LOMA amends the current effective Flood
26 Insurance Rate Map and establishes that a specific property, portion of a
27 property, or structure is not located in a special flood hazard area.
28

1 (2) Letter of Map Revision (LOMR): A revision based on technical data
2 that may show changes to flood zones, flood elevations, special flood
3 hazard area boundaries and floodway delineations, and other planimetric
4 features.,

5
6 (3) Letter of Map Revision Based on Fill (LOMR-F): A determination that a
7 structure or parcel of land has been elevated by fill above the base flood
8 elevation and is, therefore, no longer located within special flood hazard
9 area. In order to qualify for this determination, the fill must have been
10 permitted and placed in accordance with the community's floodplain
11 management regulations.

12
13 (4) Conditional Letter of Map Revision (CLOMR): A formal review and
14 comment as to whether a proposed flood protection project or other project
15 complies with the minimum NFIP requirements for such projects with
16 respect to delineation of special flood hazard areas. A CLOMR does not
17 revise the effective Flood Insurance Rate Map or Flood Insurance Study;
18 upon submission and approval of certified as-builts documentation, a Letter
19 of Map Revision may be issued by FEMA to revise the effective FIRM.

20
21 gg. Lowest Floor. Means and refers to the lowest floor of the lowest enclosed
22 area (including basement). An unfinished or flood resistant enclosure,
23 usable solely for parking of vehicles, building access or storage in an area
24 other than a basement area is not considered a building's lowest floor;
25 provided, that such enclosure is not built so as to render the structure in
26 violation of applicable non-elevation design requirements of Section 8 of
27 this ordinance.

28 hh. Manufactured Home. Means and refers to a structure, transportable in one
Ordinance 458.18 Page 9 of 37

1 or more sections, which is built on a permanent chassis and is designed for
2 use with or without a permanent foundation when attached to the required
3 utilities. The term "Manufactured Home" does not include a recreational
4 vehicle.

5 ii. Manufactured Home Park or Subdivision. Means and refers to a parcel (or
6 contiguous parcels) of land divided into two or more manufactured home
7 lots for rent or sale.

8 jj. Market Value. Means and refers to the price agreed to be paid in an open
9 market by a willing buyer to a willing seller, with neither acting under
10 compulsion to buy or sell, giving due consideration to all economic uses of
11 the property at the time of the valuation. The market value of a structure
12 reflects its original quality, subsequent improvements, physical age of
13 building components and current condition. For the purposes of
14 determining substantial improvement, market value pertains only to the
15 structure in question. It does not pertain to the land, landscaping or
16 detached accessory structures on the property. Market value of the structure
17 will be obtained by the Floodplain Administrator using the assessed value
18 of the structure as shown on the last equalization assessment roll. The
19 resulting market value is intended to bring order and equity to the Separate
20 Application process which can be readily determined and administered
21 without undue delays to the applicant. Alternatively, the applicant can
22 submit a formal appraisal to determine the market value.

23 kk. Mean Sea Level. Means and refers to the National Geodetic Vertical
24 Datum (NGVD) of 1929, North American Vertical Datum of 1988 (NAVD
25 88), or other datum, to which base flood elevations are referenced.

26 ll. New Construction. Means and refers to structures for which the "Start of
27 Construction" commenced on or after April 15, 1980, the effective date of
28 the County's initial FIRM, and includes any subsequent improvements to

1 such structures.

2 mm. New Manufactured Home Park or Subdivision. Means and refers to a
3 manufactured home park or subdivision for which the construction of
4 facilities for servicing the lots on which the manufactured homes are to be
5 affixed (including at a minimum, the installation of utilities, either final site
6 grading or the pouring of concrete pads, and the construction of streets) is
7 completed on or after July 5, 1979, the effective date of the County's first
8 adopted floodplain management ordinance.

9 nn. RCFC&WCD. Means and refers to the Riverside County Flood Control
10 and Water Conservation District, a special district created under California
11 law.

12 oo. Recreational Vehicle. Means and refers to a vehicle which is (i) built on a
13 single chassis; (ii) 400 square feet or less when measured at the largest
14 horizontal projection; (iii) designed to be self-propelled or permanently
15 towable by a light duty truck; and (iv) designed primarily not for use as a
16 permanent dwelling but as temporary living quarters for recreational,
17 camping, travel, or seasonal use.

18 pp. Riverine. Means relating to, formed by, or resembling a river (including
19 tributaries), stream, brook, etc.

