

**Chapter 15.64**  
**FLOOD DAMAGE PREVENTION**

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Prior legislation: Ords. 832, 837 and 906.

**15.64.100 Statutory authorization.**

A. The Legislature of the State of California has in Government Code Sections 65302, 65560 and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore the City, County of Riverside, does hereby adopt the floodplain management regulations set forth in this chapter.

B. These regulations, in combination with the flood provisions of the California Building Codes (hereinafter “building codes,” consisting of the building code, residential code, existing building code, and related codes) and Appendix G of the building code (Appendix G), shall be known as the flood damage prevention regulations of the City of Lake Elsinore (these regulations).

C. These regulations specifically repeal and replace Ordinance No. 1280, “Flood Damage Prevention.” [Ord. 1372 § 2, 2017; Ord. 1078 § 15.64.100, 2001].

**15.64.110 Findings of fact.**

A. The flood hazard areas of the City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses are caused by uses that are inadequately elevated, floodproofed or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities also contributes to the flood loss. [Ord. 1372 § 2, 2017; Ord. 1078 § 15.64.110, 2001].

**15.64.120 Statement of purpose.**

A. Purpose. The purposes of these regulations and the flood load and flood-resistant construction requirements of the building codes are to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas, designed

to:

1. Prevent unnecessary disruption of commerce, access and public service during times of flooding; and
2. Manage the alteration of natural floodplains, stream channels and shorelines; and
3. Manage filling, grading, dredging and other development which may increase flood damage or erosion potential; and
4. Prevent or regulate the construction of flood barriers which will divert floodwaters or which can increase flood hazards; and
5. Contribute to improved construction techniques in the floodplain.

B. Objectives. The objectives of these regulations are to protect human life, minimize the expenditure of public money for flood control projects, minimize the need for rescue and relief efforts associated with flooding, minimize prolonged business interruption, minimize damage to public facilities and utilities, help maintain a stable tax base by providing for the sound use and development of flood-prone areas, contribute to improved construction techniques in the floodplain and ensure that potential owners and occupants are notified that property is within flood hazard areas.

C. Scope. The provisions of these regulations, in combination with the flood provisions of the building codes, shall apply to all proposed development in flood hazard areas established in LEMC [15.64.300](#).

D. Coordination with Building Codes. Pursuant to the requirement established in State statute that the City administer and enforce the State building codes, the Council does hereby acknowledge that the building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the building codes. [Ord. 1372 § 2, 2017; Ord. 1078 § 15.64.120, 2001].

**15.64.130 Methods of reducing flood losses.**

In order to accomplish its purposes this chapter includes regulations to:

- A. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or flood heights or velocities; and
- B. Require that uses vulnerable to floods including facilities which serve such uses be protected against flood damage at the time of initial construction; and
- C. Control the alteration of natural floodplains, stream channels and natural protective barriers

which help accommodate or channel floodwaters; and

D. Control filling, grading, dredging, and other development which may increase flood damage; and

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. [Ord. 1372 § 2, 2017; Ord. 1078 § 15.64.130, 2001].

**15.64.200 Definitions.**

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

B. The following words and terms shall, for the purposes of these regulations, have the meanings shown herein. Other terms are defined in the building code or Appendix G and used in the residential code.

A Zone. See “Special flood hazard area (SFHA).”

“Accessory structure” means a structure that is either:

1. Solely for the parking of no more than two cars; or
2. A small low-cost shed for limited storage less than 150 square feet and \$1,500 in value.

“Accessory use” means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

“Alluvial fan” means a geomorphologic feature characterized by a cone or fan shaped deposit of boulders, gravel and fine sediments that have been eroded from mountain slopes, transported by flood flows and then deposited on the valley floors and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

“Alteration of a watercourse” means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

“Apex” means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

“Appeal” means a request for a review of the Floodplain Administrator interpretation of any provision of this chapter.

“Area of shallow flooding” means a designated AO or AH 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. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard. See “Special flood hazard area (SFHA).”

“Area of special flood-related erosion hazard” means the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the FIRM.

“Area of special mudslide, i.e., mudflow hazard” means the area subject to severe mudslides, i.e., mudflows. The area is designated as Zone M on the FIRM.

“Base flood” means a flood which has a one percent chance of being equaled or exceeded in any given year, also called the 100-year flood. “Base flood” is the term used throughout this chapter.