20
21 qq. Separate Application. An additional floodproofing permit application will
22 be required when processing an application for development permit for land
23 which lies within the special flood hazard area of any map referred to in
24 Section 5 of this ordinance.

25 rr. Special Flood Hazard Area (SFHA). Means and refers to an area in the
26 floodplain subject to a one percent (1%) or greater chance of flooding in
27 any given year. It is shown on an FHBM or FIRM as Zone A, AO,
28 A1-A30, AE, A99, or, AH. This includes floodplains, flood boundaries and

1 flood hazards within the studies listed in Section 5.

2 ss. Start of Construction. Includes substantial improvement and other proposed
3 new development and means the date the building permit was issued,
4 provided the actual start of construction, repair, reconstruction,
5 rehabilitation, addition, placement, or other improvement was within one
6 hundred eighty (180) days from the date of the permit. The actual start
7 means either the first placement of permanent construction of a structure on
8 a site, such as the pouring of slab or footings, the installation of piles, the
9 construction of columns, or any work beyond the stage of excavation; or the
10 placement of a manufactured home on a foundation. Permanent
11 construction does not include land preparation, such as clearing, grading,
12 and filling; nor does it include the installation of streets and/or walkways;
13 nor does it include excavation for a basement, footings, piers, or
14 foundations or the erection of temporary forms; nor does it include the
15 installation on the property of accessory buildings, such as garages or sheds
16 not occupied as dwelling units or not part of the main structure. For a
17 substantial improvement, the actual start of construction means the first
18 alteration of any wall, ceiling, floor, or other structural part of a building,
19 whether or not that alteration affects the external dimensions of the
20 building.

21 tt. Structure. Means for floodplain management purposes, a walled and roofed
22 building, including a gas or liquid storage tank that is principally above
23 ground, as well as a manufactured home.

24 uu. Substantial Improvements/Substantially Improved. Means and refers to any
25 reconstruction, rehabilitation, addition, or other improvement of a structure,
26 in which the cost of this improvement equals or exceeds 50 percent of the
27 market value of the structure before the Start of Construction of the
28 proposed improvement. This term includes structures which have incurred

1 "Substantial Damage" (as it is hereinafter defined), regardless of the actual
2 repair work performed. The term does not include any alterations necessary
3 to comply with existing state or local health, sanitary or safety code
4 specifications or regulations, or any alterations of a structure listed on the
5 National Register of Historic Places or a State Inventory of Historic Places.

6 vv. Substantial Damage. Means and refers to damage of any origin sustained
7 by a structure whereby the cost of restoring the structure to its condition
8 before its damaged condition would equal or exceed 50 percent of the
9 market value of the structure before the damage occurred.

10 ww. Utility and Miscellaneous Group U. Means buildings and structures of an
11 accessory character and miscellaneous structure not classified in any special
12 occupancy, as describe in the building code.

13 xx. Vertical Addition. Means and refers to when an addition is a full or partial
14 second floor. When a vertical addition meets the criteria for a substantial
15 improvement, the entire structure must be elevated since the existing
16 building provides the foundation for the addition.

17 yy. Variance. Means a grant of relief from the requirements of these regulations
18 which permits construction in a manner otherwise prohibited and where
19 specific enforcement would result in exceptional hardship.

20 zz. Violation. Means and refers to the failure of a structure or other
21 development to be fully compliant with this ordinance. A structure or other
22 development without the elevation certificate, other certifications, or other
23 evidence of compliance required in this ordinance is presumed to be in
24 violation until such time as that documentation is provided.

25 aaa. Watercourse. Means a river, creek, stream, channel or other topographic
26 feature in, on, through, or over which water flows at least periodically.

27
28 Section 5. APPLICATION. This ordinance shall apply to all the special flood hazard

1 areas within the unincorporated areas and within the jurisdiction of the County of Riverside on file at
2 RCFC&WCD headquarters and shown on the Public Flood Hazard Determination Interactive Map found
3 at <http://rcflood.org>. These special flood hazard areas incorporate:

4 a. The "Flood Insurance Study: Riverside County, California Unincorporated
5 Areas" dated April 15, 1980, and all subsequent amendments and
6 revisions, and the accompanying Flood Insurance Rate Maps (FIRMs)
7 dated April 15, 1980, and all subsequent amendments and revisions to such
8 maps, are hereby adopted by reference as a part of these regulations and
9 serve as the basis for establishing flood hazard areas. Where the building
10 code establishes flood hazard areas, such areas are established by this
11 section. Additional maps and studies, when specifically adopted,
12 supplement the Flood Insurance Study and FIRMs to establish additional
13 flood hazard areas. Maps and studies that establish flood hazard areas are
14 on file at the Riverside County Flood Control and Water Conservation
15 District located at 1995 Market Street, Riverside, California 92501.

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

- 18 1. San Gorgonio River and Smith Creek, June 1973.
- 19 2. San Gorgonio River and Tributaries, October 1974.
- 20 3. Warm Springs Creek, February 2003.

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

- 26 1. Cabazon Flood Study, Flood Hazard Areas, June 1980.
- 27 2. Lakeview & Sierra Vista Tracts, 100-year Floodplain Limits,
28 October 1990.

3. Tucalota Creek, November 2021.
4. Long Valley Wash, October 2002.
5. Juniper Flats Floodplain, May 2006.
6. Coldwater Canyon Wash Flood Hazard Study, January 2018
7. Good Hope Study, October 2019

d. The flood hazard areas as shown on the Awareness Maps that were prepared by the Department of Water Resources and received by RCFC&WCD on July 25, 2011, including any amendments, revisions or additions thereto that are hereafter adopted by resolution of the Board of Supervisors after a public hearing on the proposed adoption per the provisions of Section 9 of this ordinance.

e. The flood hazard areas shown on the map prepared as part of the "Flood Plain Information, Colorado River, Palo Verde Dam to Imperial Dam" dated October 1974, for that area between the Palo Verde Diversion Dam and Taylor Ferry; or on any Flood Insurance Rate Maps and Flood Hazard Boundary Maps, including any amendments or additions thereto that hereafter go into effect pursuant to the provisions of the applicable Federal Law for the Colorado River.

f. Any maps of flood hazard areas hereafter adopted by resolution of the Board of Supervisors after a public hearing on the proposed adoption.

Section 6. ADMINISTRATION. Notwithstanding the provisions of any other ordinance to the contrary, within the special flood hazard areas shown on the maps referred to in Section 5, no structure, including flow obstructing structures, shall be constructed, located or substantially improved and no land shall be graded, filled or developed, and no permit or approval shall be granted therefor, unless it complies with all the applicable requirements of this ordinance and all other applicable ordinances. If there is any conflict in or between the requirements of this ordinance and another ordinance, the more stringent requirements shall apply. If there is any conflict between the maps referred to in Section 5 of this ordinance the more stringent requirements shall apply.

1 a. Abrogation and Greater Restrictions. These regulations supersede any
2 ordinance in effect in flood hazard areas. However, these regulations are not
3 intended to repeal, abrogate or impair any existing ordinances including
4 land development regulations, subdivision regulations, zoning ordinances,
5 stormwater management regulations, or building codes, nor any existing
6 easements, covenants, or deed restrictions. In the event of an overlap or
7 conflict between these regulations and any other ordinance, code,
8 regulation, easement, covenant, or deed restriction, the more restrictive shall
9 govern.

10
11 b. Designation of the Floodplain Administrator. The Director of the
12 Department of Building and Safety for the County of Riverside, or his
13 designee, is hereby appointed to administer, coordinate, implement and
14 enforce this ordinance by granting or denying development permits in
15 accord with its provisions.

16 c. Duties and Responsibilities of the Floodplain Administrator. The duties and
17 responsibilities of the Floodplain Administrator shall include, but not
18 limited to the following:

- 19 1. Permit Review. Review all development permit applications to:
- 20 a) Determine if permit requirements of this ordinance have
21 been satisfied; and
 - 22 b) Make substantial improvement and substantial damage of
23 existing structures determinations; and
 - 24 c) Assure that all other required state and federal permits have
25 been obtained.

- 26 2. Assurance. Assure procedures are coordinated with other
27 departments/divisions and implemented by County staff and take
28

1 any remedial actions necessary to administer and implement this
2 ordinance.

- 3 3. Referrals. Refer public to RCFC&WCD or CVWD for review, use
4 and development of other Base Flood data.
- 5 4. Submittals. Forward separate applications to RCFC&WCD or
6 CVWD for technical review.
- 7 5. Notification. Notify other appropriate agencies of alteration or
8 relocation of watercourses, changes on Base Flood Elevations due to
9 physical alterations and changes in corporate boundaries.
- 10 6. Retention. Retain records of approved variances for floodplain
11 development.
- 12 7. Reimbursement. Reimburse RCFC&WCD and CVWD for any
13 review and input either agency provides on separate applications.