“Base flood elevation (BFE)” means the elevation shown on the FIRM for Zones AE, AH, A1-30, VE, and V1-V30, that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.

“Basement” means any area of the building having its floor subgrade, i.e., below ground level on all sides.

“Breakaway walls” means any type of walls whether solid or lattice and whether constructed of concrete, masonry, wood, metal, plastic, or any other suitable building material, which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used, or any buildings to which they might be carried by floodwaters. A breakaway wall shall have a safe design loading resistance of not less than 10 and not more than 20 pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

Building. See “Structure.”

“Building code” means the family of building codes specifically adopted by the State of California and composed of:

1. The building code, applicable to buildings and structures other than dwellings within the

scope of the residential code.

2. The residential code, applicable to one- and two-family dwellings and townhouses not more than three stories, and accessory structures.
3. The existing building code, applicable to existing buildings (as defined in that code).
4. Other specified codes.

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, temporary structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, operations and other land-disturbing activities.

“Encroachment” means the placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

“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 floodplain management regulations adopted by a community.

“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.

“Flood” or “floodwater” 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; the unusual and rapid accumulation or runoff of surface waters from any source and/or mudslides, i.e., mudflows; and
2. The condition resulting from flood-related erosion.

“Flood Boundary and Floodway Map (FBFM)” means the official map on which the FEMA or Federal Insurance Administration has delineated both the areas of special flood hazard and the floodway.

“Flood Insurance Rate Map (FIRM)” means the official map on which the FEMA or Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

“Flood Insurance Study (FIS)” means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the FBFM and the water surface elevation of the base flood.

“Flood-related erosion” means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical level or suddenly caused by an unusually high water level in a natural body of water accompanied by a severe storm or by an unanticipated force of nature such as a flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding.

“Flood-related erosion area management” means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage including but not limited to emergency preparedness plans, flood-related erosion control works, and floodplain management regulations.

“Flood-related erosion area or flood-related erosion prone area” means a land area adjoining the shore of a lake or other body of water which, due to the composition of the shoreline or bank and high water levels or wind driven currents, is likely to suffer flood-related erosion damage.

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain management regulations” means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances such as grading and erosion control, and other application of police power which control development in flood-prone areas. This term describes Federal, State or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

“Floodplain” or “flood-prone area” means any land area susceptible to being inundated by water from any source. See “Flood.”

“Floodproofing” means any combination of structural and nonstructural 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. Refer to FEMA Technical Bulletins TB 2-2008, TB 3-93 and TB 7-93 for guidelines on dry and wet floodproofing.

“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 one foot. Also referred to as “regulatory floodway.”

“Floodway fringe” is that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted.

“Fraud and victimization as related to LEMC [15.64.600](#), Variance procedures – Nature of variances” means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement the Council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for 50 to 100 years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property unaware that it is subject to potential flood damage and can be insured only at very high flood insurance rates.

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities and does not include long-term storage or related manufacturing facilities.

“Governing body” means the local governing unit, i.e., county or municipality that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

“Hardship as related to LEMC [15.64.600](#), Variance procedures – Nature of variances” means the exceptional hardship that would result from a failure to grant the requested variance. The City requires that the variance be exceptional, unusual and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot as a rule qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance even if the alternative is more expensive or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

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

“Historic structure” means any structure that is:

1. Listed individually in the National Register of Historic Places, a listing maintained by the Department of the Interior or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved State program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

“Levee” means a manmade structure, usually an earthen embankment designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

“Levee system” means a flood protection system which consists of a levee or levees and associated structures such as closure and drainage devices which are constructed and operated in accord with sound engineering practices.

“Lowest floor” means the lowest floor of the lowest enclosed area including basement (see “Basement” definition).

1. An unfinished or flood-resistant enclosure below the lowest floor that is 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 it conforms to applicable nonelevation design requirements including but not limited to:
  - a. The flood openings standard in LEMC [15.64.500\(C\)\(3\)](#); and
  - b. The anchoring standards in LEMC [15.64.500\(A\)](#); and
  - c. The construction materials and methods standards in LEMC [15.64.500\(B\)](#); and
  - d. The standards for utilities in LEMC [15.64.510](#).
2. For residential structures all subgrade enclosed areas are prohibited as they are considered to be basements (see “Basement” definition). This prohibition includes below grade garages and storage areas.