14 d. Consultation and Review by Other Agencies. Due to the subject matter
15 expertise and functions of other agencies, the County intends to submit any
16 separate applications required under this ordinance to the Riverside County
17 Flood Control and Water Conservation District or the Coachella Valley
18 Water District for review and input in accordance with the provisions of this
19 ordinance.

20 e. Duties and Responsibilities of RCFC&WCD and CVWD. The duties and
21 responsibilities include the following:

- 22 1. Review and process separate applications within their respective
23 jurisdictions.
- 24 2. Obtain and maintain a record of all applications reviewed and
25 approved including the application form, accompanying plans and
26 Elevation Certificate. In addition to the requirements of the building
27 code and these regulations, and regardless of any limitation on the
28 period required for retention of public records, the Floodplain

1 Administrator shall maintain and permanently keep and make
2 available for public inspection all records that are necessary for the
3 administration of these regulations and the flood provisions of the
4 building codes, including Flood Insurance Studies and Flood
5 Insurance Rate Maps; documents from FEMA that amend or revise
6 FIRMs; records of issuance of permits and denial of permits;
7 determinations of whether proposed work constitutes substantial
8 improvement or repair of substantial damage; required certifications
9 and documentation specified by the building codes and these
10 regulations; notifications to adjacent communities, FEMA, and the
11 State related to alterations of watercourses; assurance that the flood
12 carrying capacity of altered waterways will be maintained;
13 documentation related to variances, including justification for
14 issuance or denial; and records of enforcement actions taken
15 pursuant to these regulations and the flood resistant provisions of the
16 building codes.

- 17 3. Obtain and maintain record of floodproofing per 44 CFR
18 60.3(b)(5)(ii) and (iii) and the elevation of the lowest floor
19 (including basement) of all new and substantially improved
20 structures.
- 21 4. Obtain, review and reasonably utilize any base flood elevation and
22 floodway data available. Calculating base flood elevation, if
23 necessary.
- 24 5. Issue a report recommending approval, with conditions or
25 modifications, or denial of the proposed separate application plan.
- 26 6. Make interpretations where needed, as to the exact location of the
27 boundaries of the special flood hazard areas.
- 28 7. For RCFC&WCD only, RCFC&WCD shall:

- 1 a) Maintain a record of floodplain maps and supporting
2 documentation for the special flood hazard areas included in
3 Section 5; and
4

5 Section 7. PROCEDURE.

6 a. Insofar as it is feasible, it is intended that the requirements of this ordinance
7 shall be integrated into the processing of applications for development
8 permits under other County Ordinances including, but not limited to,
9 Ordinances Nos. 348, 457, 460, 555, and 650. When the information
10 required, or the procedures involved, in the processing of such applications
11 is not sufficient to assure compliance with the requirements of this
12 ordinance, a separate application shall be filed as hereinafter provided.

13 b. Whenever an application for a permit involves land which lies within the
14 special flood hazard area of any map referred to in Section 5 of this
15 ordinance, the Floodplain Administrator that accepts the application shall
16 determine if a separate application shall be filed.

17 1. If a permit would allow the location of any structure, new
18 construction or substantial improvement thereto, or allow the
19 alteration of land by grading or otherwise, or allow the placement of
20 a recreational vehicle pursuant to section 8.a.7 of this ordinance, and
21 the existing permit procedure does not otherwise provide for a
22 specific and still appropriate, recommendation by RCFC&WCD or
23 CVWD, a separate application shall be filed by the applicant
24 accompanied by a fee as set forth in Ordinance No. 671 Section 4.

25 2. If a permit would allow the location of any structure, new
26 construction or substantial improvement thereto, or allow the
27 alteration of land by grading or otherwise, or allow the placement of
28 a recreational vehicle pursuant to section 8.a.7 of this ordinance, and

1 the existing permit procedure does provide for a specific and still
2 appropriate recommendation by the RCFC&WCD or CVWD, a
3 separate application shall be filed by the applicant accompanied by a
4 reduced fee set forth in Ordinance No. 671 Section 4.3 to begin
5 review.

6 3. If a permit would allow for an attached deck or enclosed patio, a
7 separate application shall be filed by the applicant accompanied by a
8 reduced fee set forth in Ordinance No. 671 Section 4.3 to begin
9 review.

10 c. Whenever an application for a permit involves land which lies within the
11 special flood hazard area of any map referred to in Section 5.c.7 of this
12 ordinance, the Floodplain Administrator that accepts the application shall
13 determine if a separate application shall be filed.

14 1. If a permit would allow the location of any structure, new
15 construction or substantial improvement thereto, or allow the
16 alteration of land by grading or otherwise, or allow the placement of
17 a recreational vehicle pursuant to section 8.a.7 of this ordinance, and
18 the existing permit procedure does not otherwise provide for a
19 specific and still appropriate, recommendation by RCFC&WCD or
20 CVWD, a separate application shall be filed by the applicant
21 accompanied by a reduced fee as set forth in Ordinance No. 671
22 Section 4.3 to begin review.

23 In order for the Floodplain Administrator to determine if the application for
24 a permit qualifies as substantial improvement, the applicant shall provide a
25 contractor's cost estimate.

26 d. All separate applications shall be filed with the Floodplain Administrator
27 that accepts the basic application and shall be accompanied by a fee as set
28 forth in Ordinance No. 671. Sites on noncontiguous parcels shall require

1 separate submittals. Each application shall contain plans that, at a
2 minimum, include the following:

3 1. A plat map drawn to scale of the property proposed to be developed
4 showing location, type and use of any structures proposed, base
5 flood elevation data, floodways and floodplains, including adjoining
6 properties necessary to be shown for continuity.

7 2. Elevation contours, with maximum interval of:

8 SLOPE	INTERVAL
9 0 – 2.99%	1'
10 3 – 9.99%	4'
11 10% plus	10'

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

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

25 5. All applications plans shall be prepared and certified by a civil
26 engineer registered in the State of California.

27 e. Upon acceptance of both applications as being complete for filing, the
28 Floodplain Administrator shall forward copies of the basic application and

1 the separate application to the RCFC&WCD, unless the proposed
2 development lies within the area jurisdiction of the CVWD, in which case it
3 shall be forwarded to said District.

4 f. Within thirty (30) days of receipt thereof, the RCFC&WCD or CVWD,
5 respectively, shall determine if any further information is required in order
6 to process the application and, if required, shall inform the applicant or his
7 representative by regular mail of the need for additional information.
8 RCFC&WCD and CVWD shall review and process separate applications
9 within their respective jurisdictions as provided herein.

10 g. When base flood elevation data has not been provided through the maps
11 referred to in Section 5, the RCFC&WCD or CVWD shall obtain, review,
12 and reasonably utilize any base flood elevation and floodway data available
13 from a federal or state agency, or other source, in order to administer
14 Section 8.

15 NOTE: A base flood elevation may be calculated using one of two methods
16 from the FEMA publication, FEMA 265, Managing Floodplain
17 Development in Approximate Zone A Areas – A Guide for Obtaining and
18 Developing Base (100-year) Flood Elevations, dated July 1995 and
19 subsequent revisions by FEMA. For alluvial fans, the base flood elevation
20 and velocity may be calculated using methods from the FEMA publication,
21 Guidelines and Specifications for Flood Hazard Mapping Partners,
22 Appendix G: Guidance for Alluvial Fan Flood Risk Analyses and Mapping
23 dated November 2016 and subsequent revisions by FEMA.

24 h. Within thirty (30) days after determining that all required information has
25 been obtained, the RCFC&WCD or CVWD shall issue a report approving,
26 with conditions or modifications, or denying the proposed plan.

27 i. The applicant shall submit to RCFC&WCD or CVWD certifications,
28 including but not limited to Elevation Certificates, to satisfy the conditions

1 as referenced in Section 7.h, prior to the issuance of any subsequent
2 building permits.

- 3 j. The RCFC&WCD and CVWD shall maintain a record of all applications
4 reviewed and approved pursuant to this ordinance. Said record shall consist
5 of the application form, accompanying plans and Elevation Certificate.

6 Section 8. CONSTRUCTION STANDARDS. Within the areas shown on the maps
7 listed in Section 5, the following construction standards shall apply:

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

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

- 15 a) Be designed (or modified) and adequately anchored to
16 prevent flotation, collapse, or lateral movement of the
17 structure resulting from hydrodynamic and hydrostatic loads,
18 including the effects of buoyancy.
- 19 b) Be constructed with materials resistant to flood damage and
20 in accordance with the latest versions of (i) California
21 Residential Code Section R322 for residential structures, (ii)
22 California Building Code, Title 24, Part 2, Section 1612 for
23 non-residential structures, and (iii) 1 foot above BFE for
24 manufactured homes, including all associated utilities and
25 equipment.
- 26 c) Be constructed by methods and practices that minimize flood
27 damages.
- 28 d) For residential structures be elevated per California

1 Residential Code Section R322, including any electrical,
2 heating, ventilation, plumbing, and air conditioning
3 equipment and other service facilities servicing the building
4 or attached to the residential structure to prevent water from
5 entering or accumulating within the components during
6 conditions of flooding.