“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 attached to the required utilities. The term “manufactured home” does not include a recreational vehicle.

“Manufactured home park or subdivision” means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

“Market value” means the price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this chapter, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, actual cash value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.

“Mean sea level” means, for purposes of the NFIP, the National Geodetic Vertical Datum NGVD of 1929, North American Vertical Datum NAVD of 1988, or other datum to which base flood elevations shown on a community FIRM are referenced.

“Mudslide” means and describes a condition where there is a river flow or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain.

“Mudslide, i.e., mudflow, prone area” means an area with land surfaces and slopes of unconsolidated material where the history, geology and climate indicate a potential for mudflow.

“New construction for floodplain management purposes” means structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by this community and includes any subsequent improvements to such structures.

“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 this community.

“Obstruction” means and includes but is not limited to any dam wall, wharf embankment, levee dike, pile abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard, or change the direction and/or velocity of the flow of water, or, due to its location, its propensity to snare or collect debris carried by the flow of water or its likelihood of being carried downstream.

One-Hundred Year Flood or 100-Year Flood. See “Base flood.”

“Program deficiency” means a defect in a community floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management

regulations.

“Public safety and nuisance as related to LEMC [15.64.600](#), Variance procedures – Nature of variances” means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood or any considerable number of persons or unlawfully obstructs the free passage or use in the customary manner of any navigable lake or river, bay, stream, canal or basin.

“Recreational vehicle” means a vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.

“Regulatory 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 one foot.

“Remedy a violation” means to bring the structure or other development into compliance with State or local floodplain management regulations or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter, or otherwise deterring future similar violations or reducing State or Federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by or resembling a river including tributaries, stream, brook, etc.

Sheet Flow Area. See “Area of shallow flooding.”

“Special flood hazard area (SFHA)” means an area in the floodplain subject to a one percent or greater chance of flooding in any given year, also called the 100-year flood. It is shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V1-30, VE, or V.

“Start of construction” includes substantial improvement and other proposed new development 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 from the date of the permit. 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.

“Structure” means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

“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. “Substantial improvement” means any reconstruction, rehabilitation, addition or other proposed new development 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. The term does not, however, include either:
  - a. 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
  - b. Any alteration of a historic structure; provided, that the alteration will not preclude the structure’s continued designation as a historic structure.

“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“Violation” means the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in this chapter is presumed to be in violation until such time

as that documentation is provided.

“Water surface elevation” means the height in relation to the National Geodetic Vertical Datum NGVD of 1929, North American Vertical Datum NAVD of 1988, or other datum of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“Watercourse” means a river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically. [Ord. 1372 § 2, 2017; Ord. 1078 § 15.64.200, 2001].

**15.64.300 General provisions – Lands to which this chapter applies.**

- A. This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City.
- B. These regulations, in conjunction with the building codes, provide minimum requirements for development located in flood hazard areas, including the subdivision of land; site improvements and installation of utilities; placement and replacement of manufactured homes; placement of recreational vehicles; new construction and repair, reconstruction, rehabilitation or additions to new construction; substantial improvement of existing buildings and structures, including restoration after damage; installation of tanks; temporary structures and temporary or permanent storage; utility and miscellaneous Group U buildings and structures; and certain building work exempt from permit under the building codes; and other buildings and development activities.
- C. The provisions of these regulations shall not be deemed to nullify any provisions of local, State or Federal law. [Ord. 1372 § 2, 2017; Ord. 1078 § 15.64.300, 2001].

**15.64.310 General provisions – Establishment of flood hazard areas.**

The City was accepted for participation in the NFIP on September 17, 1980. The areas of special flood hazard identified by the FEMA in the “FIS for Riverside County, California and Incorporated Areas” dated August 28, 2008, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the Council by the Floodplain Administrator. The study, FIRMs and FBFMs are on file at City’s Engineering Department, City Hall, 130 South Main Street, Lake Elsinore, California, 92530. [Ord. 1372 § 2, 2017; Ord. 1078 § 15.64.310, 2001].

**15.64.320 General provisions – Compliance.**

- A. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the requirements, including violations of conditions and safeguards, shall constitute a misdemeanor. Nothing herein shall prevent the City from taking such lawful action as is necessary to prevent or remedy any violation.