7 e) For manufactured homes be elevated above the Base Flood
8 Elevation plus 1 foot, including any electrical, heating,
9 ventilation, plumbing, and air conditioning equipment and
10 other service facilities servicing the building or attached to
11 the manufactured home to prevent water from entering or
12 accumulating within the components during conditions of
13 flooding.

14 f) Swimming pools shall:

15 1) Be constructed flush to the ground.

16 2) Have excavated dirt from the pool needs to be
17 removed from the site or spread across the site, no
18 more than four (4) inches thick.

19 3) Have equipment servicing the pool elevated at or
20 above the Base Flood Elevation plus 1 foot.

21 2. All new construction improvements that are not considered
22 substantial improvement shall be designed according to the
23 requirements of the existing structure.

24 3. The existing structures shall also comply with current regulations
25 (such as elevating the finished floor) when the substantial
26 improvements to the existing structure consist of the following
27 types: rehabilitation improvements, foundation improvements or
28 replacement, a vertical addition and/or a structurally connected

1 lateral addition.

2 4. All subdivision proposals and other proposed new development,
3 including commercial, industrial, manufactured home parks or
4 subdivisions greater than fifty (50) lots or five (5) acres, whichever
5 is less, shall be required to identify the base flood elevation and be
6 reviewed to determine whether such proposals will be reasonably
7 safe from flooding. All such proposals shall be reviewed to assure
8 that:

9 a) Such proposal is consistent with the need to minimize flood
10 damage.

11 b) In the case of SFHA identified in Section 5.a of this
12 ordinance, prior to grading, a Conditional LOMR has been
13 issued by FEMA.

14 c) In the case of SFHA identified in Section 5.a of this
15 ordinance, prior to inspection for occupancy, a LOMR has
16 been issued by FEMA for areas shown as floodplain on the
17 effective FIRM.

18 d) All utilities and facilities, such as sewer, gas, electrical,
19 propane tanks, and water systems are located and constructed
20 to minimize or eliminate flood damage.

21 e) Adequate drainage is provided within the lot to reduce
22 exposure to flood hazards.

23 f) All other required state and federal permits have been
24 obtained.

25 g) Alteration or relocation of a watercourse: Notify adjacent
26 communities prior to alteration or relocation. Submit
27 evidence of such notification to FEMA.

28 5. All new and replacement water supply systems shall be designed to

1 minimize or eliminate infiltration of floodwaters into the systems.

2 6. New and replacement sanitary sewage systems shall be designed to
3 minimize or eliminate infiltration of floodwaters into the systems
4 and discharges from the systems into flood waters, and on-site waste
5 disposal systems shall be located to avoid impairment to them or
6 contamination from them during flooding.

7
8 7. All recreational vehicles to be placed shall:

9 a) Be on the site for fewer than one hundred eighty (180)
10 consecutive days; and

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

12 Otherwise, recreational vehicles shall meet the separate application
13 requirements of Section 8.a.1.a). A recreational vehicle is ready for
14 highway use if it is on its wheels or jacking system, is attached to
15 the site only by quick disconnect type utilities and security devices,
16 and has no permanently attached additions.

17
18 8. All new construction and substantial improvements (including
19 associated machinery and equipment) of non-residential structures
20 shall:

21 a) Be constructed and have the lowest floor (including basement)
22 elevated per California Building Code, Title 24, Part 2,
23 Section 1612; or

24 b) Together with attendant utility and sanitary facilities, be
25 designed so that below the elevation level specified above
26 the structure is watertight with walls substantially
27 impermeable to the passage of water and with structural
28 components having the capability of resisting hydrostatic and

hydrodynamic loads and the effects of buoyancy.

9. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that 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 per standards in California Residential Code Section R322 and California Building Code, Title 24, Part 2, Section 1612, as applicable. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. The minimum opening size shall not be less than 3 inches in any direction in the plane of the wall.

10. Within any AO zone on the Flood Insurance Rate Maps, all new construction and substantial improvements of:
a) Residential structures shall be constructed and have the lowest floor (including basement) elevated per California Residential Code Section R322.

Within any AO zone on the Flood Insurance Rate Maps, all mechanical, electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities attached to the manufactured homes must be elevated to that level specified above to prevent water from entering or accumulating within the components during conditions of flooding.

b) Manufactured homes shall have the lowest floor (including basement) elevated 1 foot above the depth specified on the FIRM.