B. Any violation of a provision of these regulations, or failure to comply with a permit or variance issued pursuant to these regulations or any requirement of these regulations, shall be handled in accordance with the requirements of Chapter 1.16 LEMC. [Ord. 1372 § 2, 2017; Ord. 1078 § 15.64.320, 2001].

**15.64.330 General provisions – Abrogation and greater restrictions.**

These regulations supersede any ordinance in effect in flood hazard areas. However, these regulations are not intended to repeal or abrogate any existing ordinances including land development regulations, subdivision regulations, zoning ordinances, stormwater management regulations, or building codes. In the event of a conflict between these regulations and any other ordinance, code, or regulation, the more restrictive shall govern. [Ord. 1372 § 2, 2017; Ord. 1078 § 15.64.330, 2001].

**15.64.340 General provisions – Interpretation.**

In the interpretation and application of this chapter all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under State statute. [Ord. 1372 § 2, 2017; Ord. 1078 § 15.64.340, 2001].

**15.64.350 General provisions – Warning and disclaimer of liability.**

A. The degree of flood protection required by these regulations and the building codes is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by manmade or natural causes. Enforcement of these regulations and the building codes does not imply that land outside the special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage.

B. The Floodplain Administrator and any employee charged with the enforcement of these regulations, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by these regulations or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to the persons or property as a result of any act or by reason of any act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties under the provisions of these regulations shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Floodplain Administrator and any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of these regulations. [Ord. 1372 § 2, 2017; Ord. 1078 § 15.64.350, 2001].

**15.64.360 General provisions – Severability.**

If any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared. [Ord. 1372 § 2, 2017; Ord. 1078 § 15.64.360, 2001].

**15.64.400 Administration – Establishment of development permit.**

A development permit shall be obtained before any construction or other development including manufactured homes within any area of special flood hazard established in LEMC [15.64.310](#). Application for a development permit shall be made on forms furnished by the Floodplain Administrator. The applicant shall provide the following minimum information:

**A. Plans in duplicate drawn to scale showing:**

1. Location, dimensions and elevation of the area in question; existing or proposed structures, fill, storage of materials and equipment and their location;
2. Proposed locations of water supply, sanitary sewer, and utilities;
3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
4. Location of the regulatory floodway when applicable;
5. Base flood elevation information as specified in LEMC [15.64.310](#);
6. Proposed elevation in relation to mean sea level of the lowest floor including basement of all structures;
7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed as required in LEMC [15.64.500](#) and detailed in FEMA Technical Bulletin TB 3-93; and
8. For all proposed structures spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint or one-foot contour elevations throughout the building site.

**B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in LEMC [15.64.500](#).**

**C. For a crawlspace foundation location and total net area of foundation openings as required in LEMC [15.64.500](#)(C)(3) and FEMA Technical Bulletins TB 1-93 and TB 7-93.**

**D. Description of the extent to which any watercourse will be altered or relocated as a result of**

proposed development.

E. All appropriate certifications listed in LEMC [15.64.420\(I\)](#). [Ord. 1372 § 2, 2017; Ord. 1078 § 15.64.400, 2001].

**15.64.410 Administration – Designation of the Floodplain Administrator.**

The City Engineer is designated the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees. [Ord. 1372 § 2, 2017; Ord. 1078 § 15.64.410, 2001].

**15.64.420 Administration – Duties and responsibilities of the Floodplain Administrator.**

A. The Floodplain Administrator is authorized and directed to administer the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code.

B. Where Appendix G refers to the Building Official, each such reference shall refer to the Floodplain Administrator. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of Appendix G.

C. The Floodplain Administrator shall coordinate with the Building Official to administer and enforce the flood provisions of the building code, including Appendix G.

D. It shall be the responsibility of the Floodplain Administrator to assure that approval of a proposed development shall not be given until proof that necessary permits have been granted by Federal or State agencies having jurisdiction.

E. The duties of the Floodplain Administrator shall include but are not limited to:

1. Review all permit applications to determine whether proposed development is located in flood hazard areas established in LEMC [15.64.310](#).
2. Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
3. Interpret flood hazard area boundaries, provide available flood elevation and flood hazard information.
4. Determine whether additional flood hazard data shall be obtained or developed.
5. Establish, in coordination with the Building Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to this section.