1 Within any AO zone on the Flood Insurance Rate Maps, all
2 mechanical, electrical, heating, ventilation, plumbing and air
3 conditioning equipment and other service facilities attached to the
4 manufactured homes must be elevated to that level specified above
5 to prevent water from entering or accumulating within the
6 components during conditions of flooding.

7
8 11. Within any AO zone on the Flood Insurance Rate Maps, all new
9 construction and substantial improvements of non-residential
10 structures shall be constructed and have the lowest floor (including
11 basement) elevated above the highest adjacent grade per California
12 Building Code, Title 24, Part 2, Section 1612;

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

17 13. Whenever a watercourse or mapped floodplain is to be altered or
18 relocated, the flood carrying capacity of the altered or relocated
19 portion of the watercourse or mapped floodplain shall be
20 maintained. Manufactured slopes that encroach into a floodplain
21 and which are subject to erosive velocities, are considered flood
22 control facilities and must be maintained by a public entity.
23 However, the appropriateness of such encroachment shall be
24 determined at the sole discretion of the RCFC&WCD or the CVWD.
25 Adjacent communities and the Federal Insurance and Mitigation
26 Administration shall be notified of any such alteration or relocation
27 by means of a request for a LOMR for floodplains shown on the
28 effective FIRM panel. Within six (6) months of information

1 becoming available or project completion, whichever comes first,
2 the Floodplain Administrator shall submit or assure that the permit
3 applicant submits technical or scientific data to FEMA for a Letter
4 of Map Revision (LOMR).

- 5 14. Require applicants who submit hydrologic and hydraulic
6 engineering analyses to support permit applications to submit to
7 FEMA the data and information necessary to maintain the Flood
8 Insurance Rate Maps when the analyses indicate changes in base
9 flood elevations, flood hazard area boundaries, or floodway
10 designations. These submissions shall be made within 6 months of
11 such data becoming available.
- 12 15. All plans prepared for the development of property within a mapped
13 floodplain shall be prepared and certified by a civil engineer
14 registered in the State of California.
- 15 16. All proposed development applications shall be reviewed to assure
16 that all necessary permits have been received from those
17 governmental agencies from which approval is required by Federal
18 or State law.
- 19 17. All new buildings and/or substantial improvements located within
20 the 500-year floodplain limits of Lake Elsinore shall have their
21 lowest floor elevated a minimum of three (3) feet above said water
22 body's 100-year water surface elevation. For the purpose of this
23 ordinance, Lake Elsinore's water surface elevation shall be 1265.7
24 (NAVD 88).
- 25 18. Any flood water storage displaced as a result of fill placement
26 within Lake Elsinore's 100-year floodplain shall be made up by
27 excavating 1.3 times the displaced volume within the elevation
28 range between 1249.4 and 1265.7 (NAVD88).

1 19. No land shall be graded, filled, altered or modified within the
2 RCFC&WCD and CVWD joint boundary of the Whitewater River
3 Stormwater Channel SFHA, except upon review and approval by
4 both CVWD and RCFC&WCD. The proposed plan shall include a
5 hydraulic analysis demonstrating that the proposal will not result in
6 any increase in flood levels during the occurrence of the base flood
7 discharge or affect levee criteria as set forth by 44 CFR 65.10 or as
8 determined by the RCFC&WCD and CVWD. If a proposed plan
9 qualifies for approval by both CVWD and RCFC&WCD, it shall
10 then meet all the requirements necessary for approval of a permit in
11 a SFHA as per Section 8.a and/or Section 8.b.

12 b. Floodways.

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

24 2. Until such time that a regulatory floodway is adopted,
25 no new construction or other development (including
26 fill) shall be permitted within Zones A, A1-30 and
27 AE, unless it is demonstrated that the cumulative
28 effect of the proposed development, when combined

1 with all other development, will not increase the
2 water surface elevation of the base flood more than
3 one (1) foot or as determined by the RCFC&WCD or
4 the CVWD at any point along the floodplain.

- 5 3. Colorado River Floodway – development within the
6 Colorado River floodway shall meet the requirement
7 of both NFIP and the Colorado River Flood
8 Protection Act.

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

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

- 15 1. The proposed revision will be placed on the Board of Supervisors
16 agenda for a public hearing.
17 2. The Floodplain Administrator shall reflect the limits of the revised
18 SFHAs in the Public Flood Hazard Determination Interactive Map
19 after adoption of the resolution.

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

- 23 1. The applicant shall submit a hydraulic analysis accompanied by the
24 requisite work maps and exhibits showing the impacts of the
25 development to those SFHAs prior to issuance of conditions of
26 approval.
27 2. The Public Hearing scheduled for the proposed land
28 division/development shall serve as the intent to revise those SFHAs

1 affected by the development proposal.

- 2 3. The applicant shall submit final exhibit showing the revisions to the
3 map, after completion of constructing improvements impacting
4 SFHAs and prior to issuance of occupancy.
- 5 4. The Floodplain Administrator shall reflect the limits of the revised
6 SFHAs in the Public Flood Hazard Determination Interactive Map
7 after receipt of final exhibit.

8 Section 10. APPEALS.

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

1 partly, or may modify the decision appealed from and the Board's decision
2 is final.

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

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

28 b. Application Process. An application to request a variance shall be made to

1 the Floodplain Administrator, upon the form provided by the Department of
2 Building and Safety, accompanied by a fee as set forth in Ordinance No.
3 671. Upon receipt of a completed application, the Floodplain Administrator
4 shall request and obtain a technical recommendation from the RCFC&WCD
5 or CVWD. The Floodplain Administrator shall render its decision on the
6 matter within thirty (30) days after receipt of the report and
7 recommendation from RCFC&WCD or CVWD. Any applicant to whom a
8 variance is granted shall be given written notice that the cost of flood
9 insurance will be commensurate with the increased risk resulting from the
10 granting of the variance. Any applicant to whom a variance is granted shall
11 promptly record an instrument evidencing said variance with the Riverside
12 County Recorder's office. Said recordation shall be maintained until such
13 time that the applicable flood hazard area has been removed.

14 c. Conditions for Variances.

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

1 floodway if any increase in flood levels during the base flood
2 discharge would result.

3 4. Variances shall only be issued upon a determination that the
4 variance is the "minimum necessary" considering the flood hazard,
5 to afford relief. "Minimum necessary" means to afford relief with a
6 minimum of deviation from the requirements of this ordinance.

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

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

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

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

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

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

2. That failure to grant the variance would result in exceptional hardship to the applicant.
3. That the granting of a variance will not confer a special privilege not enjoyed by other similarly situated properties.
4. That strict application of the ordinance deprives the property of privileges enjoyed by other property in the vicinity and in the same Special Flood Hazard Area.
5. That the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimize the public or conflict with existing laws or ordinances.
6. That the variance is the minimum necessary, considering the flood hazard, to afford relief.

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

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

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

Section 14. **SEVERABILITY.** If any provision, clause, sentence or paragraph of this

1 ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity
2 shall not affect the other provisions of this ordinance which can be given effect without the invalid
3 provision or application, and to this end, the provisions of this ordinance are hereby declared to be
4 severable."

5
6 Section 2. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its adoption.

- 7 Adopted: 458 06/05/1979 (Eff: 07/05/1979)
8 Amended: 458.1 08/26/1980 (Eff: 09/25/1980)
9 458.2 06/02/1981 (Eff: 07/01/1981)
10 458.3 Item 3.2 of 08/30/1983 (Eff:09/29/1983)
11 458.4 Item 3.4 of 06/05/1984 (Eff: 07/05/1984)
12 458.5 Item 3.4 of 04/22/1986 (Eff: 05/22/1986)
13 458.6 Item 9.3 of 05/05/1987 (Eff: 07/04/1987)
14 458.7 Item 3.9 03/29/1988 (Eff: 04/28/1987)
15 458.8 Item 3.1 of 05/03/1988 (Eff: 07/02/1988)
16 458.9 Item 3.11 of 03/28/1989 (Eff: 04/27/1989)
17 458.10 Item 3.11 of 07/31/1990 (Eff: 08/30/1990)
18 458.11 Item 10.1 of 10/16/1990 (Eff: 11/01/1990)
19 458.12 Item 3.6 of 03/30/1993 (Eff: 04/29/1993)
20 (725 – Amds Sec.9) (Eff.: 10/26/2000)
21 458.13 Item 3.11 of 07/29/2008 (Eff: 8/28/2008)
22 458.14 Item 3-61 of 07/15/2014 (Eff: 08/14/2014)
23 458.15 Item 3.30 of 05/09/2017 (Eff: 06/09/2017)
24 458.16 Item 19.2 of 03/26/2019 (Eff: 04/24/2019)
25 458.17 Item 19.3 of 01/25/2022 (Eff: 02/23/2022)
26 458.18 Item 3.57 of 06/24/2025 (Eff: 07/23/2025) (Pub: 07/03/2025)
27
28