6. Review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood-resistant construction requirements of the building code, to determine whether such requests require consideration as a variance pursuant to Appendix G.
7. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the FIRMs if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available.
8. Require applicants who propose alteration of a watercourse to notify adjacent community and the NFIP State Coordinating Agency, and to submit copies of such notifications to FEMA.
9. Inspect development within the scope of Appendix G, if delegated by the Building Official, and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
10. Notify FEMA when the corporate boundaries of City have been modified.
11. Require all letters of map revision (LOMRs) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

F. Development of Substantial Improvement and Substantial Damage Procedures. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
2. Compare the cost to perform the improvement, the cost to repair the damaged building to its predamaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure.
3. Determine and document whether the proposed work constitutes substantial improvement

or repair of substantial damage.

4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood-resistant construction requirements of the building code is required.
5. Assure procedures are coordinated with other departments/divisions and implemented by City staff.

G. Review, Use and Development of Other Base Flood Data. When base flood elevation data has not been provided in accordance with LEMC [15.64.310](#), the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal or State agency, or other source, in order to administer LEMC [15.64.500](#).

Note: A base flood elevation shall be obtained by the developer using one of two methods from the FEMA publication FEMA 265, Managing Floodplain Development (MFD) in Approximate Zone A Area – A Guide for Obtaining and Developing Base (100-year) Flood Elevations, dated July 1995.

H. Notification of Other Agencies.

1. Alteration or Relocation of a Watercourse.
  - a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
  - b. Submit evidence of such notification to the FEMA; and
  - c. Assure that the flood-carrying capacity within the altered or relocated portion of said watercourse is maintained.
2. Base Flood Elevation Changes Due to Physical Alterations.
  - a. Within six months of information becoming available or project completion, whichever comes first, the Floodplain Administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a LOMR.
  - b. All LOMRs for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on CLOMRs. Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the “start of construction” definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes in Corporate Boundaries. Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

I. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:

1. Certification by FEMA elevation certificate upon placement of the lowest floor, including the basement, and prior to further vertical construction, required by LEMC [15.64.500\(C\)\(1\)](#) and [15.64.530\(A\)](#) (lowest floor elevations) and 15.04.010 (California Building Code);
2. Certification by FEMA elevation certificate required by LEMC [15.64.500\(C\)\(2\)](#) (elevation or floodproofing of nonresidential structures) and 15.04.010 (California Building Code);
3. Certification required by LEMC [15.64.500\(C\)\(3\)](#) (wet floodproofing standards);
4. Certification of elevation by FEMA elevation certificate required by LEMC [15.64.520](#) (subdivision standards) and 15.04.010 (California Building Code); and
5. Certification required by LEMC [15.64.550](#) (floodway encroachments).
6. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the FEMA, as required by LEMC [15.64.620\(F\)](#).
7. In addition to the requirements of the building code and Appendix G, 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 FIRM; 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 their issuance; and records of enforcement actions taken pursuant to these regulations and the flood-resistant provisions of the building codes.

J. Map Determinations. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in LEMC [15.64.430](#).

K. Remedial Action. Take action to remedy violations of this chapter as specified in LEMC [15.64.320](#).

L. Biennial Report. Complete and submit biennial report to FEMA.

M. Planning. Assure community's General Plan is consistent with floodplain management objectives herein.

N. Reserved.

O. Nonconversion of Enclosed Areas below the Lowest Floor. To ensure that the areas below the BFE shall be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation without first becoming fully compliant with the floodplain management ordinance in effect at the time of conversion, the Floodplain Administrator shall:

1. Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are five feet or higher;
2. Enter into a "nonconversion agreement for construction within flood hazard areas" or equivalent with the City. The agreement shall be recorded with the County of Riverside, California, County Recorder as a deed restriction. The nonconversion agreement shall be in a form acceptable to the Floodplain Administrator and City Attorney; and
3. Have the authority to inspect any area of a structure below the BFE to ensure compliance upon prior notice of at least 72 hours. [Ord. 1372 § 2, 2017; Ord. 1078 § 15.64.420, 2001].

#### **15.64.430 Appeals.**

The Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter. [Ord. 1372 § 2, 2017; Ord. 1078 § 15.64.430, 2001].

#### **15.64.500 Provisions for flood hazard reduction – Standards of construction.**

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

A. Anchoring.

1. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. All manufactured homes shall meet the anchoring standards of LEMC [15.64.530](#).

B. Construction Materials and Methods. All new construction and substantial improvement shall be constructed:

1. With flood-resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
2. Using methods and practices that minimize flood damage;
3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
4. If within Zone AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

C. Elevation and Floodproofing.

1. Residential Construction. All new or substantial improvements of residential structures shall have the lowest floor, including basement:

- a. In AE, AH, A1-30 Zones, elevated two feet above the BFE.
- b. In an AO Zone, elevated above the highest adjacent grade to a height two feet above the depth number specified in feet on the FIRM, or elevated at least four feet above the highest adjacent grade if no depth number is specified.
- c. In an A Zone, without BFEs specified on the FIRM [unnumbered A zone], elevated two feet above the BFE; as determined under LEMC [15.64.310](#).

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

2. Nonresidential Construction. All new or substantial improvement of nonresidential structures shall either be elevated to conform to subsection (C)(1) of this section or:

- a. Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under subsection (C)(1) of this section so that the structure is 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. Be certified by a registered professional engineer or architect that the standards of subsection (C)(1) of this section are satisfied. Such certification shall be provided to the Floodplain Administrator.

3. Flood Openings. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, 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 floodwater. Designs for meeting this requirement shall meet the following minimum criteria:

a. For nonengineered openings:

(1) Have 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;

(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 floodwater to directly enter; or

b. Be certified by a registered professional engineer or architect.

4. Manufactured Homes.

a. See LEMC [15.64.530](#).

5. Garages and Low-Cost Accessory Structures.

a. Attached Garages.

(1) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of floodwaters. See subsection (C)(3) of this section. Areas of the garage below the BFE must be constructed with flood-resistant materials. See subsection (C)(2) of this section.

(2) A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6-93.

b. Detached Garages and Accessory Structures.

(1) "Accessory structures" used solely for parking (two-car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in LEMC [15.64.200](#), may be constructed such that its floor is below the BFE, provided the structure is

designed and constructed in accordance with the following requirements:

- (a) Use of the accessory structure must be limited to parking or limited storage;
- (b) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
- (c) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
- (d) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
- (e) The accessory structure must comply with floodplain encroachment provisions in LEMC [15.64.550](#); and
- (f) The accessory structure must be designed to allow for the automatic entry of floodwaters in accordance with subsection (C)(3) of this section.

(2) Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in this section. [Ord. 1372 § 2, 2017; Ord. 1078 § 15.64.500, 2001].

**15.64.510 Provisions for flood hazard reduction – Standards for utilities.**

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. Infiltration of floodwaters into the systems; and
2. Discharge from the systems into floodwaters.

B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them, during flooding. [Ord. 1372 § 2, 2017; Ord. 1078 § 15.64.510, 2001].

**15.64.520 Provisions for flood hazard reduction – Standards for subdivisions and other proposed development.**

A. All new subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than 50 lots or five acres, whichever is the lesser, shall:

1. Identify the special flood hazard areas (SFHA) and BFE.
2. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.

3. If the site is filled above the BFE, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a letter of map revision based on fill (LOMR-F) to the Floodplain Administrator:

- a. Lowest floor elevation;
- b. Pad elevation; and
- c. Lowest adjacent grade (LAG).

B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

D. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

E. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community Building Inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator. [Ord. 1372 § 2, 2017; Ord. 1078 § 15.64.520, 2001].

**15.64.530 Provisions for flood hazard reduction – Standards for manufactured homes.**

A. All manufactured homes that are placed or substantially improved, upon sites located:

1. Outside of a manufactured home park or subdivision;
2. In a new manufactured home park or subdivision;
3. In an expansion to an existing manufactured home park or subdivision; and
4. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred “substantial damage” as the result of a flood, shall:
  - a. Within Zones A1-30, AH, and AE on the community’s FIRM, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated two feet above the BFE and be securely fastened to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE, on the community’s FIRM that are not subject to the provisions of subsection (A) of this section will be securely fastened to

an adequately anchored foundation system to resist flotation, collapse and lateral movement, and be elevated so that either the:

1. Lowest floor of the manufactured home is at least two feet above the base flood elevation; or
2. 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.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the community Building Inspector to be properly elevated. Such certification in the form of an elevation certificate shall be provided to the Floodplain Administrator. [Ord. 1372 § 2, 2017; Ord. 1078 § 15.64.530, 2001].

**15.64.540 Provisions for flood hazard reductions – Standards for recreational vehicles.**

All recreational vehicles placed on sites within Zones A1-A30, AH, and AE on the community's FIRM will either:

- A. Be on the site for fewer than 180 consecutive days, or be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- B. Meet the permit requirements of LEMC [15.64.400](#) and the elevation and anchoring requirements for manufactured homes in LEMC [15.64.530\(A\)](#). [Ord. 1372 § 2, 2017; Ord. 1078 § 15.64.540, 2001].

**15.64.550 Provisions for flood hazard reduction – Floodways.**

Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted in Zones A1-A30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one foot at any point within the City.
- B. Within an adopted regulatory floodway, the City shall prohibit encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in the base flood elevation during the occurrence of the base flood discharge.
- C. If subsections (A) and (B) of this section are satisfied, all new construction, substantial

improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of LEMC [15.64.500](#). [Ord. 1372 § 2, 2017; Ord. 1078 § 15.64.550, 2001].

**15.64.560 Mudslide (i.e., mudflow) prone areas.**

A. The Floodplain Administrator shall review permits for proposed construction of other development to determine if it is proposed within a mudslide area.

B. Permits shall be reviewed to determine that the proposed site and improvement will be reasonably safe from mudslide hazards. Factors to be considered in making this determination include but are not limited to:

1. The type and quality of soils;
2. Evidence of groundwater or surface water problems;
3. Depth and quality of any fill;
4. Overall slope of the site; and
5. Weight that any proposed development will impose on the slope.

C. Within areas which may have mudslide hazards, the Floodplain Administrator shall require that:

1. A site investigation and further review be made by persons qualified in geology and soils engineering;
2. The proposed grading, excavation, new construction, and substantial improvement be adequately designed and protected against mudslide damages;
3. The proposed grading, excavations, new construction, and substantial improvement not aggravate the existing hazard by creating either on-site or off-site disturbances; and
4. Drainage, planting, watering, and maintenance not endanger slope. [Ord. 1372 § 2, 2017; Ord. 1078 § 15.64.560, 2001].

**15.64.600 Variance procedures – Nature of variances.**

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the

surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate. [Ord. 1372 § 2, 2017; Ord. 1078 § 15.64.600, 2001].

**15.64.610 Variance procedures – Appeal board.**

A. In passing upon requests for variances, the Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:

1. Danger that materials may be swept onto other lands to the injury of others;
2. Danger of life and property due to flooding or erosion damage;
3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
4. Importance of the services provided by the proposed facility to the community;
5. Necessity to the facility of a waterfront location, where applicable;
6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. Compatibility of the proposed use with existing and anticipated development;
8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. Safety of access to the property in time of flood for ordinary and emergency vehicles;
10. Expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

B. Variances shall only be issued upon a:

1. Showing of good and sufficient cause;
2. Determination that failure to grant the variance would result in exceptional “hardship” (as defined in LEMC [15.64.200](#) – see “Hardship as related to LEMC [15.64.600](#), Variance procedures – Nature of variances”) to the applicant; and
3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in LEMC [15.64.200](#) – see “Public safety and nuisance as related to LEMC [15.64.600](#), Variance procedures – Nature of variances”), cause fraud or victimization (as defined in LEMC [15.64.200](#) – see “Fraud and victimization as related to LEMC [15.64.600](#), Variance procedures – Nature of variances”) of the public, or conflict with existing local laws or ordinances.

C. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use; provided, that the provisions of subsections (A) through (D) of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

D. Upon consideration of the factors of this section and the purposes of this chapter, the Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. [Ord. 1372 § 2, 2017; Ord. 1078 § 15.64.610, 2001].

**15.64.620 Variance procedures – Conditions for variances.**

A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of LEMC [15.64.400](#) and [15.64.500](#) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of “historic structures” (as defined in LEMC [15.64.200](#)) upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the “minimum

necessary,” considering the flood hazard, to afford relief. “Minimum necessary” means to afford relief with a minimum of deviation from the requirement of this chapter. For example, in the case of variances to an elevation requirement, this means the Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the Council believes will both provide relief and preserve the integrity of the local ordinance.

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

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and
2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Riverside County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

F. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration of the FEMA. [Ord. 1372 § 2, 2017; Ord. 1078 § 15.64.620, 2001].